

## DORSET & WILTSHIRE FIRE AND RESCUE SERVICE

# Access to Information Procedure

To be used in conjunction with the Information Management Policy (IM)

### Information Management

The Dorset & Wiltshire Fire and Rescue Authority (DWFRA) is the combined fire and rescue authority for its area, as defined within sections 1 and 2 of the Fire and Rescue Services Act 2004. This document contains the Authority's policy on information management. It is supported by a set of procedures.

Information is an important organisational asset and we need to make sure we properly and efficiently manage and protect the information we hold. We constantly work on making sure our information is complete, accurate, relevant, accessible, and timely. As well as ensuring legal compliance, the Authority requires a high standard of governance to support open and transparent decision-making.

In line with our vision, we strive to continue to be a trusted partner. We share and receive information responsibly by following good practices and, where appropriate, secure recognition of this through externally accredited standards.

We have established effective information management systems embedded and maintained throughout the organisation. These systems directly support our strategic aims/vision and the need to ensure legal compliance against a range of statutory requirements. We take advantage of cost effective technology to make sure appropriate and secure solutions are in place to support the management of the information we hold.

This policy and the supporting procedures are:

- the responsibility of a nominated Senior Information Risk Owner (SIRO) within our Senior Leadership Team (SLT)
- reviewed annually by senior management and scrutinised by Members as part of the Statement of Assurance. This Statement and our assurance framework are publically available to promote confidence in the Authority and its Service.

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## 1. Purpose & Definition

- 1.1. The Freedom of Information Act 2000 (FOIA) provides a legal right of access to all recorded information held by, or on behalf of, a public authority.
- 1.2. To comply with the FOIA, we must
  - respond to requests for information within 20 working days
  - available a publication scheme via our website
  - maintain good records management so we know what information we have, where it is, who has access to it, why we hold it and how long we need to keep it for.
- 1.3. This procedure provides guidance on dealing with a request for information under FOIA and for good records management.
- 1.4. For requests for personal information under the Data Protection Act, please see [Managing Personal Information Procedure](#).
- 1.5. Information held by the Service is also available under other statutory access regimes. These are the Local Government Code of Transparency, the Environmental Information Regulations 2004 and the Local Government (Access to Information) Act 1985.

## 2. Procedure Principles

2.1. Any information, documentation, or records that are produced internally or held by the Service, or held by contractors or third parties on our behalf, are covered by the FOIA.

2.1.1. To be a valid FOI request it:

- must be in writing
- needs to clearly describe the information being requested
- can be made by an individual or an organisation
- can be received by letter, fax or e-mail
- state the name of the applicant and a correspondence address (e-mail is fine).

2.1.2. Requests can be about any subject, held in any format and do not have to quote the FOIA. Any letter, fax, or email to a public authority asking for information is a request for recorded information under the Act.

2.1.3. Requests are applicant and motive blind. Consideration should only be given to the information requested, and not the applicant.

### 2.2. Responding to a request

2.2.1. We have 20 working days to respond to a valid FOI request.

2.2.2. The Information Management Team co-ordinate responses to requests to make sure we are consistent in our responses and we meet the requirements of the FOIA. They collate the required information received from the relevant department(s) and determine what we can release.

2.2.3. If asked to provide information to respond to a FOIA request, you must do so within the timescale detailed by the Information Management Team so they can respond within 20 working days.

2.2.4. In our duty to provide advice and assistance, we will always try to supply the information in a format accessible to the requestor.

### 2.3. Charging

2.3.1. The Service cannot charge for a request if it will take less than 18 hours (equivalent of £450) to respond. If we estimate the request will take longer than this to respond, we can refuse to provide the information. If this is the case, we need to evidence the basis of our costing and provide advice and assistance to the requester to help them narrow down their request so we can respond within 18 hours.

2.3.2. The Service may charge for disbursements, such as photocopying and postage over £10 for any request.

### 2.4. Refusal

2.4.1. We can refuse a request if:

- an exemption applies
- the request exceeds the appropriate limit
- we do not hold the information
- it is repeated or vexatious.

## 2.5. Exemptions

2.5.1. The Act provides 22 exemptions that allow us to refuse disclosure of information. The main exemptions the Service uses are as follows:

- Personal information.
- Information accessible by other means.
- Information intended for future publication.
- Commercially sensitive information.
- National Security.
- Law Enforcement.

2.5.2. Some of these exemptions require a Public Interest Test. This means we need to weigh up the need to preserve the confidentiality of the information against our wider obligation to disclose information to the public. Where appropriate, the Information Management Team will discuss and decide the application of this Public Interest Test with the Information Owner.

2.5.3. When refusing a request, we need to provide a refusal notice explaining why we are applying an exemption. It may be that only some of the information in a document is exempt. In this case, we would make a partial disclosure and redact (black out) the exempt information.

2.5.4. If a department intends to apply an exemption, they should identify the harm that would be caused by releasing the information. This will assist the Information Management team in considering whether an exemption may apply. The Information Management team will make the final decision on whether or not to disclose the information and keep a record of any exemptions that are applied.

2.5.5. For more information on exemptions, please see [Section 5.2](#) or contact the Information Management Team.

## 2.6. Transferring requests

2.6.1. If asked for information we do not hold, but another public authority does, we will, (where possible) provide the contact details of the other authority to the requester. If appropriate, we can transfer the request to the other authority for them to respond.

## 2.7. Publication scheme

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- 2.7.1. Under the FOIA, the Service is required to produce a Publication Scheme listing all the information we publish. This is available for easy access on our website and includes information that we are required to provide under the Local Government Code of Transparency.
- 2.7.2. The Information Management Team is responsible for keeping this information up-to-date. Please notify the Information Management Team if you publish any new information (which is not subject to an exemption), so it can be included within our Publication Scheme.
- 2.8. **Records Management**
  - 2.8.1. Section 46 of the FOIA provides a Code of Practice with guidance on records management.
  - 2.8.2. Good records management means that we know what information we hold, where it is, who needs access and how long we keep it. By having this in place the Service can effectively handle a request for information within the required timescales.
  - 2.8.3. You must hold and destroy records in line with the Retention Schedule. You must hold and destroy records in line with the [Retention Schedule\(s\)](#).
  - 2.8.4. The Service could disclose any recorded information in response to an FOIA request. Limit the information you record that is not based on fact. Think about what you record on post it notes, notebooks, and within e-mails as this is all recorded information.
- 2.9. **Your information**
  - 2.9.1. There may be occasions when we are obliged (by law under the FOIA) to disclose anything that relates to you acting in your official work capacity. This information will be depersonalised when it is necessary to do so, but this may not be applicable to every occasion.
  - 2.9.2. If you would like access to your own personal information held by the Service, please refer to the [Managing Personal Information procedure](#).
- 2.10. **Contracts for goods and services**
  - 2.10.1. The FOIA provides a general right of access to all recorded information held by the Service. This includes third party information provided by suppliers and contractors.
  - 2.10.2. This means we need to include a clause in tenders and contracts so that third parties understand and comply with their responsibilities under the FOIA. Please contact the Information Management Team for further guidance.
  - 2.10.3. Give particular care to information provided to us in confidence, as we may need to disclose under the FOIA any information provided to us.
- 2.11. **Further information**

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- 2.11.1. For further information about the FOIA and how we comply with it, please contact the Information Management Team or visit the ICO's website [www.ico.org.uk](http://www.ico.org.uk).
- 2.12. **Complaints**
- 2.12.1. All complaints about our FOIA procedures and appeals against decisions not to supply exempt information should be dealt with via the Corporate Complaints procedure. As appropriate, an internal review of our decision will be carried out by the Director of Corporate Services.
- 2.12.2. If, after exhausting our own complaints procedure, the complainant is still dissatisfied, they can contact the Information Commissioner:
- 2.12.3. Information Commissioner's Office (ICO)  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire9 5AF  
Tel: 0303 123 1113  
[www.ico.org.uk](http://www.ico.org.uk)
- 2.12.4. The ICO will only accept complaints after they have been through our own internal complaints.
- 2.13. **Enforcement**
- 2.13.1. Failure to comply with a request means we may risk enforcement from the Information Commissioner. The ICO is the UK's independent authority, set up to promote access to official information and to protect personal information.
- 2.13.2. When a complaint is made against a public authority, the ICO investigates the facts and issues a Decision Notice. If it is found that we have breached the Act, the Decision Notice will inform us of what we need to do to put things right.
- 2.13.3. The ICO also has powers to enforce compliance if we have failed to adopt a publication scheme or have not published information as we should, whether or not we have received a complaint about this.
- 2.13.4. We may be breaching the FOIA if we do any of the following:
- Fail to respond adequately to a request for information.
  - Fail to adopt the model publication scheme, or do not publish the correct information.
  - Deliberately destroy, hide or alter requested information to prevent it being released.
3. **Responsibilities**
- 3.1. **All Members of Staff**

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- If you receive a request for information that does not cite the FOIA and is easy to answer as part of your day-to-day job, and you can respond to it within 20 days, then respond as you would normally.
- If you receive a request that does cite the FOIA and/or it is a complex request, forward the request to Information Management Team.
- If asked to provide information to respond to a FOIA request, you must do so within the required timescales so that we can respond within the 20 working day timeframe.
- Notify the Information Management Team if new information is published which is not exempt under the Act, so that this can be added to the Publication Scheme.

### **3.2. Line Managers**

- Follow this procedure and make sure all of the members of staff you manage keep to this process. Ultimately, it is your responsibility to encourage good records management.
- Notify the Information Management Team if new information is published which is not subject to an exemption under the Act so that it can be included in the Publication Scheme.
- Make sure any members of your team asked to provide information to respond to an FOI request do so within the timescales specified.

### **3.3. Information Management Team**

- Make sure all FOI requests comply with the Act and are responded to within 20 working days.
- Specify timescale for response when a request is passed to other members of staff.
- Apply appropriate exemptions for non-disclosure.
- Maintain the Publication Scheme on our website.
- Make sure guidance is available on all aspects of the FOIA.
- Promote awareness through training and advice.
- Ensure we comply with the duty to provide advice and assistance.
- Publish a Disclosure Log on the website.
- Consult with any third parties as necessary, to establish if an exemption applies.
- Where necessary, consult with the data owner when applying a Public Interest Test.
- Make sure the Service complies with good records management code of practice.
- Monitor key performance indicators quarterly.

### **3.4. Procurement**

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3.4.1. Liaise with the Information Management Team to ensure that appropriate clauses regarding FOI responsibilities are included within contracts and tenders.

### 3.5. Information Asset Owners

- Promote good practice and lead and foster a culture that values and protects information.
- Make sure information contained within your systems (paper and electronic) is accessed and shared appropriately and, published on the Publication Scheme, as appropriate.

### 3.6. Information Governance Group

3.6.1. This group is chaired by the SIRO and is made up of Information Asset Owners, Information Management and IT. It is responsible for promoting information management across the Service, ensuring that information risks are identified and appropriately managed.

## 4. Monitoring & Assurance

### 4.1. Procedure Management

4.1.1. The Information Management Team monitors the number of FOI requests received, whether they are responded to in full, and within 20 working days. This forms part of our annual assurance to the fire authority.

4.1.2. To support the Statement of Assurance, there is a quarterly Key Performance Indicator to the Finance and Audit Committee on the number of FOI requests responded to within 20 days.

4.1.3. Members of staff should contact the Information Management Team with any concerns.

4.1.4. Internal Auditors will audit processes on a regular basis against an agreed audit plan.

### 4.2. Learning and Development

4.2.1. The Information Management Team training provides FOIA training on request. Training and guidance is provided to Information Asset Owners via the Information Governance Group.

## 5. Document Reference

### 5.1. Document References:

Managing Personal Information Procedure – IM 3

Retention Schedule(s):

- DFRS Reference: [SIS – Support – CI 05 – Document Retention](#)
- Wiltshire FRS Reference: [IService – Service Orders – Service Order 17.08](#)



5.2. **Supporting Information:**

Freedom of Information – The Exemptions – IM 4SI

[Freedom of Information Act 2000 \(FOIA\)](#)

[Local Government Code of Transparency](#)

[Environmental Information Regulations 2004](#)

[Local Government \(Access to Information\) Act 1985](#)

[www.ico.org.uk](http://www.ico.org.uk).

**6. Document Management**

<b>Policy Reference:</b> Information Management			
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6.1. **Version Control:**

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V1.0	Page 8 / Sections 5.1 and 5.2	18/01/2016	Completed links to references within both sections. Consider this document Pending for Publication	T Saben
V0.4	Entire document	06/01/2016	Update following tracked changes suggestions	L Smith
TCV.01	Section on Public Interest Test	10/12/15	Sections to include Data owner in discussion about the application of any Public Interest Test	J Warburton
TCV	Entire Document	10/12/2015	Plain English and formatting suggestions	T Saben
V0.3		8/10/2015	Minor changes following review by Evolve	L Smith
V0.2		5/10/2015	Update following review by Derek James	L Smith
V0.1	Page # / X.X	01/10/2015	Initial draft	L Smith

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