**Freedom of Information Act Policy**

The Freedom of Information legislation enables members of the public to request information from public bodies and public authorities.

In Scotland, the Freedom of Information (Scotland) Act 2002 applies. In England, Wales and Northern Ireland, the Freedom of Information Act 2000 (“FOIA”) applies.

The Acts enable the public to request information that it holds from public bodies.

Schedule 1 of the Act sets out the bodies which are classed as public authorities.

Principles

The main principle behind the freedom of information legislation is to give members of the public the right to know about the activities of public authorities, unless there is a good reason for them not to.

There is a presumption in favour of disclosure, meaning everybody has a right to access official information. Disclosure of information should be the default and information should be kept private only when there is a good reason. The person applying for the information does not need to give a reason, but the Company must give a reason if it is attempting to justify refusing to give the information.

It is only possible to keep information private where this is allowed by the Act.

The information that someone can obtain should not be affected by who they are. All those requesting information should be treated equally, whether they are journalists, local residents, public authority employees, or researchers. The Company will consider that a release being made under the Act is being released to the world at large.

The Company is required by the law to provide advice and/or assistance to those requesting information under the Act, confirming whether it holds such information (unless an exemption applies).

It is an offence to wilfully conceal, damage or destroy information in an attempt to avoid responding to a freedom of information request.

Responsibilities

The Company operates a process that provides for efficient responses to FOIA requests. Requests are to be met within 20 working days.

This requires a well-managed records systems and this is managed by *[insert job title]*, who has responsibility for maintaining and operating this policy, the Compliance Manager.

The Compliance Manager is responsible for ensuring compliance by promoting best practice and ensuring guidance and procedures are understood across the Company through training and access to the policies.

FOIA Request Procedure

FOIA requests must be referred immediately to the Compliance Manager. The following process will then apply:

* the Compliance Manager will enter the request in the FOIA Log
* the Compliance Manager will determine whether a request is subject to any exemptions. If an exemption applies, the Compliance Manager will write to the person who made the request setting out the reasons why their request is refused
* if no exemption applies, the Compliance Manager will write to the person who made the request advising of the administration charge of *[insert amount]* for releasing the information
* the enquirer will be sent the FOIA Form to complete should they still wish to proceed with the request.

A 20 day time limit commences from when the request is submitted and the information will be identified at that stage, as the FOIA is sent to the enquirer to complete. The following process will then apply:

* if the Company does not hold the information sought, the Compliance Manager will write to the person to confirm
* when the FOIA Form and payment is received, the requested information will be copies - originals will not be released
* the Compliance Manager will check that all required information is present and check that each document has been redacted to remove any personal information about persons not relevant to the enquiry
* the Compliance Manager will identify any third parties involves or affected by the disclosure and consult with them prior to any release of information.

After the 20 day time limit has been reached, if the FOIA Form and fee have not been received then the Compliance Manager will write to the enquirer pointing out that the information is ready to release but the FOIA Form and fee have not yet been received.

Provided the FOIA Form and fee are received, the Compliance Manager will release the information to the enquirer

**FOIA Exemptions**

The FOIA contains a number of exemptions.

Some of these exemptions require a public interest test and some are ‘absolute’ exemptions. The ‘public interest test’ does not need to be done if any of the absolute exemption applies.

The Company will consider any public interest arguments before deciding whether to disclose information. It may be that the Company is required to disclose information in spite of an exemption, where it is in the public interest to do so.

**Absolute Exemptions**

s21 Information accessible to applicants by other means

s23 Information supplied by, or relating to, bodies dealing with security

s32 Court records, etc

s34 Parliamentary

s36 Prejudice to effective conduct of public affairs (only applies to information held by the House of Commons or the House of Lords)

s40 Personal information (where the applicant is the subject of the information)

s41 Information provided in confidence

s44 Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court

**Exemptions where the public interest test applies**

s22 Information intended for future publication

s24 National security

s26 Defence

s27 International relations

s28 Relations within the United Kingdom

s29 The economy

s30 Investigations and proceedings conducted by public authorities

s31 Law enforcement

s33 Audit functions

s35 Formulation of government policy, etc.

s36 Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)

s37 Communications with Her Majesty, etc., and honours

s38 Health and safety

s39 Environmental information

s40 Personal information (Only where the information concerns a third party and a s.10 notice under the Data Protection Act 1998 applies to that information)

s42 Legal professional privilege

s43 Commercial interests