

Better value, delivered.



## **Access to Information Policy**

---

---

Document Control Page

Document Type	Policy	
Document Ownership	Corporate Governance	
Title of Document	Access to Information Policy	
Status	FINAL	
Reference number	15102014	
Controlled by	Managing Director	
Created/ reviewed by / date:	Risk Audit and Assurance Officer	Nov 2015
Checked for compliance with contract standing orders and financial procedures / date:		Nov 2015
Approved by / date:	Board of Directors	Dec 2015
Maintained by	Risk Audit and Assurance Officer	
Publication date	Dec 2015.	
Next Review date	Dec 2016	
Current Version	15 Dec 2015	
Distribution	Public, intranet, website, SharePoint	
Replaces document	15102014	

Once printed, this document is uncontrolled. Please refer to the current version on the Intranet.

## **Access to Information Policy**

### **Contents**

- Section 1 Introduction
- Section 2 What information is covered?
- Section 3 Who can make a request?
- Section 4 What are our obligations under the Freedom of Information Act?
- Section 5 What are our obligations under the Environmental Information Regulations?
- Section 6 What should we do when we receive a request for information?
- Section 7 Refusing a request
- Section 8 What happens if the requestor is unhappy with the response?
- Section 9 Roles and Responsibilities
- Section 10 Maintaining & Reviewing Access to Information Arrangements

## **1 Introduction**

- 1.1 The Freedom of Information Act 2000 and Environmental Information Regulations 2004 provide the right of public access to information held by public authorities such as YPO. The legislation requires public authorities to publish certain information about their activities and gives members of the public the right to request information. The legislation does not give people access to their personal data: this right is given under the Data Protection Act 1998 (see Data Protection Policy for further information).
- 1.2 The purpose of the Freedom of Information Act is to promote a more open government based on mutual trust. Public authorities spend money collected from taxpayers and access to information allows the public to make public authorities accountable for their actions. Access to official information can improve public confidence and trust and enables public sector bodies to be open and honest.
- 1.3 The main aim of the Freedom of Information Act is that people have a right to know about the activities of public authorities unless there is a good reason for them not to. This means that everyone has a right to access official information. Information should only be kept private if there is a good reason and the reason is permitted by the Act.
- 1.4 The purpose of the Environmental Information Regulations is to provide a right of access to information relating to activities carried out by public authorities which have an impact on the environment or relate to the environment. Like the Freedom of Information Act, the regulations require disclosure of information by default unless there is a good reason for the information not to be released.

## **2 What Information is covered by the Freedom of Information Act and Environmental Information Regulations?**

- 2.1 The Environmental Information Regulations apply only to environmental information held by a public authority. The Freedom of Information Act applies to any other recorded information held. Information is not just limited to official documents; it can include computer files, letters, printed documents, photographs, emails and video or sound recordings. It can also relate to information the public authority did not create such as letters received from a third party (although there may be a valid reason not to release these).
- 2.2 The legislation only relates to information already held in a recorded form. You do not have to create new information in order to respond to a request.

## **3 Who can make a request?**

- 3.1 Anyone can make a Freedom of Information or Environmental Information request. This right is not just limited to individuals; organisations are also entitled to make requests.

## **4 What are our obligations under the Freedom of Information Act?**

- 4.1 YPO has several obligations under the Freedom of Information Act:

- Adopt and publicise a Publication Scheme – this commits YPO to make information available to the public as part of its day to day activities.
- Produce a Guide to Information – this shows the information YPO publishes, how it's published and if any charge is to be made in relation to the information.
- Respond to requests for information – there are prescribed timelines by which YPO should respond.

## **5 What are our obligations under the Environmental Information Regulations?**

5.1 YPO has two main obligations under the Regulations:

- To proactively make environmental information available.
- To respond to requests for environmental information – like the Freedom of Information Act there are prescribed timelines by which YPO should respond.

## **6 What should we do when we receive a request for information?**

6.1 Anyone can make a Freedom of Information request. For a Freedom of Information request to be valid it must be in writing and include the requestors real name and address for correspondence (this can be an email address), along with a description of the information they require. The request does not have to specifically mention the Act or be addressed to the person responsible for handling these requests.

6.2 Unlike the Freedom of Information Act, requests under the Environmental Information Regulations can be made verbally.

6.3 All Freedom of Information or Environmental Information requests should be forwarded immediately to the Managing Director or Risk Audit & Assurance Officer.

6.4 When responding to a request YPO is required:

- To tell the applicant whether the information they requested is held by the organisation.
- To provide that information (unless an exemption applies): this usually needs to be completed within 20 working days and the response must be in writing.

## **7 Refusing a Request**

7.1 In some circumstances, such as where a request is vexatious, a repeat of a previous request from the same person or a request where it would cost too much or take too much staff time to deal with the request (subject to limits defined in the legislation) an entire request can be refused.

7.2 There are a number of exemptions under the Freedom of Information Act which allow information to be withheld. Some exemptions are absolute meaning the information can be automatically withheld, for example information received from the security services; however other exemptions are qualified and require a public interest test to be applied.

7.3 The public interest test requires that the public interest in disclosure of information which falls under an exemption be assessed against the public interest in non-disclosure. The principles of the Freedom of Information Act and Environmental

Information Regulations require that information should be released unless there is a good reason not to. To justify the non-release of information the public interest in non-disclosure must outweigh the public interest in disclosure.

7.4 The following are permitted exemptions under the Freedom of Information Act:

<b>FOI Section &amp; Exemption</b>	<b>Type</b>
Section 21 - Information already reasonably accessible	Absolute
Section 22 – Information intended for future publication	Qualified by public interest test
Sections 23 & 24 – Security bodies and national security	Section 23 – Absolute & Section 24 - Qualified by public interest test
Section 26 – Defence	Qualified by public interest test
Section 27 – International relations	Qualified by public interest test
Section 28 – Relations within the UK	Qualified by public interest test
Section 29 – The economy	Qualified by public interest test
Section 30 – Investigations	Qualified by public interest test
Section 31 – Prejudice to law enforcement	Qualified by public interest test
Section 32 – Court records	Absolute
Section 33 – Prejudice to audit functions	Qualified by public interest test
Section 34 – Parliamentary privilege	Absolute
Section 35 – Government policy	Qualified by public interest test
Section 36 – Prejudice to the effective conduct of public affairs	Qualified by public interest test
Section 37 – Communications with the royal family and the granting of honours	Parts absolute & parts qualified by public interest test
Section 38 – Endangering health and safety	Qualified by public interest test
Section 39 – Environmental Information	Qualified by public interest test
Section 40 (1) Personal information of the requestor & Section 40 (2) Data Protection	Absolute
Section 41 – Confidentiality	Absolute
Section 42 – Legal professional privilege	Qualified by public interest test
Section 43 – Trade secrets and prejudice to commercial interests	Qualified by public interest test
Section 44 – Prohibitions on disclosure	Absolute

7.5 The Environmental Information Regulations also allow for a number of exceptions that enable a public authority to refuse to provide the requested information. All exceptions are subject to a public interest test:

<b>EIR Exception</b>
Regulation 12 (3) – Personal Information
Regulation 12 (4) – Exceptions based on the type of information: 12(4)(a) - The public authority does not hold the information when an applicant's request is received. 12(4)(b) – The request for information is manifestly unreasonable. 12(4)(c) – The request is too general. 12(4)(d) – The request relates to information which is unfinished or in the course of being completed. 12(4)(e) – The request involves the disclosure of internal communications.
Regulation 12 (5) – Exceptions based on the content of the information requested.

12(5)(a) – International relations, defence, national security & public safety.
12(5)(b) – The course of justice, the ability of a person to obtain a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.
12(5)(c) – Intellectual property rights.
12(5)(d) – The confidentiality of the proceedings of a public authority where such confidentiality is provided by law.
12(5)(e) – The confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.
12(5)(f) – The interest of the supplier of the information.
12(5)(g) – Protection of the Environment
Regulation 12(6) and (7) – Neither confirm nor deny
Regulation 12(9) – Emissions.

## **8 What happens if the requestor is unhappy with the response?**

- 8.1 If the requestor is unhappy with the response they can request an internal review of the decision by the Managing Director or delegated officer of YPO.
- 8.2 Should the requestor still be dissatisfied following this review they may appeal to the Information Commissioner at Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or e-mail [enquiries@ico.gsi.gov.uk](mailto:enquiries@ico.gsi.gov.uk)

## **9 Roles and Responsibilities**

- 9.1 The Board of Directors recognises its overall responsibility for ensuring that YPO complies with its legal obligations and will ensure adequate resources are made available for the effective implementation of this policy and associated processes. The Managing Director or delegated officer is responsible for the implementation of this policy and will demonstrate visible and active commitment to this.
- 9.2 Managers should ensure that all employees are aware of YPO’s Access to Information Policy and associated procedures.
- 9.3 All employees, including Managers and Heads of Departments are responsible for adhering to the various policies, procedures and work instructions to their role in relation to Access to Information and ensuring that they always comply fully with the provisions of the Freedom of Information Act and Environmental Information Regulations.
- 9.4 All employees are required to pass on anything which might be a Freedom of Information or Environmental Information request to the Managing Director or Risk Audit & Assurance Officer without delay.

## **10 Maintaining and Reviewing Access to Information Arrangements**

- 10.1 YPO’s Access to Information policies and procedures will be regularly reviewed to ensure they are up to date and effective in allowing YPO to comply with the provisions of the Freedom of Information Act and Environmental Information Regulations.
- 10.2 The Access to Information Policy and any other associated policies and procedures will be reviewed following any changes to the legislative environment.

- 10.3 Where a breach of policy is identified a full review of all relating policies, procedures and controls will take place to identify if a breakdown in controls was responsible for the incident or whether further controls need to be introduced to minimise the risk of re-occurrence.

Better value, delivered.



[www.ypo.co.uk](http://www.ypo.co.uk)