

# Cabinet Office

## Freedom of Information

### Internal Procedures

These internal procedures describe the steps to be taken by Cabinet Office employees if they receive a request for information. They are intended as internal guidance only. These procedures apply to the following Units/Sections within the Cabinet Office

- The Freedom of Information Unit
- The Constitutional Secretariat
- The Temporary Housing Unit
- The Protocol Office

Each Unit/Section is to identify the appropriate member of staff to carry out tasks listed in the Schedule to these procedures. The procedures adopted must be such as to enable Cabinet to comply fully with the requirements of the Freedom of Information (FOI) Law.

#### **Identifying Freedom of Information Requests**

Every written request for information received by post, e-mail, fax or in person is a Freedom of Information request unless it is for information that is already in the public domain. Information that is considered in the public domain is information available for purchase or information open to access by the public pursuant to another law; information on a public register or information which is available subject to administrative procedures e.g. negotiation of a contract of agreed terms. Information in the public domain is information made available generally to the public, which should continue to be provided as normal under Freedom of Information.

A FOI request must be in writing and include the applicant's name, mailing address and a description of the information they are seeking. An applicant is not required to indicate their request falls under the FOI Law. Each authority must respond to a request within 30 calendar days of receipt by either granting or refusing access to the information requested. Calendar days include weekends and holidays. Fees may be charged for FOI requests and these will be outlined in the FOI Regulations and will not exceed the actual cost of responding to or reproducing the information.

#### ***A. Receipt of an FOI Request***

- Any officer in a public authority shall be under an obligation to receive an application for a FOI record under the Law.
- The Recipient of the FOI Request must date stamp the request on the date of receipt.
- The clock begins the day after receipt.
- The request **MUST** be delivered to the Information Manager or her designate as soon as possible but no later than 2 working days from receiving the application.
- If the request relates to information held by a Department or Unit the designated records officer for the Unit should immediately start processing the request see section B:

#### **1. Record the Request:**

##### **The Records Officer must:**

- Open a registered file for each request.
- Input the request details on the IT request tracking system.
- Note the deadline for reply on the front of the file.

**2. Check that the Request contains all necessary details / information.**

This means that:

- The request was received in writing.
- Contains sufficient particulars to enable the records sought to be identified.
- Contains sufficient details about the requestor
- Details how the information is to be delivered to the requestor.
- Whether the information is requested using the expedited service and the reason for needing the expedited service.

NB: The requestor does not have to quote the Law to have the request treated as a FOI request. If the request is unclear or too broad the applicant should be contacted to clarify or narrow the request

**3. Check that the Request comes within the scope of the FOI Law.**

**The Information Manager must:**

- Ensure the information requested is not excluded under the FOI Law.
- Ensure the information is not available on the Publication Scheme or accessible under normal business processes
- Determine if you are the correct Public Authority for the request.
- If you are not the correct Authority, the request should be transferred to the correct Authority within 14 calendar days of receipt.
- You must advise the requestor that his request has been transferred in no more than 10 calendar days.

**The Records Officer must:**

**4. Acknowledge the Request**

- A letter of acknowledgement of receipt of the application is sent to the requester within 10 calendar days of receipt see FOI Guidance Manual.

***B. Processing the FOI Request – Process***

**The Records Officer must:**

**1. Records relevant to the request:**

- The records officer for the Unit/Department must search for and locate all records which are relevant to the request (The search should cover all information storage paper, files, PC network drives, document databases etc. Business area staff must co-operate.).
- Identify and record all steps taken to locate all records (A schedule of information items, containing an index and a brief description of the records covered by the request should be prepared.
- Determine if the request would amount to an unreasonable diversion of resources
- Extract relevant documents

Send estimate of cost of reproduction to requestor see Schedule to FOI Regulations.

**2. Making the Decision:**

**The Information Manager must:**

- Check each page for exempt material.
- Determine if severance is required.
- Determine if an extension is required
- Determine if request is vexatious, or repeated
- Request in writing the opinion of the relevant head of Department whether the request should be granted, refused or deferred.

- Prepare a schedule of records.
- Consider whether the records coming within the scope of the request contain third party information.
- Consider any relevant public interest factors.

**3. Notifying Requestor of the decision to grant information:**

**The Information Manager must:**

Within 30 calendar days of receiving the request, write a letter advising the applicant of:

- the decision to grant information
- the form and manner of access
- any fee payable

The information must be provided within 14 calendar days of payment of fees

NB The Information Manager is to utilise the FOI Guidance Manual to assist in making the relevant decision.

**4. Notifying Requestor of the Decision to refuse:**

**The Information Manager must:**

Within 30 calendar days of receiving the request, write a letter advising the applicant of:

- the decision to refuse disclosure of the information requested
- the reasons for refusal
- any provision of the Law pursuant to which the request is refused
- findings of any material issues relevant to the decision
- particulars of any matter taken into consideration
- particulars of rights of review and appeal, the procedure governing the exercise of those rights and the time limits governing such exercise

NB The Information Manager is to utilise the FOI Guidance Manual to assist in making the relevant decision

**C. Review of the FOI Decision – Process**

A requester has a right to appeal the decision of an Information Manager through the internal review process. This entails the internal reviewer repeating the decision making process from point number 1 above and reviewing all relevant documentation and any supplemental information used in the decision-making process. The Chief Officer or Minister (s.15, 16, 18) is the person responsible for the internal review except in cases where they have been involved in the original decision. If such cases should be appealed, the appeal must be made to the Information Commissioner. The internal review process must be completed to ensure the requester is advised of the decision within 30 calendar days of the request for internal review. Internal Reviews will be conducted by Mr. Orrett Connor, Cabinet Secretariat unless otherwise delegated to another officer of Cabinet.

Schedule 1

| <b>Task List</b>   | <b>Person responsible</b>                    |
|--|--|
| Receive application requests for information   | Information Manager                          |
| Assist members of the public to formalize the nature of their request  | Information Manager                          |
| Acknowledge receipt of the application   | Records Officer (s)                          |
| Identify if the information is held within the Entity, forwarding to relevant entity if not  | Records Officer (s)/<br>Information Manager  |
| Identify if the information is already in the public domain  | Records Officer(s)/<br>Information Manager   |
| Identify if the information is subject to exemptions or if there are any other laws which restrict access  | Information Manager                          |
| Locate/retrieve the information (there is <b>NO</b> requirement to create information or provide summaries)  | Records Officer(s)                           |
| Redact (Sever) exempt information if necessary   | Information Manager                          |
| Disclose the relevant information, determining if inspection or provision of copy is appropriate   | Records Officer(s)                           |
| Ascertain the form information is to be provided and make information available in form requested  | Records Officer(s)                           |
| Grant or refuse access (with reasons) to information in writing  | Information Manager                          |
| Collect fees   | Accounts Officer                             |
| Make amendments /arrange for amendments to records containing information relating to an individual if the individual can prove the information is inaccurate  | Information Manager                          |
| Undertake internal review of decision to not grant or defer access if appealed by applicant  | Chief Officer                                |
| Contact third parties where request is for information belonging to third parties  | Information Manager                          |
| Provide information/testify to the Commissioner/Court if appealed externally   | Information Manager                          |
| Input requests into the FOI tracking system and provide information to the FOI unit  | Records Officer(s)/<br>Information Manager   |
| Promote in public authority best practices in relation to record maintenance, archiving and disposal   | Information Manager                          |
| Receive complaints regarding the performance of the entity in relation to information disclosure   | Information Manager                          |
| Maintain a FOI e-publication scheme that is Ministry/Portfolio specific which falls in line with requirement of the FOI Unit                                   | Information Manager/<br>Outreach Coordinator |
| Maintain records in a manner that facilitates access to information under the law  | Records Officer(s)                           |
| Write procedures in line with FIO Unit policy for facilitation of correction of personal information   | N/A  |
| Deliver familiarization training written by FIO Unit to employees in the entity so all employees are able to answer basis questions from clients regarding FOI | Information Manager                          |
| Prepare and have gazetted publication Scheme for Public Authority  | Information Manager                          |
| Complete Disclosure logs of FOI requests   | Records Officer(s)/<br>Information Manager   |

Information Manager for Cabinet Office:-

Carmena Watler  
Meredith Hew (Designate)

Records Officers:

Cabinet Secretariat:-Jana Bush, Michelle Connolly- Rivers

FOI Unit:- Christina Smith

Temporary Housing:-

Protocol Office- Meloney Syms

London Office:-Kate Kandiah