



**Northern Ireland
Fire & Rescue Service**

FREEDOM OF INFORMATION POLICY

DECEMBER 2018

Protecting Our Community

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Linked Policies & Guidance Documents

This Freedom of Information Policy should be read in conjunction with, but not limited to, the following NIFRS documents:

- Good Management Good Records (GMGR);
- Publication Scheme;
- Personal File Guidance;
- Data Protection Policy;
- ICT Security Policy;
- Information Governance Framework;
- Information Governance Strategy & Policy;
- Data Quality Policy;
- Data Sharing Protocol;
- Code of Accountability for NIFRS Board Members; and
- Staff Code of Conduct.

The above policies/guidance documents can be accessed via NIFRS Global Drive/Document Management System.

1 INTRODUCTION

- 1.1 The Freedom of Information Act 2000 (the "Act") came into force on 1 January 2005.
- 1.2 Northern Ireland Fire & Rescue Service (NIFRS) recognises the importance of the Freedom of Information Act 2000 (FOI). The Act gives people the right to request 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.
- 1.3 Subject to the exemptions in the Act, persons who make a request to a public authority for information must be informed whether the public authority holds that information and, if so, the public authority must communicate that information to them.
- 1.4 The **Data Protection Act 2018** (DPA) and the **Environmental Information Regulations 2004** (EIR) should be taken into consideration when reading this Policy because these Acts work in conjunction with the FOI Act to provide a framework which affords the public access to information held by public bodies.
- DPA allows access to personal information of which the applicant is the subject;
 - EIR allows access to environmental information held by public bodies; and
 - FOI Act allows access to all other information.
- 1.5 The FOI Act has substantially altered the impact of the DPA because all hard copy records containing personal information are now regulated under the DPA. In the past, only structured files applied. If an individual wishes to obtain information regarding personal records held by a public body about them, they must do so using a "Subject Access Request" under the DPA. However, if the information the applicant is looking for is non-personal and held by a public body, the provisions of the FOI Act or the EIR Act will apply.

2 POLICY STATEMENT

2.1 This Policy will establish a framework to enable NIFRS to meet its statutory obligations under the FOI Act. It will demonstrate and deliver, by words and action, commitment to openness and accountability and to servicing the public's general right of access to information held by NIFRS.

3 OBJECTIVE

3.1 The aim of this Policy is to ensure that all employees know and understand the provisions of the Freedom of Information Act 2000 and are aware of their individual responsibilities.

4 SCOPE

4.1 This Policy relates to all employees of NIFRS and all records created and received by NIFRS in any format.

5 PUBLICATION SCHEME

5.1 Under the Freedom of Information Act there is a duty on all public authorities to issue a Publication Scheme. One of the aims of the Act is that public authorities should be clear and proactive about the information they will make public. To do this, they must produce a Publication Scheme, setting out:

- The classes of information that they publish or intend to publish;
- The manner in which the information will be published;
- Whether the information is available free of charge or on payment.

5.2 NIFRS Publication Scheme consists of information already published and held, or information that is to be published in the future. All information in this Scheme is available either as a download or hard copy on request. All documents available via our Scheme are free of charge unless otherwise stated.

6 REQUESTS FOR INFORMATION UNDER FOI ACT

6.1 The Freedom of Information Act confers 2 statutory rights on applicants, a right to:

- be informed whether a public body holds certain information, if so;
- to have that information communicated to them.

6.2 A request for information not included within NIFRS Publication Scheme must be made in writing, which can include using the [FOI Information Request Form](#) located on our website, however, EIR requests can be a verbal request. The Service may charge for the supply of the information in accordance with the Fees Regulations set out by the Act.

6.3 The request for information must:

- be in writing (including electronic means, eg, email or fax) – advice and assistance should be offered to any individual who is unable to put their request in writing;
- state the name of the applicant;
- state an address for correspondence;
- describe the information requested.

6.4 Where practicable and reasonable to do so, the information will be supplied in the format requested by the applicant. The legislation gives an entitlement to information rather than documents, although the information requested will often consist of a whole document. However, requests can be met by providing a copy of the original document, as a summary of the original or even by allowing the applicant to visit NIFRS to read the document(s).

6.5 Any correspondence could include a request for information. If it is written (this includes email) legible, and includes a description of the information required, then it will fall within the scope of the legislation. It is important to note that the correspondent does not need to mention the FOI Act Requests for information that can be provided without any question should be treated as business as usual. If any information requested is held and needs to be actively considered then the request should be formally treated as a request for information. If it seems likely that the requested information cannot be disclosed, it should also be dealt with as a request for information. Any member of staff who receives a request for information that cannot be dealt with as business as usual should promptly contact the Information Officer at NIFRS Headquarters for guidance. Please see Appendix A for NIFRS Procedure for the recording and completion of FOI Requests. Appendix B details the procedure on Round-Robin Requests (requests for the same, or substantially similar, information which is submitted to more than one public authority at around the same time).

6.6 The Internal mail system should not be used to transfer FOI requests; they should be emailed or hand delivered to the Information Officer as soon as possible.

6.7 **Time for Compliance**

NIFRS will comply with a request for information promptly and, in any event, not later than 20 working days following the date of receipt of the request or fee.

There is scope to extend this timescale if a qualified exemption is being considered and it is necessary to assess the balance of the public interest. However, NIFRS will still respond within the 20 days, saying which exemption is being considered and giving an estimated date of response.

6.8 Fees

NIFRS will not charge a fee for the provision of information on its Publication Scheme unless otherwise stated. However when there is a request for information which is currently not available NIFRS may charge the requester for complying with the request. Where the costs of complying with an FOI request would exceed the limit of £450 the charge will be calculated and the applicant advised. The cost may cover searching, copying and disbursement costs. The charge for the staff time taken in communicating the information will be based on a calculation of £25 per hour.

If the cost amounts to more than £450, the request can be refused. Where the request could be considered exempt on cost grounds, NIFRS should consider providing an indication of what information could be provided within the cost ceiling.

Applicants are not allowed to make several requests for "bits and pieces" of information in order to escape the £450 limit rule.

The applicant must be told the charge in writing and advised that the request cannot be actioned until the fee is paid and that the 20 day response time will be suspended until receipt of this fee. The request will lapse if not paid within 3 months.

Once the detailed request and the fee have been received, the search for information can begin.

6.9 Refusal of Requests

If NIFRS considers the request to be vexatious, repeated or involving costs exceeding the appropriate limit, it will issue the applicant with a 'Refusal Notice', setting out the reasons for the refusal. NIFRS may refuse to comply with a request for information in the following circumstances:

- Where an exemption in Part II of the Act applies;

- Where NIFRS requires further information to identify and locate the information requested and has requested such information but the applicant has failed to supply it;
- Where the request is vexatious;
- Where NIFRS has previously complied with an identical or substantially similar request from the same applicant and a reasonable time has not elapsed between compliance and the previous request and the making of the current request;
- Where NIFRS estimates that the cost of complying with the request would exceed the appropriate limit (ie, £450).

6.10 Exemptions

There are a number of exemptions to the general right of access. There are 2 categories of exemptions, absolute and qualified.

Absolute exemptions are as follows:

- Information accessible to the applicant by other means (except in relation to historical records held in Public Records Offices);
- Information supplied by or relating to bodies dealing with the security services (except in relation to historical records held in public records offices);
- Information relating to Court records;
- Parliamentary Privilege;
- Prejudice to the effective conduct of public affairs, in so far as it relates to information held by the House of Commons or the House of Lords;
- Personal information, of which the applicant is the data subject;
- Information provided in confidence;
- Information prohibited from disclosure.

Qualified exemptions are as follows:

- Information intended for future publication;
- Only in relation to historical records held in Public Records Offices;

- National security;
- Defence;
- International relations;
- Relations within the United Kingdom;
- The economy;
- Investigations and proceedings conducted by a public authority;
- Law enforcement;
- Audit functions;
- Formulation of Government policy;
- Prejudice to the effective conduct of public affairs, except to the effective conduct of public affairs, except for information relating to the House of Commons or the House of Lords;
- Communications with Her Majesty/Honours;
- Health and safety;
- Environmental information;
- Personal information, of which someone other than the applicant is the data subject (third party data);
- Legal professional privilege;
- Commercial interests.

If NIFRS believes the information requested is exempt, it will issue the applicant with an 'Exemption Notice', stating the nature of the exemption, specifying the exemption in question and stating why the exemption applies.

For absolute exemptions, NIFRS will neither confirm nor deny the existence of the information in these cases.

For qualified exemptions, NIFRS will consider the 'public interest test', ie:

- whether the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether NIFRS holds the information; or
- whether the public interest in maintaining the exemption from communicating information outweighs the public interest in communicating it.

If the public interest test has been applied and NIFRS believes that the information should be treated as exempt, an 'Exemption Notice' shall be issued to the applicant.

If NIFRS, in applying the public interest test, has not reached a decision whether to confirm, deny or disclose, a 'Neither Confirm nor Deny Notice' will be issued to the applicant explaining that no decision has yet been reached and specifying a date when a decision is expected.

Details of how to complain to NIFRS about the handling of requests for information and how to apply to the Commissioner for a decision notice will be outlined on all Exemption Notices.

7 LEGISLATION

7.1 The following statutory legislation is linked to this Policy. This list is not exhaustive:

- International Standard on Records Management ([ISO 15489](#))
- Public Records Act [1923](#)
- Disposal of Documents Order [1925](#)
- Environmental Information Regulations [2004](#)
- Northern Ireland Records Management Standards ([NIRMS](#))
Public Records Office
- Data Protection Act [2018](#)
- General Data Protection Regulation [2018](#) (GDPR)
- Freedom of Information Act [2000](#)
- Lord Chancellor's Code of [Practice](#)

As new legislation is enacted, it will be added to this Policy.

8 ROLES & RESPONSIBILITIES

- 8.1 Board level responsibility for information management is detailed in the NIFRS Code of Best Practice to which the Board are legally required to comply. Section 3 of this document states that “The Board must at all times, in accordance with Government Policy and openness, comply fully with the principles of the Citizen’s Charter and the Freedom of Information Act 2000”.
- 8.2 The Director of Operations, the Senior Information Risk Owner (SIRO), has overall responsibility for FOI and is assisted on a day-to-day basis by the Administration Manager and the Information Officer.
- 8.3 The SIRO will report to the Audit, Risk & Governance Committee on a quarterly basis on FOI performance and compliance issues.
- 8.4 Managers are responsible for ensuring that all staff are aware of this Policy, guidance and procedures and that there is a need to create all corporate information with the awareness that a request may be received for this information. Therefore it is essential that all staff consider content, language and terminology used when creating records. Staff need to be particularly careful about e-mails as decisions and advice recorded electronically needs to be retained.
- 8.5 Any member of staff at any time may receive a request for Information and should be aware that information recorded in any format may be disclosable under FOI Act.

9 TRAINING

- 9.1 On commencement of employment staff receive an induction pack which includes a Freedom of Information awareness leaflet, copy of NIFRS Freedom of Information Policy and details on accessing NIFRS Document Management System.

- 9.2 Line Managers will ensure that new and existing staff understand their personal responsibilities under FOI and any additional advice required can be obtained from the Information Officer at Fire & Rescue Service Headquarters.

10 EQUALITY

- 10.1 NIFRS is committed to equality of opportunity for all employees. This Policy will be reviewed periodically in accordance with Section 75 equality obligations and best practice and also with regard to NIFRS statutory obligations to make NIFRS corporate publications and information accessible in alternative formats, where reasonable.

11 REVIEW & REVISION

- 11.1 This Policy will be reviewed as it is deemed appropriate, but no less frequently than every 3 years.
- 11.2 Policy review will be undertaken by August 2020.

12 FURTHER INFORMATION & GUIDANCE

- 12.1 Further information and guidance about this Policy can be obtained from:

The Information Officer

NIFRS

1 Seymour Street

Lisburn

BT27 4SX

APPENDIX A

This is the procedure to be followed by NIFRS personnel when a Freedom of Information Request is received by NIFRS.

- A Freedom of Information Request (FOI) is normally emailed or posted to NIFRS Freedom of Information Officer at Headquarters. However, any member of staff can receive a FOI request. If this happens they must record on the request the date they receive it and then forward the request immediately to the FOI Officer by email or hand deliver - **the internal mail system must not be used.**
- The FOI Officer will then decide if the request can be answered as normal course of business, or if it could potentially be a Round-Robin Request (RRR) which could have an impact on other HSC/NDPB bodies and/or DoH. A RRR Request Procedure can be found at Annex A.
- If the request is to be dealt with under FOI then an acknowledgement is sent to the requester informing them that their request has been received. The relevant details are then recorded onto the FOI database.
- The FOI Officer then records details of the request on a DoH request form which must be sent to FOI@health-ni.gov.uk before 11 am each Friday.
- The FOI Officer also checks with NIFRS Board Administrative Secretary to ascertain if there have been any similar Parliamentary/Assembly Questions to ensure there is a consistent approach.
- The FOI Officer will then forward a copy of the Initial Request Form to the relevant Director for action. A copy is also sent to the other members of CMT and Corporate Communications Team for information purposes.
- If there have been any similar requests, the FOI Officer will also send them to the relevant Director with the initial request as this may help when responding to the new request.
- If the Director has any concerns at this initial stage regarding the information requested they should email them directly to the FOI Officer who can advise them on any relevant exemptions or data protection issues.
- The relevant Director then decides who should be the Lead Officer in their Department to supply the requested information and forwards the request to them. The Director should inform the FOI Officer who the Lead Officer is.
- If the Lead Officer estimates that to comply with the request would take more than 18 hours of work then they should contact the FOI Officer before commencing any searches for the requested information.
- The requested information should then be forwarded to the FOI Officer by the deadline stated on the Initial Request Form.
- The FOI Officer will then assess the information to ensure it answers the request fully and then decides if the information can be fully released or if any redactions or exemptions are required to be applied.

- The FOI Officer will then draft a FOI response letter (redact the personal details of the requester) and forward with any relevant documentation to the relevant Director for their approval..
- Regarding requests from the media prior to release NIFRS Corporate Communications Team should be made aware of the draft response.
- The Director should then email the FOI Officer if they require any changes to be made and then give their approval for the response to be sent out. A copy should also be forwarded to Information & Security Manager for consideration prior to release.
- Once approved the FOI Officer will complete the details on FOI database and then email or post the response to the requester.
- The FOI Officer will email the Corporate Communications Team to inform them that there is a completed response available to view. Directors can also view the initial request, final response and relevant documentation by going to Global Folder/Policies/Requests and Responses to view folder.

NOTES

- It should be noted that requests for information under FOI should be dealt with by all NIFRS staff in an open and transparent manner. Requests should be treated as applicant and motive blind. FOIA is about disclosure to the public, and public interests. Directors/Lead Officers may have some concerns over releasing specific information but the information must be gathered first before any deliberations take place as there is a legal obligation to respond to the requester within a 20 day deadline.
- It is essential that the requested information is returned to the FOI Officer by the deadline stated on the Initial Request Form.

APPENDIX B**ROUND-ROBIN REQUESTS**

A Round-Robin Request (RRR) is a request for the same, or substantially similar, information which is submitted to more than one public authority at around the same time.

Every Freedom of Information Request for Information (RFI) received by NIFRS could be a RRR which may have an impact on other HSC/NDPB bodies and/or DoH.

It is obviously desirable that requests of this nature be treated in a similar manner to ensure that a consistent response is provided to the requester.

ROUND-ROBIN REQUESTS PROCEDURE

When a RFI is received by NIFRS, the FOI Officer should:

- Ask the question “Does the content/language/subject matter of the request suggest that the same, or substantially similar information, may be requested from other organisations and/or from DoH?” In answering that question it may be better to err on the side of identifying a RFI as a potential RRR which turns out not to be one, rather than failing to identify a RFI which is a RRR.
- If a RFI is thought to be a RRR, ensure that the RFI (excluding details of the requester’s identity) is circulated to all appropriate organisations and/or DoH, depending on which organisations are likely to be affected. Advise those organisations of the possibility of receiving a request for same, or substantially similar, information. If such a request has been, or is subsequently received by another organisation and/or DoH, then all those organisations involved must liaise on the approach to the response to the RFI. However, the precise response by each organisation will depend on the actual information held by them.
- The FOI Co-ordinator who initiates this action (ie, initially circulates the potential RFI) should be advised, as necessary, by each organisation if they have received the RRR. This acknowledgement of the RRR will initiate the collaborative process with all the other organisations involved to consider the approach to the RFI.
- All the organisations involved in the RRR should liaise with each other as necessary. However, at the conclusion of this process, and in the knowledge of what other organisations intend doing, it is the responsibility of each organisation as set out in the FOI Act 2000 to issue its own response to their particular request.
- In addition, it should be noted that where a RRR has been identified to other organisations, those staff dealing with media relations in each of those organisations should be advised of the RRR, if appropriate, eg, where the request involves sensitive information, is controversial or the subject of current interest to the media.

A list of FOI Co-ordinators and staff in the DoH Information Branch is available from the FOI Officer at NIFRS Headquarters.