



# MANAGEMENT

## Section INFORMATION MANAGEMENT

**Title:** FREEDOM OF INFORMATION/  
ENVIRONMENTAL INFORMATION  
REGULATIONS POLICY

**Code:** MANDATA:04-10

**Replacing:** NEW DOCUMENT

**Summary:** This document sets out the Service's  
policy for the compliance of the  
Freedom of Information Act 2000.

### Further information:

See also:

Freedom of Information Act 2000  
Data Protection Act 1998

**MANBRIG:01-02 DATA PROTECTION  
MANDATA:04-09 RECORDS  
MANAGEMENT  
MANBRIG:01-05 ACCESS TO  
INFORMATION  
MANBRIG:01-07 COMMUNICATIONS  
STRATEGY**

Publication Scheme  
Information Security Policy

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## THE FREEDOM OF INFORMATION ACT

The Freedom of Information Act 2000 FOIA gives people the right to request information from public authorities. It intends to:

- Promote a culture of openness and accountability amongst public sector bodies.
- Facilitate better understanding of:
  - How public authorities carry out their duties.
  - Why they make the decisions they do.
  - How they spend public money.

The Act gives a general right of access to all types of recorded information held by public authorities and places a number of obligations on these authorities. There are exemptions which are designed to protect confidential or other information, which it may not be in the public interest to release.

The Act further sets out requirements for making information available, which includes:

- Public Authorities must state the classes of information they hold in a Publication Scheme.

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**AIMS AND OBJECTIVES**

- Publication Schemes must have approval of the Information Commissioner.
- Public Authorities must make their information available to individuals on request from 2005.

The Stoke-on-Trent and Staffordshire Fire and Rescue Authority aims to fulfil its legal obligations within the Freedom of Information Act 2000 and this policy and procedure will ensure:

- The Service makes possible a general right of access to information held by the Service in the course of carrying out its public functions.

Information may be subject to certain conditions and exemptions but it must be disclosed unless the public interest in maintaining the exemption outweighs the public interest in disclosure.

- The adoption and maintenance of a publication scheme. The scheme will be approved by the Information Commissioner, will specify the classes of information the Authority intends to publish, the manner of publication and whether the information is available to the public free of charge or on payment of a fee. The scheme is published on the Fire and Rescue Service's website: [www.staffordshirefire.gov.uk](http://www.staffordshirefire.gov.uk)

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**ROLES AND RESPONSIBILITIES**

As access to information is important the Service has nominated a Freedom of Information Team to champion greater openness and accessibility.

**The Chief Fire Officer/Chief Executive** is ultimately responsible for determining the policies that shall apply to information held by the Authority and the Fire and Rescue Service and for establishing policies, procedures and guidance for administering requests for information in compliance with the provisions of the Freedom of Information Act 2000.

**The Assistant Chief Executive Director of Assets and Resources** is responsible for the day-to-day management for Freedom of Information.

**The Fire and Rescue Authority Secretary** is responsible for advising the Fire and Rescue Authority and its members on Freedom of Information and has delegated authority to make disclosure decisions.

**The Information Communications and Technology Manager** supports the Director of Assets and Resources in the implementation of the Freedom of Information Act throughout the Service.

**Directors** are responsible for ensuring that information held within their areas of responsibility complies fully with the policies and procedures set by the Chief Fire Officer/Chief Executive.

**The Access to Information Officer – ATIO** - is responsible for administering all requests for information made to the Authority. The Access to Information Officer will also provide a point of contact for all members of staff within the Authority who require advice on the Freedom of Information Act.

**The Freedom of Information Team - FOIT** is responsible for administering all requests for information made to the Service. They will also provide a point of contact for all members of staff within the Service who require advice on the Freedom of Information Act. The team will also review and improve records management policies and will where possible provide advice directly to staff on FOIA and records management.

To contact the Freedom of Information Team, e-mail [foi@staffordshirefire.gov.uk](mailto:foi@staffordshirefire.gov.uk).

**Managers** are responsible for ensuring that the staff under their direction and control are aware of the policies, procedures and guidance laid down by the Chief Fire Officer/Chief Executive. They will also check that their staff understand and apply policies, procedures and guidance aptly in carrying out their day-to-day work.

In addition managers will support the FOIT with the compilation of the return by providing sufficient resources to complete the request.

**All members of staff** are responsible for processing information in accordance with the Freedom of Information Act 2000 and the policies, procedures and guidance that are laid down by the Service.

The Authority aims to allocate such resources to the Service as may be required to ensure that this policy is operated effectively.

In order to meet our obligations under the Freedom of Information Act, all Outlook Out of Office messages must contain the following text: "I am unable to respond to your email as I am out of the office. If your message is urgent please resend it to X, otherwise I shall respond on my return on Y.

Any Freedom of Information requests should be sent directly to the Head of Information Management.”

4 **DEFINITION OF PUBLIC INFORMATION**

For the purposes of the FOIA, public information means any record held by the Authority or the Fire and Rescue Service in any form. This includes documents, e-mails, plans and all other types of recorded manual or electronic information. It excludes information held which contains personal information relating to identifiable individuals.

5 **PUBLICATION SCHEME**

The Authority’s Publication Scheme consists of information already published and held by the Authority and the Service or information which is to be published in the future. This means all the information in our publication scheme is available for the public on our website to download and print.

6 **INFORMATION REQUESTS**

The Service will provide reasonable advice and assistance to anyone making a request for information. Where information is requested which is not included within the Publication Scheme a written request, including e-mail, can be submitted. The Service will confirm in writing whether the information is held, subject to an exemption being applicable.

On receipt of a complex request for information, the ATIO Officer will contact the head of the department or section which keeps the information; this will ensure that the Service can comply with the release of information.

The Service reserves the right to charge for administering information requests that are not contained within the Publication Scheme, subject to the limits set by Government. Information requests will generally be dealt with within 20 working days subject to:

- Sufficient detail being provided to identify the information requested.
- The need to consider whether releasing the information is in the public interest.
- The Service may need to consult other public authorities and/or third parties in order to reach a decision on whether the requested information can be released.

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### INFORMATION REQUESTS ABOUT OPERATIONAL INCIDENTS

The Service will take steps to ensure these people and organisations that supply the Service with information are aware of the Service's duty to comply with the FOI Act and therefore information will have to be disclosed upon request, unless an exemption applies.

- A fee being charged for the information. In this case the 20-day period is from the time the fee is paid. However:
  - If the fee is not paid within three months expiry date the Service is under no obligation to provide the information.
  - There will be no charge for information that costs less than £450 to produce.
  - If a request is refused there is an internal right of appeal to CFO/CE if the applicant is still dissatisfied they can ask the Information Commissioner to review the case.

The Service receives requests from various external organisations for information regarding operational incidents.

**Under no circumstances** should details of incidents or attendance of individuals at incidents be given out over the telephone.

On occasions when the external body does make contact directly with an officer who attended the incident, staff are reminded not to disclose any details but to inform the requester of the correct process to follow to obtain the information. All requests should be made in writing and sent to the Business Logistics Co-ordinator, Emergency Response Team, Service Headquarters, who will arrange for an interview with the officers present.

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### TRAINING

The Service is committed to providing sufficient information and training to staff so that they understand and can comply with their duties under the Freedom of Information Act and other related legislation.

In order to comply:

- The Service needs a systematic approach to all the FOI training needs.
- A method that includes how the information and training policy will deliver the Service's FOI policy.

- How information and training objectives will minimise the risk of non-compliance with the law and maintain standards of delivery
- The relationship between training objectives for compliance with other associated law, for example, Data Protection Act 1998.

Training will be split into the following tiers. The Environmental Information Regulations 2004 EIR came into force in January 2005. This gives the public the right to request information on environmental matters, for example, water quality, atmosphere, water and soil information. In addition it relates to policies and legislation in relation to plans which may affect the environment.

- The required level of expertise within the Service to monitor and review compliance with FOI, with sufficient expertise to relate the act to others such as Data Protection and electronic records management.
- Appropriate levels of information and training in specific areas, procedures for handling requests and records management.
- Raising and maintaining information and general awareness for staff not directly involved in handling requests for information, but who will generate and store information that may be requested in the course of their duties. This will take place across the Service by means of information provision.

9 **EIR REQUESTS**

The Environmental Information Regulations requests can be oral and the Service has 20 working days to comply with the request. The Authority can make a reasonable charge to provide this information. The Service has a duty to provide advice and assistance to the requester making their initial request.

10 **MONITORING REVIEW AND EVALUATION**

To ensure the policy remains effective the Service has built in a system of review which:

- Includes a timetable for audit and review.
- Monitors the effectiveness of the training.
- Amends the policy to meet Service objectives.

The review system will identify recurring requests for the same or similar information which has not already been published; this will allow the FOIT to consider whether the

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**RECORDS  
MANAGEMENT  
AND INFORMATION  
AUDIT**

information should be routinely published on the website or in another medium.

Performance in dealing with requests will be monitored by the ATIO and reported to the senior management team. The Information Systems Project Programme Supervisory Group will be the reporting structure for all FOI issues to ensure scrutiny and audit of the process. This will ensure that a robust FOI strategy is maintained and delivered.

The Service will review its arrangements for administering and managing requests for information. These will include systems for auditing compliance with the Act.

#### FOI REGISTER

As part of the review system, the Service maintains a register of all requests for information made under the Act and the action taken in respect of each application. The register identifies whether the same or similar information has been requested and provided or refused and the reason for refusal. This ensures consistency in dealing with similar requests and identifies repeated, duplicate or vexatious requests.

The Service will also maintain a register of all complaints received about its Freedom of Information arrangements.

Good records management will be critical to compliance with the timescales for dealing with Freedom of Information requests, as any organisation needs to know **what** information it holds, **where** it holds it and **how** to retrieve it.

The Authority and its Fire and Rescue Service must comply with code 46 of the FOI Act, which states that the Lord Chancellor shall issue and revise:

"a code of practice providing guidance to relevant authorities as to the practice ... to follow in connection with the keeping, management and destruction of their records."

See **MANBRIG:04-09** for the Service policy on records management, information audits and retention of records.

#### E-MAIL

Personnel should be aware that information held in their e-mailboxes is subject to the FOI Act.

To assist with compliance of the Act, users are required to:

- Delete routine e-mails from their inbox regularly.

- Create sub folders to store other e-mails deemed as important to the key functional areas of your responsibility; these will assist in retrieving the information should a FOI request be made.

As a guide, no more than two months' storage on the current inbox is good practice.

The Service will introduce a tracking system for Customer Relationship Management – CRM - and Freedom of Information that will control the movement and location of records.

This system will act as a self-service tool to enable the public to access information for themselves. This will reduce the number of requests being made under the provisions of the Act and so reducing the risk of non-compliance.

Departmental Heads and Managers will be responsible for uploading any existing new documents which can be made available to the public via the FOI/CRM software onto the website.

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## PERSONAL DATA AND SECURITY

Access to personal data will continue to be dealt with under the provisions of the Data Protection Act 1998, see **MANBRIG 01-02 DATA PROTECTION.**

The Authority has in place the security measures required by the Data Protection Act. Information systems are installed with adequate security controls and Service employees who use these systems will be properly authorised to use them for the Service's business.

In addition, the Service will keep employees fully informed about overall information security procedures and the importance of their role within these security procedures. Similarly, manual filing systems are held in secure locations and only authorised Service staff has access to them.

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## FOI/EIR REQUESTS

