



Freedom of Information Act Policy





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1. Policy Statement

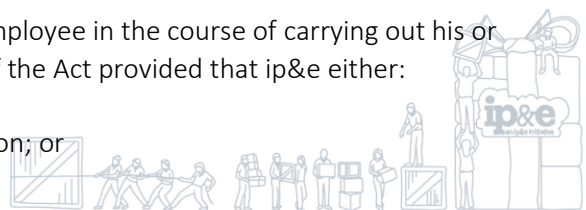
- This document sets out the terms for the “Freedom of Information Act Policy” for ip&e Limited and
 - aims to set out the obligations of ip&e to comply with the Freedom of Information Act (FOIA) 2000.
 - should be read in conjunction with the FOIA procedure for handling FOIA requests set out appendix 1 below.

2. Statutory Background

- The Freedom of Information Act 2000, referred to below as the Act or as FOIA, gives people the right to request, in writing, information from public authorities. It is intended to promote a culture of openness and accountability amongst public sector bodies, and therefore facilitate better public understanding of how public authorities carry out their duties, why they make the decisions they do, and how they spend public money.
- In addition to the Act the following other legislation concerning access to information may also require consideration when dealing with matters concerning access to information:
 - Data Protection Act 1998**
 - enables individual’s access to information about themselves.
 - Environmental Information Regulations 2004 (EIRs)**
 - enables people access to environmental information.
- They apply to information held by and or on behalf of public authorities and those bodies carrying out a public function (ip&e).

Information subject to the FOIA

- Within the context of the Act, the term ‘information’ means every piece of information held by ip&e, whether paper or electronic. It includes all draft documents, agendas, minutes, emails, diaries and even rough handwritten notes.
- All information created by ip&e (or by an employee in the course of carrying out his or her duties) is subject to the requirements of the Act provided that ip&e either:
 - retains possession of that information; or





- the information has been provided to another public authority; or
 - the information is held on behalf of ip&e ltd
 - by a third party.
- The Act also covers permanently transferred information from Shropshire Council as part of service transition.

3. Right Of Access

- The Act gives individuals and organisations the legal right to (1) ask if a public authority is holding information and if so (2) obtain access to information held, within 20 working days from the day after receipt of a written request giving the applicant's name and address. The corresponding duty on ip&e is to confirm or deny whether it holds the information and if it does to provide the information in the format requested. If information has been requested but is not held, it will normally be reasonable to inform the applicant of this fact. However, there may be some exceptional cases where it would not even be right to confirm or deny the information requested.
- There is no need for the applicant to explain the reasons for their request, or that it is a request under the Act.
- Requests for information must be made in writing which includes emails. The request must state the name and address of the person applying for the information and the required information.
- In addition, ip&e is required to proactively publish information by developing and maintaining a Publication Scheme.

4. Publication Scheme

- Publication schemes are a requirement under the Act. It is the statutory duty of all public authorities, to adopt and maintain a publication scheme that has been approved by the Information Commissioner.
- A publication scheme is both a public commitment to make certain information available, and a guide to how that information can be obtained. The scheme also details how much it will cost if there are any charges.
- ip&e's publication scheme is in line with the new model Publication Scheme which all public authorities are required to adopt with effect from 1 January 2009.





- The aim of the new Scheme is to encourage maximum disclosure but at the same time reduce the burden on public authorities. Once completed, you will be able to view it on our website www.ipande.co.uk.

5. Exemptions

- Overview of exempt information
 - While the Act governs all information created by ip&e, requesters are not entitled to be given all such information. "Exemptions" are set out in Part II of the Act.
 - There are 23 exemptions from the right of access to information.
 - In broad terms, there are two kinds of exemptions:
 - **Absolute exemptions** - where the right to information is completely over-ridden by the exemption.
 - **Qualified exemptions** - where ip&e identifies a possible exemption, but must weigh up competing interests to decide whether it serves the interests of the public better to withhold or disclose the information. This is known as the public interest test.
- Examples of qualified exemptions are:
 - Information intended for future publication national security defence
 - international relations
 - relations within the UK
 - the economy
 - investigations and proceedings
 - audit functions
 - formulation of government policy
 - prejudice to effective conduct of public affairs
 - communications with Her Majesty
 - law enforcement
 - health and safety
 - some personal information
 - commercial interests
 - legal professional privilege.
- Examples of absolute exemptions are:
 - Information reasonably accessible to an applicant by other means.
 - Information supplied by or relating to bodies dealing with security matters
 - Court records





- Parliamentary privilege
 - Personal information
 - Information provided in confidence
 - Information whose disclosure is prohibited by law.
- Although there might be occasions when it is appropriate to rely on an exemption, provision of information is an integral part of our business.
 - Therefore, we should aim to disclose as much information as possible and only rely on exemptions in limited circumstances.

6. Duty

- ip&e is required to tell the requester whether the information is held, and if so, provide it promptly, in the format required, if reasonably practical, but no later than 20 working days after the day of receipt. In some cases a request may be refused. A refusal notice must be issued setting out the exemptions relied on and the reasons why. If the exemption is a qualified one then the public interest test reasoning must also be explained.
- The notification must also explain how the requester can complain if they are not satisfied with the response received from ip&e, and their right to ask the Information Commissioner to decide whether the applicant's request has been properly dealt with.

7. Handling FOIA requests

- In compliance with its statutory duty under the Act, ip&e will inform the applicant in writing whether it holds the information requested and if so, communicate that information to the applicant, promptly, but not later than 20 working days after receipt of the request.
- If it is not possible to comply with the 20 day limit the requester will be informed and given an indication of when the information is likely to be provided. Requests for information will be acknowledged within 5 working days of receipt.
 - Requests for information should be made to ip&e FOI Request, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND.
 - A procedure for handling requests is outlined below in Appendix 1 below.

8. Fee charging





- Sections 9 and 13 of the Act allows public authorities to charge for answering requests in certain cases.
- The Act provides for public authorities to either charge for or decline requests for information that would cost a public authority either more than £600 for central government, or £450 for other public authorities to deal with the request.
- This is referred to as the Appropriate Limit (AL). Public authorities are required to estimate whether a request is likely to breach the AL. Where appropriate ip&e may charge a fee for complying with a request for information.
- Any fee will be calculated in accordance with the FOIA regulations and the requester will be notified of the charge within 20 working days of the request.
- ip&e is not required to comply with the request until the fee has been received.
- ip&e hopes to respond to straightforward requests for information free of charge and charge only where the costs are significant.

9.Complaints Procedure

- If the requester is not happy with the response they receive following their request they must first complain to ip&e in writing.
- The Complaint should be addressed to the Senior IT & Information Manager via contactus@ipande.co.uk , or in writing at ip&e c/o Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND.
- Complaints will be acknowledged within 5 working days of receipt and a response provided within 20 working days following the day after receipt.
- Requesters who remain dissatisfied may complain to the Information Commissioner who will decide whether the request has been handled properly by ip&e in accordance with the statutory duties set out in Section 1 of the Act.

10.Complaining to the ICO

- Any requester who is dissatisfied about the handling of his or her request by ip&e can make a complaint, to the Information Commissioner on any of the following grounds:

- Failure to provide the information you requested





- Failure to respond to your request within 20 working days (or failure to explain why longer than 20 working days is needed)
 - Failure to give you proper advice and help
 - Failure to give information in the form in which you requested it
 - Failure to properly explain any reasons for refusing the request
 - Failure to correctly apply an exemption under the Act
- The Information Commissioner will not normally deal with a complaint unless ip&e's internal complaints process has been exhausted. Thus if the requester remains unhappy following our response to his or her complaint they can complain to the Information Commissioner.
 - The Information Commissioner will give a notice of his or her decision, called a 'decision notice' (DN) to the applicant and to the Commission.
 - If the decision goes "against" ip&e the Information Commissioner will set out in the DN what ip&e must do to correct the failure and by when.
 - The Information Commissioner does not have to make a decision in the following circumstances (and it will tell the applicant if this is the case):
 - When the applicant has not exhausted ip&e's own complaints procedure;
 - Where there has been undue delay in making the application to the Information Commissioner;
 - Where the application is frivolous; or
 - Where the application has been withdrawn or abandoned.

11. Information Tribunal

- The requester or ip&e can appeal against the Information Commissioner's decision notice to the independent Information Tribunal. Information about the right of appeal will be included in the decision notice itself.

12. Responsibilities

- The main responsibility of all ip&e staff is to forward all initial requests made to the ip&e Senior IT & Information Manager at contactus@ipande.co.uk and assist with dealing promptly with requests to provide responses to requests and reviews. If requests are made verbally staff must ask the requester to put their request in writing to at the addresses listed below.
- contactus@ipande.co.uk





- The Board of Directors has responsibility for approving the FOIA policy. ALL staff, including Board members, are responsible for ensuring implementation and compliance with the policy and procedures for handling requests and complaints.
- All staff are responsible for their own compliance with this policy and for ensuring that it is consistently applied. All staff should ensure that they take the time to read and understand it.

13. Recording and Reporting FOIA Requests

- All internal recording of requests will be held and updated by the ip&e Senior IT & Information Manager. For further details refer to the FOIA procedure.
- Reports will be provided to the Board of Directors every 6 months by the Chief Operations Officer on the number and nature of the requests and whether time scale targets have been met.

14. Breaches of the FOIA

- In the event of a complaint from an individual that their request for information has not been dealt with satisfactorily, Section 51 of the Act enables the Information Commissioner to serve an information notice. This would require ip&e to provide information relating to the application. If ip&e failed to comply with this, the Commissioner can certify this in writing to the High Court.
- Section 54 of the Act deals with the consequences for a non-compliant authority. The non-compliance can be dealt with by the court as if the public authority had committed a contempt of court, punishment for which is fines, or the maximum penalty of 2 years imprisonment for the person accountable in the organisation.
- The one criminal offence within the Act is under Section 77. If any person alters, defaces, blocks, erases, destroys or conceals any record held by a public authority with the intention of preventing the disclosure of information to an applicant who has made an individual request, he or she is guilty of an offence. If found guilty, the person will be liable on summary conviction to a fine or even imprisonment.

15. Related legislation, policies, procedures and guidance





- ip&e Complaints Procedure
- ip&e Data Protection Policy
- ip&e Records Management Policy
- ip&e Publication Scheme
- Data Protection Act 1998
- Environmental Information Regulations 2004
- FOIA 2000 Policy

16.Contact details

www.ipande.co.uk
email: contactus@ipande.co.uk
Tel: 0345 678 9066
Postal address:
Senior IT & Information Manager
ip&e
Freedom of Information Requests
c/o Shirehall
Abbey Foregate
Shrewsbury
Shropshire
SY2 6ND

17.Other Contacts

Information Commissioner's Office (ICO):
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF.
Website address: www.ico.gov.uk
ICO Helpline Numbers: 0845 630 6060 or 01625545745
ICO fax Helpline Number: 01625 524510

There are regional ICO offices and the contact details for those offices can be found on the ICO website.

Appendix 1 - FOIA Procedure for handling requests





STAGE1 – Responsibility

1. Requests must be made in writing which includes emails.
2. The request must state the name and address of the person applying for the information and the information that is required. Telephone requests should be recorded in writing by the recipient and confirmed by the requester.
3. If staff receive FOIA requests they must forward this immediately to ip&e Senior IT & Information Manager at contactus@ipande.co.uk
4. An acknowledgement letter/e-mail will be sent to the requester within 5 working days of receipt of the request to say that the request will be responded to within 20 working days from date after receipt of the request. If for any reason during the handling of the request it is not possible to comply with the 20 days-time limit the requester will be informed and a revised date given for compliance.
5. The request will be sent to appropriate officer in the relevant team to consider and prepare a draft response and returned this to the ip&e Senior IT & Information Manager at contactus@ipande.co.uk .
6. The responsible staff member i.e. the appropriate officer must return the response to the ip&e Senior IT & Information Manager at contactus@ipande.co.uk
7. The response will be reviewed and clarified with the writer and or the legal team as necessary.
8. The response will then be returned to the requester within the 20 working day statutory period for compliance or within the agreed revised date.

STAGE 2 Review Responsibility

Requests for reviews must be made in writing which includes emails.

1. The request for review must state the name and address of the person applying for the review and the reason that the review is requested. Telephone requests for review should be recorded in writing by the recipient and confirmed by the requester.
2. If staff receive review requests they must forward this immediately to the ip&e Senior IT & Information Manager at contactus@ipande.co.uk. The time frame for response begins from the date that the review request is received by ip&e.





3. Requests for review where the requester is not satisfied with the initial response will be sent to the ip&e Senior IT & Information Manager to deal with.
4. An acknowledgement letter/e-mail will be sent to the review requester within 5 working days of receipt to say that the request for review will be responded to within 20 working days.
5. The review request will then be sent out to the appropriate officer to undertake the review
6. Outcome of review to be notified to requester within 20 working days or agreed revised date

STAGE 3 External Responsibility

1. Any requester who is unhappy about the handling of his/her request by ip&e can make a complaint, to the Information Commissioner.





Table View

STAGE1 – Responsibility	Responsibility
1. Requests must be made in writing which includes emails	Requester
2. The request must state the name and address of the person applying for the information and the information that is required. Telephone requests should be recorded in writing by the recipient and confirmed by the requester.	Requester Staff
3. If staff receive FOIA requests they must forward this immediately to the ip&e Senior IT & Information Manager contactus@ipande.co.uk	Staff
4. An acknowledgement letter/e-mail will be sent to the requester within 5 working days of receipt of the request to say that the request will be responded to within 20 working days from date after receipt of the request. If for any reason during the handling of the request it is not possible to comply with the 20 days-time limit the requester will be informed and a revised date given for compliance.	Senior IT & Information Manager
5. The request will be sent to appropriate officer in the relevant team to consider and prepare a draft response and returned this to the ip&e Senior IT & Information Manager at contactus@ipande.co.uk .	Staff
6. The responsible staff member i.e. the appropriate officer must return the response to the ip&e Senior IT & Information Manager at contactus@ipande.co.uk	Staff
7. The response will be reviewed and clarified with the writer and or the legal advisor if necessary.	Senior IT & Information Manager Legal





8. The response will then be returned to the requester within the 20 working day statutory period for compliance or within the agreed revised date.	Senior IT & Information Manager
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STAGE 2 Review Responsibility	Responsibility
1. Requests for reviews must be made in writing which includes emails.	Requester
2. The request for review must state the name and address of the person applying for the review and the reason that the review is requested. Telephone requests for review should be recorded in writing by the recipient and confirmed by the requester.	Requester Staff
3. If staff receive review requests they must forward this immediately to the ip&e Senior IT & Information Manager. The time frame for response begins from the date that the review request is received by ip&e.	Staff
4. Requests for review where the requester is not satisfied with the initial response will be sent to the ip&e Senior IT & Information Manager to deal with.	Manager/Director
5. An acknowledgement letter/e-mail will be sent to the review requester within 5 working days of receipt to say that the request for review will be responded to within 20 working days.	Senior IT & Information Manager
6. The review request will then be sent out to the appropriate officer to undertake the review	Staff





7. Outcome of review to be notified to requester within 20 working days or agreed revised date	Senior IT & Information Manager
STAGE 3 External Responsibility	Responsibility
1. Any requester who is unhappy about the handling of his/her request by ip&e can make a complaint, to the Information Commissioner.	Requester





