



# DORSET & WILTSHIRE FIRE AND RESCUE SERVICE

## Access to Information Procedure

To be used in conjunction with the Corporate Governance Policy Statement

### Information Management

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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. It is a tool that helps members of the public make public authorities accountable for their actions and allows public debate to be better informed and more proactive. It is a right that is fundamental to democracy.
- 1.2. To comply with the FOIA, we must
  - respond to requests for information
  - make 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 any means, including, letter, fax, email, via our website or via social media
    - state the name of the applicant and a correspondence address (email is fine).
  - 2.1.2. Requests can be about any subject, held in any format and do not have to quote the FOIA. Any request sent via any means 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 Governance 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 Governance 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. Everyone has a right to access official information. Disclosure of information should be the default and only refused if there is good reason and it is permitted by the Act. Examples of where we can refuse a request are:
- 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 Governance Team will discuss and decide the application of this public interest test with the Information Asset Owner or Lead. We may claim a reasonable extension of time to consider the test, however, an extension beyond an additional 20 working days should be exceptional.
- 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.
- 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 Governance team in considering whether an exemption may apply. The Information Governance 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 Governance 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**

2.7.1. Under the FOIA, the Service is required to produce a Publication Scheme listing all the information we publish. In addition to this, the Service publishes compliance statistics detailing our performance on handling requests for information under the Act, as set out in the FOI Code of Practice. 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 Governance Team is responsible for monitoring compliance with transparency legislation and for providing advice and guidance to Information Asset Owners/Leads in relation to publication requirements in their area.

2.7.3. Information Asset Owners/Leads are responsible for ensuring that publication requirements in their area are met.

### 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. Further information is available in the Records Management procedure.

2.8.3. Information must not be held for any longer than is necessary. Retention periods are defined in the [Information Asset Register](#).

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, within emails, within chats on Microsoft Teams and on social media (in a work capacity) 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 Governance Team for further guidance.
- 2.10.3. Give particular care to information provided to us in confidence, as this information, if requested, may need to be disclosed under the FOIA.

### 2.11. **Further information**

- 2.11.1. For further information about the FOIA and how we comply with it, please contact the Information Governance Team or visit the ICO's website [www.ico.org.uk](http://www.ico.org.uk).

### 2.12. **Complaints**

- 2.12.1. Any complaints about our FOIA procedures and appeals against decisions not to supply exempt information should be sent to the Information Governance team. Internal reviews will ordinarily be carried out by the Head of Information Governance and Cyber Security, unless they have been involved in the original decision process. In that case the review will be carried out by the Deputy ACO Corporate Support.
  - 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  
Cheshire  
SK9 5AF  
Tel: 0303 123 1113  
[www.ico.org.uk](http://www.ico.org.uk)
  - 2.12.4. The ICO will normally 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**

- If you receive a request for information that does not cite the FOIA, 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 Governance 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 Governance 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 ensure all members of staff you manage keep to this process. Ultimately, it is your responsibility to encourage good records management.
- Notify the Information Governance 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 Governance 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.
- Ensure that all information is thoroughly reviewed before disclosure. Particular care should be taken with spreadsheets, where a second member of the Information Governance team will be required to review the information prior to disclosure. The following points should be considered:
- Always disclose information in the most appropriate and secure format. This may involve copying information into a different format

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- Avoid sharing original source spreadsheets and pivot tables which may summarise a large dataset
- Convert spreadsheets into Comma-Separated Value (CSV) files where possible
- Ensure that there is no unexpected data included if the original format needs to be maintained to preserve useful formatting or formulae
- Escalate any concerns about information provided by teams to the relevant Information Asset Owner or Lead, who will be ultimately responsible for information published or disclosed.
- Pass requests for information received to other teams for them to process where it is appropriate to do so. For example, where the request is straightforward and to process as an FOI request would not add any value, or, if the request is from a partner agency and to apply FOI principles would not be appropriate.
- Monitor compliance with transparency legislation and provide advice and guidance to Information Asset Owners/Leads in relation to publication requirements in their area.
- Publish quarterly FOI compliance statistics on our website.
- Make sure guidance is available on all aspects of the FOIA.
- Promote awareness through training and advice.
- Make sure 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

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

### 3.5. Information Asset Owners and Information Asset Leads

- 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.
- Ensure that publication requirements relating to transparency legislation are met in your area, seeking advice from the Information Governance Team where necessary.
- Be responsible for information provided by their teams for publication or disclosure.

## 3.6. Information Governance Group

- 3.6.1. This group is chaired by the SIRO and is made up of Information Asset Leads, Information Governance and ICT. It is responsible for promoting information governance across the Service, ensuring that information risks are identified and appropriately managed.

## 4. Monitoring & Assurance

### 4.1. Procedure Management

- 4.1.1. The Information Governance 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 Governance 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 Governance team provides FOIA training on request. Training and guidance is provided to Information Asset Owners and Leads via the Information Governance Group or via adhoc training sessions.

## 5. Document Reference

### 5.1. Document References

Managing Personal Information Procedure  
Retention & Disposal of Personal Information  
Compliments & Complaints  
Records Management

### 5.2. Supporting Information

[Information Asset Register](#)  
[CO-SI-0010 - FOI Exemptions](#)  
[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)

5.3. **Impact Assessment Link**

[IA600215 - IM 1IA - Access to Information Procedure](#)

**6. Document Management**

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