



Freedom of Information

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Policy No.	52

Approved by

Legal Services	
Policy owner	
JJNCC	

Note: By signing the above you are authorising the policy for publication and are accepting responsibility for the policy on behalf of the Chief Constables.

Publication date	
Review date	
APP Checked	

Note: Please send the original Policy with both signatures on it to the Norfolk CPU for the audit trail.

Index

1. Policy Aim	3
2. Applicability	3
3. Introduction	3
Background.....	3
National Police Chief's Council Freedom of Information and Data Protection Central Referral Unit	4
Roles and Responsibilities	4
4. What is 'Information'?	6
5. Requests for Information.....	7
Defining a request.....	7
Managing a Request.....	7
Communication with the Office of the Police and Crime Commissioner (OPCC).....	9
6. Enforcement Action	9
7. Appeals and Complaints	10
The Section 77 Offence	10
8. Publication Scheme	10
9. Questions Concerning this Policy	11
Appendix A – FOI Request Flowchart	13

Legal Basis

(Please list below the relevant legislation which is the legal basis for this policy). You must update this list with changes in legislation that are relevant to this policy and hyperlink directly to the legislation.

Legislation specific to the subject of this policy document

Section	Act (title and year)
	Freedom of Information Act 2000
	Environmental Information Regulations 2004

Other legislation which you must check this document against (required by law)

Act (title and year)
Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
Equality Act 2010
Crime and Disorder Act 1998
H&S legislation
Data Protection Act 2018

Other Related Documents

- APP Information Management
- APP Freedom of Information
- College of Policing Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour

1. Policy Aim

- 1.1 Norfolk and Suffolk Constabularies are committed to adopting an open and transparent approach in relation to policing. They are cognisant of their statutory duties and will work towards proactive publication of information as far as is possible without compromising policing purposes in compliance with the Freedom of Information Act 2000.
- 1.2 It is the aim of the Suffolk and Norfolk Constabularies to establish a clear and consistent process for the management of compliance to the Freedom of Information (FOI) Act 2000 and the Environmental Information Regulations (EIR) 2004.
- 1.3 The aim of this policy is to provide clear direction and support in respect of the Constabularies obligations with regards both the FOI Act and EIR.

2. Applicability

- 2.1 This policy applies to all Suffolk Constabulary and Norfolk Constabulary, Police Officers and Police Staff including, Special Constabulary officers, Police Community Support Officers, Volunteers, contractors and temporary staff.

3. Introduction

Background

- 3.1 The Freedom of Information Act 2000 ('FOIA') (hereafter referred to as the Act) and the Environmental Information Regulations 2004 ('EIR') (hereafter referred in conjunction with the Act), place a statutory obligation on all Public Authorities, and those bodies listed in Schedule 1 of that Act, to provide a right of public access to recorded information held, by both:
 - Proactive Publication of Information (See - Publication Scheme)
 - Provision of Information on Request
- 3.2 The Act ensures Public Authorities maintain a culture of openness and transparency to those that fund them. In turn, assuring more effective records management and better informed public debate.
- 3.3 Members of the Public have a right to know:
 - Whether the information is held;
 - If so, have that information communicated to them; and
 - Be advised as to the reasons for any non-disclosure/redactions.
- 3.4 The Constabularies are required to provide a response to FOIA and EIR requests within 20 working days of receipt of a request. Requests can be received from any person (including organisations) anywhere in the world. The request may involve information being sought from one or more Police

Forces and Constabulary Departments/Areas. To enable the requests to be researched in a more time effective way, the FOI team has identified Single Points of Contact (SPOCs) from each area of the Constabularies, to locate the information.

- 3.5 There is a need to ensure that all requests are dealt with in a corporate and consistent manner, compliant with legislative provisions, Constabulary policies and procedures and do not damage the reputation or operational effectiveness of the Police Service.
- 3.6 The Act also requires the Constabularies to create and maintain a Publication Scheme, which aims to make a significant proportion of disclosable information routinely available and accessible.

National Police Chief’s Council (NPCC) Freedom of Information and Data Protection Central Referral Unit

- 3.6 The Central Referral Unit (hereafter referred to as ‘CRU’) work with the NPCC Portfolio Holders for specific business areas in order to deliver corporate advice, assisting forces in the release or exemption of information, in the knowledge that other forces will follow the same principles.
- 3.7 Requests for information made under the Act will be processed in accordance with the College of Policing Authorised Professional Practice (APP) for FOI.
- 3.8 The Freedom of Information APP provides the corporate template for the processing and management of FOI. Ensuring corporacy on its application and contains detailed advice and guidance for dealing with requests for information and managing complaints.
- 3.9 The overall objectives are to ensure:
 - Consistency of approach in applying FOI principles, making FOI decisions and enforcing FOI exemptions;
 - To provide a comprehensive resource to FOI Officers;
 - To ensure the consistency in publishing information into the public domain via the publication scheme and in response to FOI enquiries, and;
 - To define and provide advice on those requests that must be referred centrally i.e. mandatory referrals due to their possible impact on the Police Service as a whole.

Roles and Responsibilities

Assistant Chief Officers	Portfolio holder for Freedom of Information, Environmental Information Regulations
Information Compliance	Liaison with Force executive. Resourcing, line management and performance

<p>Manager</p>	<p>monitoring functions of the FOI Team. Policy formulation and review Process management Advice on application of the FOI Act and EIR Force-wide training Complaint handling Implementation, promotion and monitoring of the Publication Scheme</p>
<p>FOI Decision Makers (Trained NPCC FOI Decision Makers)</p>	<p>Receipt and management of requests Decision making on responses to requests Liaison and consultation with departments across the Constabularies Liaison and consultation with other public authorities Provide advice and guidance to the public and Constabularies Produce the weekly FOI & EIR brief Attend the weekly meeting between Corporate communications, Chief Officers and FOI Update the Forces Disclosure Log with responses Update the Forces Publication Scheme</p>
<p>Senior FOI Assistants / FOI Researcher</p>	<p>Receipt and management of requests Decision making on responses to requests (when Decision Maker trained) Liaison and consultation with departments across the Constabularies Liaison and consultation with other public authorities Provide advice and guidance to the public and Constabularies Update the Forces Disclosure Log with responses Update the Forces Publication Scheme</p>
<p>Corporate Communications</p>	<p>Ensure FOI weekly brief is reviewed for media handling issues Send a representative to the FOI weekly meetings Provide advice to departments on media issues Provide statements to accompany FOI responses as appropriate Liaise with external media contacts when issues arise</p>

Departmental Heads	<p>Appoint suitable role responsible for FOI compliance on behalf of the Department/Command and have this requirement added to the role profile</p> <p>Liaise with FOI team in the handling of requests for information</p> <p>Ensure staff complete FOI awareness training</p>
Single Point of Contacts (SPOCs)	<p>Collate information in response to a request within the allocated time frame</p> <p>Liaise with FOI decision makers in preparing responses</p> <p>Provide sufficient information to allow consideration to suitable exemptions</p> <p>Brief senior management as necessary</p> <p>Maintain published information relevant to the business area</p>
All Staff	<p>Complete FOI awareness training</p> <p>Seek advice from the FOI team with regards to requests for information</p> <p>Forward FOI request to FOI team as soon as received</p> <p>Research, locate, extract and forward relevant information to the SPOC within the timescales set by the FOI Team</p> <p>Have a personal responsibility and liability for complying with the FOI Act.</p>

4. What is 'Information'?

- 4.1 The Act covers records capable of recovery in any form and any format, no matter how it is recorded. This includes written records, typed, handwritten, scribbled notes, emails, flip-charts, videos, audio tapes, logs, answer phone messages, electronic data and archived records.
- 4.2 A request for information does not include a request for advice even if framed as a question. Requests framed with questions asking for advice, opinions or views will not be considered valid questions under section 8 of the FOIA.
- 4.3 Under the FOIA, any information, documentation or record that is produced internally by the Constabularies, or held by contractors or third parties on behalf of the Constabularies, is covered by the Act. For example, this may include information that is retained in DeepStore or certain types of work that are processed by a contractor.
- 4.4 All information held by staff associations, such as the Police Federation, Unison, Black Police Association, Lesbian and Gay Police Association etc., will not be covered by the Act even though the information may be held on

police computer servers or premises, provided the information is only for the sole use of those associations or unions.

- 4.5 'Information' is any record held by Suffolk or Norfolk Constabulary and if the information has been destroyed but still physically exists in one or other media, e.g. paper copy, electronically, it must be disclosed. It is a criminal offence to destroy a record after the request for information has been received.
- 4.6 In the event the information has been deleted and is no longer accessible, the information is not considered held by the organisation.

5. Requests for Information

Defining a request

5.1 Section 8 of the FOIA, characterises that all information requested under the FOI Act:

- Can be made by any person anywhere in the world.
- Must be in writing (including email, social networking) (Please note that Environmental Information Regulations (EIR) requests can be made verbally).
- Must be legible and clearly describe the information required.
- Must contain the applicant's name and an address for correspondence – an email address is sufficient.
- Does not have to make reference to the Act.
- Can be for any information likely to be held by the Constabularies.
- Can be addressed to any person, post or department.

5.2 Requests received via social networking sites including Facebook, Twitter and plus.google, are also considered a valid channel to make Freedom of Information requests and will be dealt with in accordance with this policy. Requests of such a nature are to be brought to the attention of the FOI team as per the Constabularies' Digital and Social Media policy.

Managing a Request

5.3 Under the Act, Suffolk and Norfolk Constabularies will accept requests for information from any individual anywhere in the world and in any language. Whilst all requests, which are to be considered under the Freedom of Information will be forwarded to the FOI Team, there is a duty on all staff members to assist applicants in respect of FOIA applications.

5.4 All Norfolk and Suffolk Constabulary employees are obliged to advise individuals as to how they may request such information. There may also be a requirement to transcribe requests for information on behalf of the

applicant and forward them onto the FOI Team. In this case, the necessary requirements under Section 8 must be obtained:

- Name;
- Address for correspondence;
- Be legible and;
- Information sought clearly described.

Please Note: Where applicants require assistance and advice on making requests for information, those individuals seeking access to personal data relating to themselves must be directed to the Data Protection Team. An individual's personal data will not routinely be disclosed under the Freedom of Information Act, unless there is a strong public interest to do so and disclosure would not breach the Data Protection Act.

5.5 Some basic principles of request handling:

- If the information requested is available via an existing business process, the request should be diverted to that process.
- The assumption in responding to requests is that the information will be provided unless there are good reasons to refuse.
- Requests not covered by existing business processes will be referred to the FOI team in the Information Compliance Unit, Norfolk OCC and Suffolk PHQ
- Requests will be acknowledged on receipt and responded to within the statutory 20 working day limit unless there is a valid reason to issue an extension.

5.6 The FOI team will process all requests for information under the Freedom of Information Act 2000 and Environmental Information Regulations by carrying out research, preparing reports and co-coordinating processes in order to assist decisions on disclosures.

5.7 In the event a request for information is received by both forces for collaborated departmental information, the FOI teams will coordinate a joint response. This is documented within the Information Compliance Unit step by step guidance documents.

5.8 [Appendix A](#) provides a flowchart guide for the administration and completion of requests for information under FOIA and EIR.

5.9 Exemptions will be suitably applied in consultation with the business leads and CRU.

5.10 Where time for compliance is an issue, the FOI team will engage with the applicant to refine their request to a manageable level, if appropriate.

Communication with the Office of the Police and Crime Commissioner (OPCC)

- 5.11 For the purpose of FOI, the OPCC and Constabularies are separate Public Authorities.
- 5.12 In the event either Public Authority receives a request for information concerning information held by the other, the request will be transferred in accordance with the Section 45 Code of Practice and the requester duly advised. The transferring authority will close their request for information, whilst the receiving authority will ensure all procedural aspects of dealing with FOI requests are carried out, in accordance with a standard FOI request.
- 5.13 Information requests that relate to, and are held by, both public authorities, will generally be completed by the receiving Authority, in consultation.
- 5.14 Occasions may arise where joint responses are appropriate and in such situations, the internal departmental joint response procedure will be adhered to.
- 5.15 The OPCC will be provided with a copy of the FOI weekly list and be further advised of FOI responses, as required.
- 5.16 Disclosure advice will be provided by either authority in respect of harm in disclosing specific information, as required.

6. Enforcement Action

- 6.1 Where the Constabularies are found to be in breach of the Act, it can be subject to formal enforcement action by the Information Commissioners Office (ICO).
- 6.2 The ICO can:
- Produce decision notices on the responses to a request for information, including a requirement that the applicant is provided with information the Constabulary had refused to release.
 - Issue an Information Notice requiring the Constabulary to provide to the Information Commissioner any information it deems relevant in order to determine whether the Constabulary has complied with the Act.
 - Issue an Enforcement notice specifying steps the Constabulary is required to take in order to rectify non-compliance.
 - The Constabulary can appeal any of the above notices to the Information Tribunal. Failure by the Constabulary to comply with any of the above notices may result in the Information Commissioner notifying the high court. Any subsequent inquiry may result in the Constabulary being found in contempt of court.

7. Appeals and Complaints

- 7.1 Any individual who is dissatisfied with their response, or the way in which the request was handled, can appeal through the Acts embedded complaints process. Section 45 of the Act requires there to be an internal complaints process through which an individual can have a decision on whether to provide the information requested, reviewed. This is known as a request for an internal review.
- 7.2 Initially, the FOI Decision Maker will engage with the applicant to establish whether the issue can be resolved prior to a more formal internal review taking place.
- 7.3 There are three stages to the appeals process:
- Internal Review (IR) – The IR is completed by the Information Compliance Manager, or an individual who is independent to the original response. The ICM will, where necessary, engage with the relevant business lead(s) to establish whether the original decision should be upheld or revised.
 - Appeal to the Information Commissioners Office (ICO) – In accordance with Section 50 of the Act (Part IV – Enforcement), the applicant can make application to the ICO if dissatisfied with the outcome of the IR.
 - Appeal to the Information Tribunal – In accordance with Section 57 of the Act, an individual or the Constabulary can make application to the Information Tribunal if they are dissatisfied with the outcome of the ICO investigation.

The Section 77 Offence

- 7.4 The Freedom of Information Act contains one offence, under Section 77 of the Act. This states that any person(s) found to have deliberately altered, defaced, blocked, erased, destroyed or concealed information with the intention of preventing its disclosure, will be liable to a criminal prosecution.
- 7.5 The offence does not just focus on the Constabulary as a whole rather individuals found guilty could be liable to a criminal prosecution or a fine. The Constabulary will also risk a loss of reputation.

8. Publication Scheme

- 8.1 Under Section 19 of the Freedom of Information Act, Suffolk and Norfolk Constabularies are obliged to follow the statutory requirements laid out by the Information Commissioner's Office and the guidance laid down in the College of Policing APP, to ensure proactive maintenance of the force publication scheme.
- 8.2 The Publication Scheme is an information portal designed to provide all relevant links to information that the Constabularies are committed to publish, in an easily accessible manner.

8.3 The intention of the ICO and CRU has been to encourage far greater use of the Scheme as a means of communication and to embed the Scheme into Forces' communication strategies and functions of individual departments. The Scheme should demonstrate positive commitment and action in providing information to the public.

8.4 In order to maintain compliance with the Publication Scheme, business areas, through their SPOCs, are responsible for ensuring the information is up-to-date. The FOI Team will monitor and review the Scheme in accordance with guidelines, or when significant changes occur.

8.5 It should be noted that the Publication Scheme is written within the legislation and it is of fundamental importance to the Constabularies in their commitment to ensure a more open, transparent and approachable Force.

8.6 Aside from achieving FOI compliance, benefits of a well-run and up-to-date Scheme are:

- Evidence of a commitment to openness and transparency or our activities, spending and performance.
- Manage the content, format and timescales for the publication of information.
- Make wider use of information already produced for other purposes, such as for the Police and Crime Commissioner, by linking them to the Scheme
- Divert requests for information from the more formal request proved.

8.7 The Suffolk and Norfolk Publication Schemes can be accessed via the Freedom of Information pages of the Constabularies websites:

Norfolk:

<http://www.norfolk.police.uk/about-us/our-data/publication-scheme>

Suffolk:

<http://www.suffolk.police.uk/about-us/our-data/publication-scheme>

9. Questions Concerning this Policy

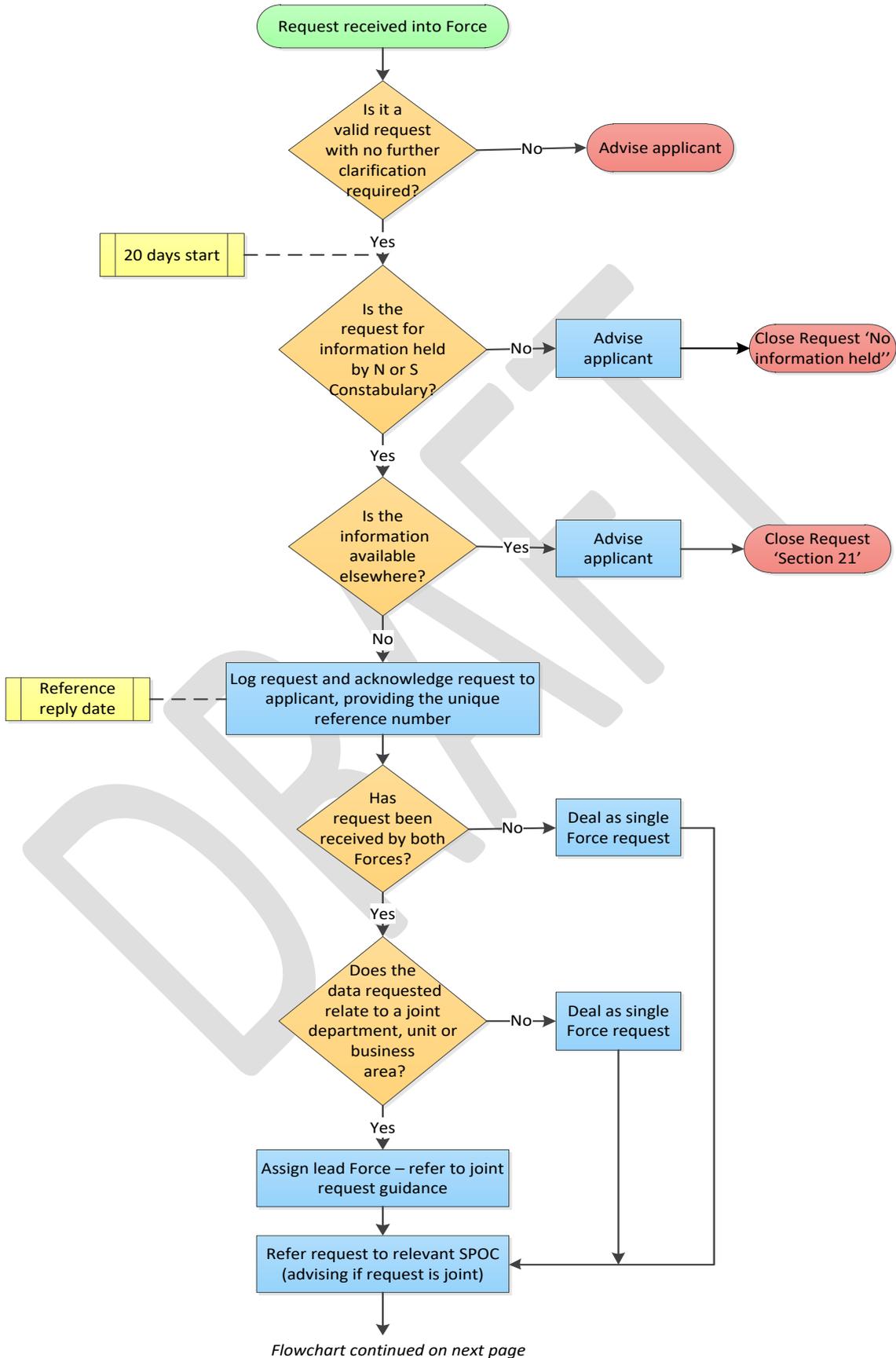
9.1 Questions regarding this policy and its operation should initially be referred to your Force Freedom of Information Team:

- Suffolk Constabulary, Police Headquarters, Martlesham Heath, Ipswich, IP5 3QS. Tel 01473 613888 Ext 3919. Email: information@suffolk.pnn.police.uk

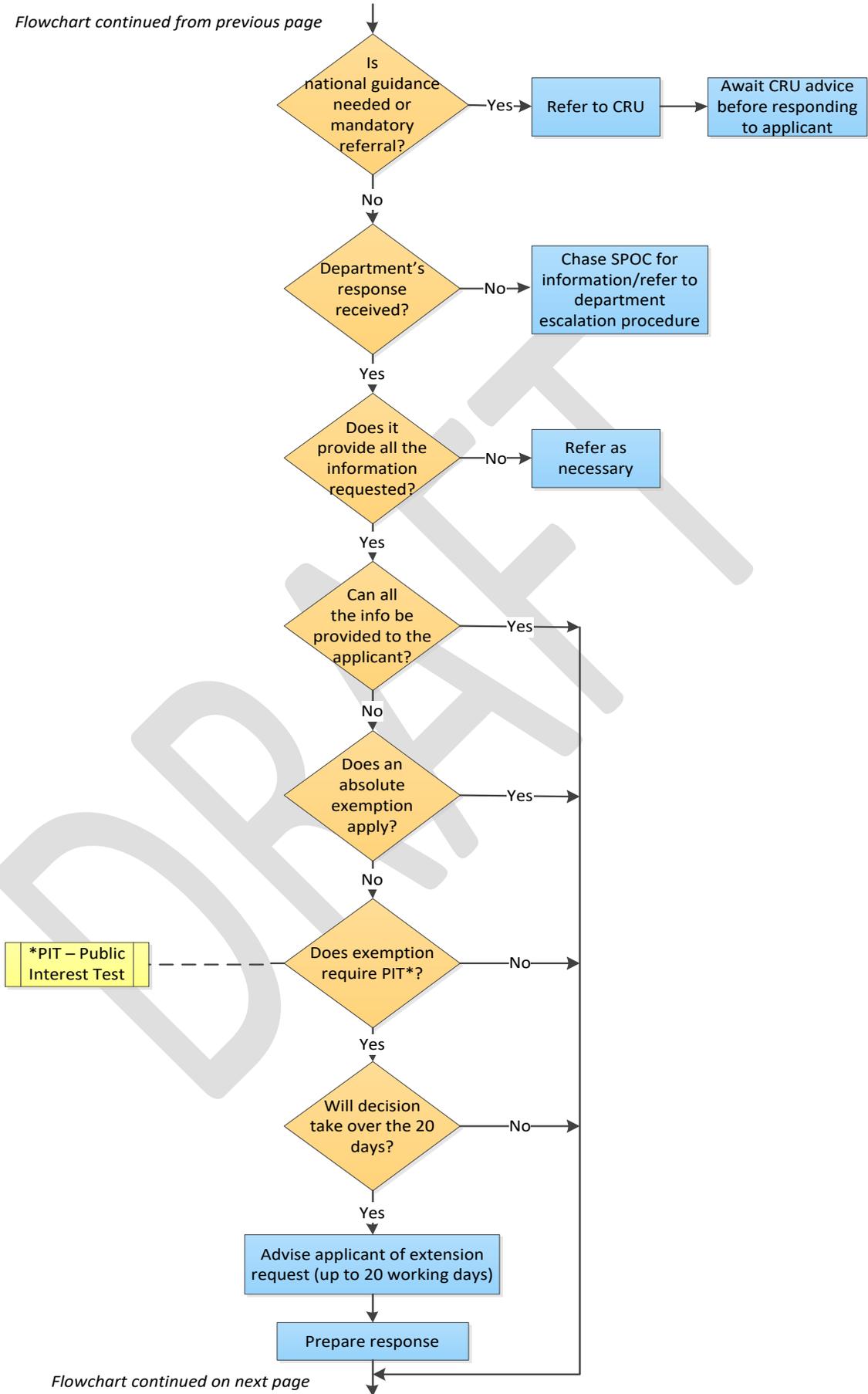
- Norfolk Constabulary, Operations and Communications Centre, Jubilee House, Falconers Chase, Wymondham, Norfolk, NR18 0WW. Tel 01953 425699 Ext 2803. Email: Freedom@norfolk.pnn.police.uk

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Appendix A – FOI Request Flowchart



Flowchart continued from previous page



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