



FREEDOM OF INFORMATION ACCESS, PUBLICATION AND RE-USE POLICY

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1. INTRODUCTION

Public authorities are legally required to share and publish the information they hold, either in response to a specific request or as part of a publication schedule unless an exemption can be applied. A public authority should not routinely share personal information, or information that relates to a data subject under Freedom of Information disclosures. This legislation includes:

- [Freedom of Information Act 2000](#)
- [The Environmental Information Regulations 2004](#)
- [The Equality Act 2010 \(Specific Duties and Public Authorities\) Regulations 2017](#)
- [The Re-Use of Public Sector Information Regulations 2015](#)
- [Local Government Transparency Code 2015](#)

This policy sets out the implications of the above legislation and how all staff can comply with the various requirements.

Public authorities hold large quantities of information and this can be of great value to members of the public. Appropriate sharing and re-use of this information can enable transparency and confidence to the public. The proactive publication of our data can facilitate its re-use and reduce the costs associated with responding to direct requests. The [Local Government Transparency Code 2015](#) sets out the information we require to publish.

There are time limits, where requests for information, must be published and the Service may be penalised for not complying with these requirements. It is important that any requests for information are complied with in a timely manner, while ensuring that information is only released in accordance with current data protection laws.



2. DEFINITIONS

For the purposes of this policy, the following definitions apply:

Document – Information held in **any** tangible form, including e-mails, printed documents, database records, audio or video recordings.

Data Protection Act – The current UK legislation governing data protection. This is currently the Data Protection Act 2018. The UK General Data Protection Regulation sits alongside the Data Protection Act and details subject data rights.

Environmental information – This is defined in Part 1 Section 2 of the Environmental Information Regulations 2004 and includes information on topics such as the natural environment (e.g. air, water, soil, land and biological diversity); factors such as energy, noise waste, emissions or discharges that may affect the natural environment; policies and plans that are likely to affect the environment; reports on the implementation of environmental legislation and information on how human health, safety, the food chain, cultural sites or built structures may be affected by the state of the natural environment.

Filing System - Any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.

Information Commissioner (ICO) – The UK's independent body responsible for monitoring the Freedom of Information and Data Protection Acts, see www.ico.org.uk.

Personal Data - Any information relating to an identified or identifiable living person ('data subject'). An identifiable living person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier (user ID or cookie) or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that human being.

Personal data includes, but is not limited to, an individual's:

- Name
- Address
- Telephone numbers
- Identification numbers, such as Payroll number, Service number or National Insurance number
- Recordings, photographs or reproductions of a person's voice, likeness or image
- Bank account numbers
- Medical records, attendance and sickness records
- Online identifiers (e.g. username).

A person's favourite football team, job title, etc. are not typically personal data.



Public Information – This includes information held by a public body in any form, electronic or paper. Public bodies are not required to create new information in order to comply with a request for information, they only need to consider information already in existence.

Publication Scheme – The Publication Scheme consists of information already published and held by the Service or information which is to be published in the future. All the information in the Publication Scheme should be available from the website to download and print.

Re-use – for the purposes of this policy this refers to using a document for a purpose other than that for which it was originally made. The transfer of a document from one public sector body to another to enable them to carry out their public task does not amount to re-use.

3. RESPONSIBILITIES

Area Managers are responsible for ensuring that departments under their management comply with the requirements to respond to requests for information and proactively publish information. The total time that the Service has from request to disclosure is 20 working days, which requires the consideration within a smaller amount of working time.

The Freedom of Information team is responsible for administering all requests for information made to the Service and advising staff on the Freedom of Information Act. All requests must initially be sent to the Freedom of Information inbox so they can be logged and progress tracked. The day the request is received commences the process. There are requirements to respond to the applicant within 20 working days following the day of receipt.

Departmental Managers are responsible for ensuring that staff under their direction and control are aware of the Service's policies and apply them in their day-to-day work. They will also support the Freedom of Information team by providing the resources to respond to requests for information and provide information for publication. When responding to requests for re-use of information, managers must ensure any copyright and intellectual rights issues are considered and define any terms and conditions relating to re-use.

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. In order to help meet our obligations under the Freedom of Information Act 2000 to respond to applicant's requests within 20 working days, please ensure that you configure an Out of Office message on your e-mail account giving an alternative contact person in the event that you are not available.

4. REQUESTS FOR INFORMATION

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. Any requests for information under the Freedom of Information Act must be received in writing and include the requester's name and an address for correspondence (this may be an e-mail address or social media account).



A request for information will be treated under the FOI Act unless:

- The information is considered to be part of routine business, for example, standard responses to general enquiries
- The request is for environmental information
- The request is for the requester's own personal data.

Requests under the Environmental Information Regulations may be received verbally. The request must adequately describe the information sought, the sender should be contacted for further clarification if necessary. Requests submitted in a foreign language are not valid requests. If the request relates to the re-use of information then it must state the purpose for which the document is to be re-used. Information containing personal data must not be released for re-use. Where a third party owns relevant intellectual property rights in the document then the Service is not obliged to release it.

Requests for personal data relating to the requester should be dealt with as a Subject Access Request in accordance with the Service's [Data Protection, Privacy and Confidentiality Policy](#).

5. VEXATIOUS AND REPETITIVE REQUESTS

Vexatious requests are those that the Service considers as abusive, offensive or repetitive. Where requests cause a disproportionate burden, or includes harassment against staff, the Service is not obliged to provide a substantive response to such requests.

For example, multiple substantially similar requests from the same requester, or requests resulting from a personal grudge or where issues that have been previously addressed by the Service may also be considered vexatious and refused.

6. PROVISION OF INFORMATION

The Freedom of Information Act gives a right of access to information. Any person who makes a request to the Service is entitled:

- To be informed in writing whether the Service holds information meeting the description set out in the request; and
- To have information the Service holds in relation to the request communicated to them.

When considering whether the Service holds the requested information, the following sources should be considered:

- Information held by the Service at the time of the request
- Information stored in off-site servers or cloud storage; and
- Information held by other organisations on behalf of the Service including, for example, off-site storage or information provided to lawyers for the purposes of litigation.



The information must be 'held' for the purposes of the Service's business. Purely personal, political or trade union information will not be 'held' for the purposes of the Freedom of Information Act and will not need to be considered for the request. Information created after the request is received or deleted information that is only held in electronic backup files should also be considered as not being 'held'.

A reasonable search will be undertaken to locate the requested information, however, if information is not found, the requester will be informed that the information is not held.

It is a criminal offence under Section 77 of the Act for anyone to alter, deface, block, erase, destroy or conceal information once it has been requested, with the intention of preventing disclosure. Anyone found undertaking such activities will be subject to disciplinary procedures and could face legal action.

On receipt of a request for information not already provided previously in the Service's Publication Scheme, the Freedom of Information team will contact the team which holds the information; this will ensure that the Service can comply with the release of information. There is no requirement to create information to fulfil the request if previously not held. Some information may be exempted from disclosure on the grounds of national security, commercial sensitivity or data protection issues. The Freedom of Information team will consider any potential exemptions, including case law and ICO guidance as the basis for their decision. It is possible to give the requestor a 'neither confirm nor deny' response as to whether the Service holds the requested information under some circumstances.

It may be necessary to obtain information from third party suppliers and contractors in order to comply with a Freedom of Information request. The Service will take steps to ensure that its suppliers and contractors are aware of the Service's duty to comply with the Freedom of Information Act and Environmental Information Regulations and that information will have to be disclosed unless an exemption applies.

Where a request is for the re-use of a document, the Service may impose conditions on re-use through a licence. Re-use can be permitted by an implied licence or formal licence as follows:

Implied Licence – The majority of the Service's documents will be issued under an implied licence. A standard notice will be placed on the website stating that information can be re-used freely subject to acknowledging the copyright, identifying the source and not using it in a misleading manner.

Formal Licence – Where there is a wider raft of terms or where there are applications for permission to reproduce material for any commercial purpose, the Service will use a formal licence which may be subject to a fee. All applications of this nature must be considered by the Senior Information Risk Owner (SIRO).

7. INFORMATION REQUESTS ABOUT OPERATIONAL INCIDENTS

The Service regularly receives requests for information regarding operational incidents. This includes resourcing, location or personal details pertaining to the incident. Under no circumstances should details of incidents or attendance of individuals at incidents be given out over the telephone. All disclosures must be considered in light of data protection, operational and strategic considerations.



Fire Reports are available, redacted, in most cases, for those who are not personally involved, however, a charge may be made for them.

On occasions when members of the public or organisations make contact directly with an officer, who attended the incident, staff are reminded not to disclose any details but to direct the requestor to the Freedom of Information team who will then direct the requestor appropriately to internal staff.

8. CHARGES

The Service reserves the right to charge the cost of producing information for information that is not included within the Publication Scheme, subject to the limits set by Government. If the cost of complying with a request for information would exceed £450.00 (based on 18 hours work at £25 per hour) then the Service can refuse to comply with the request. The Service does not currently charge for requests that would cost less than £450.00 to comply with. Right of Access Requests pertaining to personal information are made under the UK General Data Protection Regulation and Data Protection Act 2018 and is not charged unless it is repetitive or excess reduplication.

If a fee is payable then the information must be supplied within 20 working days of the fee being paid. If the fee is not paid within 3 calendar months of the date the fee was requested then the Service is under no obligation to provide the information.

9. RIGHT TO REQUEST REVIEW

If a requester is not satisfied with the Service response then they can ask for an internal review, this request must be submitted in writing within 40 days of the date the Service issued the response. The Freedom of Information team will acknowledge the request for a review and advise that it is normally completed within 20 working days of receipt.

The internal review team will consist of at least two employees including the Data Protection Officer, who acts as the default reviewer. The second person should be nominated by the Senior Information Risk Owner (SIRO) when the Data Protection Officer is not available or where they have been involved with approving or decision making of the original request. The second member of the team should be at the level of Station Manager or Head of Department and who is conversant with the Act's exemptions and processes.

Following the internal review, the decision should be made known to the requestor by the Freedom of Information team, including any direction to release the information or allow its re-use, or the decision to uphold the original decision. When providing the response, the requester must be informed of their right if they remain not satisfied to apply to the Information Commissioner, to request a review of whether the Service has met the requirements of the Freedom of Information legislation.

10. TRAINING

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



Managers should ensure that their teams are aware of the requirements of the Freedom of Information Act and are able to recognise requests submitted under Freedom of Information (Fol), Environmental Information Regulations (EIR) and Subject Access Requests (SAR).

11. RECORDS MANAGEMENT

Good records management is critical in order to be able to comply with the timescales for requests submitted under Fol, EIR or SAR. Any organisation needs to know **what** information it holds, **where** it holds it and **how** to retrieve it. The Service is required to comply with the [Freedom of Information Code of Practice](#) and could be penalised for failing to do so. The Freedom of Information team will provide regular statistics on compliance with the Freedom of Information legislation to the Protective Security Steering Group meetings.

Personnel should be aware that information held in their e-mail mailboxes is subject to the Fol and SAR regulations. To aid compliance with these regulations, users are required to:

- Delete routine e-mails from their mailboxes regularly (including emptying the Deleted Items folder)
- Create sub-folders to store other e-mails deemed as important to the key functional areas under your responsibility; these will assist in retrieving the information should an Fol request be made.

As a guide, e-mails more than 2 years old should be deleted from the mailbox unless they relate to ongoing long-term projects, financial matters or matters that are the subject of current investigations or legal proceedings.

12. PUBLICATION OF INFORMATION

The following table gives a summary of the information that the Service is required to publish, this list may change as new legislation is implemented. Each department must ensure that it is complying with the obligation to publish information that falls under its area of responsibility.

Information to be published

Type of information	Frequency	Driver
Expenditure exceeding £500	Quarterly	Local Government Transparency Code 2015
Government procurement card transactions	Quarterly	Local Government Transparency Code 2015
Procurement information	Quarterly	Local Government Transparency Code 2015
Local authority land and buildings	Annual	Local Government Transparency Code 2015
Grants to voluntary, community and social enterprise organisations	Annual	Local Government Transparency Code 2015



Type of information	Frequency	Driver
Organisation chart	Annual	Local Government Transparency Code 2015 / Freedom of Information
Trade union facility time	Annual	Local Government Transparency Code 2015
Senior salaries	Annual	Local Government Transparency Code 2015
Constitution	Annual	Local Government Transparency Code 2015
Pay multiple	Annual	Local Government Transparency Code 2015
Fraud – amount spent on investigation and number of cases investigated	Annual	Local Government Transparency Code 2015
Waste contracts	One-off	Local Government Transparency Code 2015
Structure of the Authority	Annual	Freedom of Information
Contact information and locations	Annual	Freedom of Information
Geographical area of operation	Annual	Freedom of Information
General outline of responsibilities	Annual	Freedom of Information
Relationship with other bodies	Annual	Freedom of Information
Summary of revenue budget estimates and capital expenditure plans	Annual (for current and previous 2 years)	Freedom of Information
Annual statement of accounts	Annual (for current and previous 2 years)	Freedom of Information
Financial audit reports	Annual (for current and previous 2 years)	Freedom of Information
Staff pay and grading structure	Annual (for current and previous 2 years)	Freedom of Information
Expenses paid to or incurred by employees of the authority and senior officers	Annual (for current and previous 2 years)	Freedom of Information
Procurement procedures		Freedom of Information
List of contracts and value	Quarterly	Freedom of Information
Internal financial regulations and delegated authority	Annual	Freedom of Information
Strategic plan, business plan, aims and objectives	Annual (for current and previous 2 years)	Freedom of Information
Reports indicating service provision, performance assessments, operational assessment reports	Annual (for current and previous 2 years)	Freedom of Information



Type of information	Frequency	Driver
Reports by external inspectors	Annual (for current and previous 2 years)	Freedom of Information
Joint strategies	Annual (for current and previous 2 years)	Freedom of Information
Statistical information	Annual (for current and previous 2 years)	Freedom of Information
Schedule of meetings open to the public	Annual (for current and previous 2 years)	Freedom of Information
Agendas and approved minutes of the authority and authority sub-committees	Annual (for current and previous 2 years)	Freedom of Information
Background papers for meetings open to the public	Annual (for current and previous 2 years)	Freedom of Information
Facts and analyses of facts used for decision making	Annual (for current and previous 2 years)	Freedom of Information
Public consultations	Annual (for current and previous 2 years)	Freedom of Information
Policies and procedures for the conduct of authority business	Annual	Freedom of Information
Policies and procedures for the provision of services	Annual	Freedom of Information
Policies and procedures about the employment of staff	Annual	Freedom of Information
Customer service standards and complaints procedure	Annual	Freedom of Information
Internal instructions, manuals and guidelines (where they don't disclose sensitive information)	Annual	Freedom of Information
Records management and personal data policies	Annual	Freedom of Information
Charging regimes and policies	Annual	Freedom of Information
Asset registers related to Re-use of Public Sector Information Regulations 2005.	Annual	Freedom of Information
Registers open to public inspection	Annual	Freedom of Information
Register of interests for Authority employees	Annual	Freedom of Information



Type of information	Frequency	Driver
Register of gifts and hospitality for senior personnel	Annual	Freedom of Information
Information about the provision of the authority's services	Annual	Freedom of Information
Regulatory responsibilities and procedures	Annual	Freedom of Information
Leaflets and explanatory booklets	Annual	Freedom of Information
Services for which the service is entitled to recover a fee, together with those fees	Annual	Freedom of Information
Media releases	Annual	Freedom of Information
Fire service reports on major incidents		Freedom of Information
Equality Objectives	Every 4 years	Equality Act (Specific Duties) Regulations
Equality Impact Assessments		Equality Act

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Personnel may share the information in this document with members of the public:				Yes		
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12/09/2023	Freedom of Information Access, Publication and Re-Use Policy	651	David Morris	Data Protection (SID)	Glynn Luznyj 12/09/2023	
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29/01/2019	Freedom of Information Access, Publication and Re-Use Policy	651	Andrea Jones	ICT	David Greensmith 28/01/2019	
12/12/2018	Freedom of Information Access, Publication and Re-Use Policy	651	Andrea Jones	ICT		Consultation
17/01/2008	MANDATA: 04-10 Freedom of Information Regulation Policy	651	Sue Love	Datacomms		
27/06/2005	MANDATA:04-10 Freedom of Information Environmental Information Regulations	651	Sue Love	Datacomms		
13/05/2005	MANDATA: 04-10 Freedom of Information Policy	651	Sue Love	Datacomms		Consultation