

FREEDOM OF INFORMATION POLICY

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South Yorkshire
Fire & Rescue
WORKING FOR A SAFER
SOUTH YORKSHIRE

SOUTH YORKSHIRE FIRE AND RESCUE

POLICY FOR PROVIDING PUBLIC INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000

BACKGROUND

The Freedom of Information (FOI) Act 2000 provides everyone with a right of access to recorded public information held by authorities or those providing services for public authorities. . This right is to help the public better understand why public authorities make the decisions they do and how they spend public money.

The FOI Act came fully into force on 1 January 2005 but applies retrospectively; therefore, if we hold the information, it has to be provided regardless of when it was created or how long it has been held.

Access to environmental information will be dealt with under the Environmental Information Regulations (see Appendix A), and individuals' access to their own personal data will be dealt with under the Data Protection Act 1998 (see our [Data Protection Policy](#)).

AIMS

The purpose of this FOI policy is to ensure that South Yorkshire Fire and Rescue Authority (SYFRA) are compliant with the Freedom of Information (FOI) Act 2000. It sets out the framework to ensure that all requests under FOI are properly administered, recorded, acknowledged and responded to, so that applicants receive the required standard of customer care in responding to their request. This policy will also ensure that all applicants are dealt with impartially, objectively, and without adverse treatment.

In delivering its obligations under the FOI Act, SYFRA will follow relevant Codes of Practice produced by the Ministry for Justice or other government departments, and guidance issued by the Information Commissioner.

The FOI Act places two distinct responsibilities on public authorities:

- The duty to confirm or deny whether the requested information exists; and
- The duty to communicate the requested information

The two main ways in which the release of public information is achieved are:

- **Creating and maintaining a Publication Scheme**

Section 19 of the FOI Act places a responsibility on public authorities to adopt, implement, operate and maintain a Publication Scheme. The purpose of this is to make available a significant proportion of disclosable information routinely and accessibly without waiting for it to be requested.

The SYFRA Publication Scheme, first produced in January 2003, follows the model template for joint and fire authorities specified by the Information Commissioner, and can be accessed on the [SYFR website](#). It sets out the classes of information we currently publish or intend to publish; how they are published (e.g. on the internet, in print, CD-ROM etc), and whether they are free or if there is a charge.

Under the FOI Act, SYFRA may make a charge for some information which is requested, to help cover some administrative costs. For information which costs us less than £450 to

retrieve and collate, there will generally be no charge, but where there is a charge for specific types of information, this is shown in the Publication Scheme.

Documents contained in the Publication Scheme can be requested in accessible formats or languages other than English.

As part of the government's transparency agenda, the Authority has already complied with new requirements to publish details of top managers' pay, its contract register, and all paid invoices over £500.

The content of the Publication Scheme, whose format was last agreed by the Authority on 29 March 2010, is regularly updated, including publication of all responses to FOI requests in the [Disclosure Logs](#). A new Model Publication Scheme for Joint Authorities is expected to be issued by the Information Commissioner by March 2014. Following this SYFR will amend its own Publication Scheme to incorporate new FOIA requirements introduced by the Protection of Freedoms Act 2012 (see below), for example, publishing where reasonably practicable in an electronic format capable of re-use, any dataset held for which a person makes a request, unless we are satisfied it is not appropriate to do so.

- **Providing a General Right of Access to all types of 'recorded' information held by public authorities**

The FOI Act gives the right to anybody, anywhere in the world, to request copies of any recorded information from any public authority for any reason. Requests must be accommodated wherever possible. SYFRA's intention is to make all recorded information that we hold available unless it is legally exempt from disclosure.

This policy also provides details about how to apply for information, guidance for SYFR staff, and a flowchart showing the process.

The Protection of Freedoms Act 2012

From 1 September 2013 the Freedom of Information Act (FOIA) was amended by Section 102 of the Protection of Freedoms Act 2012 in relation to how datasets are released under FOI, and a new [Code of Practice on datasets](#) has been issued. It does not confer any new entitlement to information that was not previously accessible i.e. information covered by an exemption.

Under the new requirements, SYFRA will:

- disclose datasets as defined in the legislation in a re-usable format if asked, so far as is reasonably practicable
- where copyright in the dataset is held by SYFRA, normally release the information at no charge under the [Open Government Licence](#), reserving the right to use either the Non-Commercial Government Licence or the Charged Licence should that be necessary. The Open Government Licence enables use and re-use with virtually no restrictions, including for commercial purposes.

SCOPE

- **Personnel**

For the purposes of this legislation, SYFRA and the operational fire service (SYFR) are deemed to be the same public authority. Requests for information about both the SYFRA and the fire service will be dealt with under the same process whether received at the offices

of the Service or of the South Yorkshire Joint Authorities Secretariat. Requests relating to the Fire Authority will be dealt with by Joint Secretariat staff, and requests relating to the Service will be dealt with by SYFR staff.

All SYFR personnel have a duty under this Act to comply with its legislative requirements and are bound by this policy, as are the staff of the South Yorkshire Joint Secretariat.

The Authority is committed to training its employees so that they understand the law, their responsibilities, and how to deal with requests for information. Guidance for staff is given in Appendix B.

- **Information**

Public recorded information can take many forms: typed or handwritten records, paper files, personal notes relating to work, e-mails, text messages, flip-charts, videos, audio tapes, computer tapes, electronic documents, databases, spreadsheets, logs, voicemail messages, tapes of telephone conversations, archived files etc. All is potentially disclosable into the public domain, subject to the exemptions listed in the FOI Act.

To help manage its information, SYFR has produced a 'Retention Schedule for Information Received or Created' to ensure it holds relevant, accurate and secure information that is kept no longer than necessary.

HOW TO MAKE A FREEDOM OF INFORMATION REQUEST

- First check the Publication Scheme to see whether the information you require has already been published on the SYFR website. If it has, we will refer you to that source as the information is deemed to be "already reasonably accessible".

The ways to obtain a copy of the Publication Scheme are as follows:

- Download a copy from the website
 - Write to: The Freedom of Information Co-ordinator, South Yorkshire Fire and Rescue, 197 Eyre Street, SHEFFIELD S1 3FG
 - Telephone 0114 253 2399 and ask for a copy of the scheme.
- If the information you require is not in our Publication Scheme, you can ask for any information we hold. You have the right to ask for information to be provided in a particular way and we will try to meet your request. You can ask for assistance if you have any difficulty in formulating or making an application by contacting the FOI Co-ordinator on 0114 253 2399. We will help you as much as possible but we are not required to look for the information you request unless we have:
 - a clear and understandable request with enough detail to locate the information;
 - your name and address so we can respond to your request; and
 - an indication about the format in which you want the information.
 - You should give as much detail as you can in order to assist us in locating the information that you require. Some documents may include exempt information so you will only get the information which is not exempt. You only have a right to information and not necessarily to documents.
 - Requests for information do not have to mention the FOI Act to be a valid FOI request, but please ensure that your request:
 - is in writing (e-mail, letter, fax). Please note that we cannot accept requests by phone
 - has a return name and address (e-mail address, postal address, or fax number)

- clearly describes the information you want

All requests for information must be sent to the following address:

The Freedom of Information Co-ordinator
South Yorkshire Fire and Rescue
197 Eyre Street
SHEFFIELD S1 3FG

You can also submit your request by email to foi@syfire.gov.uk or online via the SYFRS website www.syfire.gov.uk

- We will acknowledge your request within 5 working days. Generally we will provide you with the information within the 20 working days allowed by the Act, although the period of 20 working days can be extended if:
 - We need more detail from you to help us find the information you want
 - We consider that an exemption applies and need to consider whether giving you the information is, on balance, in the public interest. If this is the case we will give you an estimate of the time it may take to make a decision about giving you the information, but it will not exceed 40 working days from when you made the request
 - You have to pay a fee for the information. The period allowed is extended by the time you take in paying us the fee. If there is a fee and you do not pay it within 3 months we do not have to give you the information.
- On receipt of a request for information, we will estimate the cost of:
 - Checking if we have the information;
 - Locating the information;
 - Retrieving the information; and
 - Extracting the information.

If the estimated cost is more than £450, we do not have to comply with your request. If this is the case, we will let you know our decision and provide you with an opportunity to change your request, so that it costs less than £450. If the estimated cost is less than £450, we will deal with your request, although we may make a charge for providing the information to you e.g. postage or photocopying charges.

If the information you have requested is referred to in the Publication Scheme for which there is no charge, this is available free. If you want a document that is referred to in the Publication Scheme for which there is a charge, then we will give it to you once you have paid the charge.

- You will normally be told whether we hold the information or not, but there are some circumstances where a public authority can neither confirm nor deny whether it holds the information. If we hold the information we will provide it unless a legal exemption applies. An exemption means the information cannot be released. A brief outline of the exemptions is as follows:
 - Information reasonably accessible by other means, for instance information published in the Publication Scheme.
 - Information that will be published in the future.
 - Information concerned with security.
 - Personal information.
 - Legally protected information, including information used in the prevention and detection of crime and investigations and reports for legal proceedings.

- Confidential information.
 - Information that could affect the conduct of our affairs. This includes anything that would prevent the exchange of free and frank advice or views.
 - Information that would endanger a person's health or safety.
 - Trade secrets and information that would damage commercial interests.
- In the majority of cases where an exemption applies to some or all of the information requested, we will have to consider whether we should override the exemption because it is in the public interest to release the information. If you ask for information that is exempt we will tell you why we cannot give it to you (called a 'Refusal Notice' under the FOI Act).
 - If you ask for information we own but do not hold, or believe the information you have asked for belongs to someone else, we will let you know the steps that can be taken.
 - If you are part of a campaign and several of you need information from us, we suggest that you appoint a campaign secretary to be responsible for corresponding with us for information.

A flowchart of how we handle requests for information is shown in Appendix C.

HOW TO APPEAL AGAINST A FREEDOM OF INFORMATION DECISION

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Monitoring Officer
 South Yorkshire Fire & Rescue Authority
 18 Regent Street
 Barnsley
 S70 2HG

Or email to: foi@syfire.gov.uk

Your appeal will be reviewed according to the SYFRA's Internal Review procedure, a copy of which is attached as Appendix E.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF and at www.ico.gov.uk.

DATA PROTECTION

SYFR treats all communications in confidence. We protect personal information in line with obligations under the Data Protection Act 1998. We will only use the personal information to process the request and to check on the level of service we provide. We do compile and publish statistics showing information such as the number of requests we receive, but not in a form which identifies anyone. The same applies to our FOI 'Disclosure Log'.

We may disclose the applicant's identity to staff dealing with the request (including principal officers) and to senior members of the Fire & Rescue Authority. This is a necessary part of managing requests.

We will keep personal information contained in requests in line with our retention policy. This means that information relating to a request will be retained for 3 years from closure of request. Very rarely, in cases subject to complaints or appeals which take longer than 3 years, personal

data and the request file will be retained until the case is concluded. Personal data will be retained in a secure environment and access to it will be restricted according to the 'need to know' principle.

MONITORING/EVALUATION

The SYFRA Audit Committee receives regular reports on FOI requests in the format specified by the Ministry of Justice's guidance. The reports are available on the [SYFRA website](#).

REVIEW

The FOI Policy will be reviewed annually or sooner if necessary.

RELATED POLICIES, PROCEDURES AND INFORMATION SOURCES

Internal

- SYFRA Freedom of Information Act 2000 – Internal Review Procedure
- SYFRA [Publication Scheme](#)
- Retention Schedule for Information Received or Created by South Yorkshire Fire and Rescue, Version 3 (update June 2012)
- SYFR [Data Protection Policy](#)

External

- *Freedom of Information (Release of Datasets for Re-use) (Fees) Regulations 2013*, [SI 2013/1977](#)
 - Information Commissioner's Office, [Datasets \(sections 11, 19 & 45\) - Freedom of Information Act](#), v1, (9 August 2013)
 - Information Commissioner, *Definition document for the Model Publication Scheme for joint authorities and boards*
Information Commissioner, *Publication scheme plan for 2012/13*, May 2012
- Ministry of Justice, [Summary guidance on publishing freedom of information data](#)
- Ministry of Justice, [Code of Practice \(datasets\) on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act](#) (July 2013)
- National Archives, *Records Management: Retention Scheduling – 14. Records created by a public body fulfilling its obligations under the Freedom of Information Act 2000*.
- Public Sector Transparency Board, [Public Data Principles](#).

PREVIOUS POLICIES/PROCEDURES

This policy replaces the following :

Freedom of Information Policy, v5, October 2012

DISPOSAL OF FILES

Files relating to FOI will be retained as per Section 10.2 in the Retention Schedule for Information Received or Created by South Yorkshire Fire and Rescue, Version 3 (updated June 2012).

GUIDANCE FOR STAFF DEALING WITH INFORMATION REQUESTS UNDER THE ENVIRONMENTAL INFORMATION REGULATIONS

How to tell if a request is FOI or EIR

The definition of environmental information in the EIRs is very wide and includes information which may not be considered environmental at first glance. For public authorities, it is important to understand the definition and to use the correct regime for dealing with information requests.

The definition given in the regulations must be followed and so it is quoted in full here. It is as follows:

Any information in written, visual, aural, electronic or any other material form on:

- a. the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- b. factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
- c. measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
- d. reports on the implementation of environmental legislation;
- e. cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
- f. the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

Other differences between FOI and EIR

	EIR	FOI
Format of requests	Verbal (phone/in person)	In writing
Charging	Reasonable charge.	Only for Disbursements
Extending the time limit	40 working days + 20 working days if request complex/voluminous.	20 working days + extension for public interest test (PIT)
What is meant by holding information	Produced or received or held by someone else on the authority's behalf.	Narrower definition
Exceptions to providing information	Fewer exceptions (8) + some other circumstances.	23 exemptions

	EIR	FOI
Public interest test (PIT)	PIT has to be applied each time.	Some absolute exemptions – no need for PIT
Public authority definition	Same as FOI + bodies controlled by the public authority which provide public services relating to the environment.	Schedule 1 + others that may be added
Vexatious requests	No exact equivalent to FOI but there is a provision about “manifestly unreasonable”.	Vexatiousness
Aggregated requests	No exact equivalent to FOI but many requests from the same individual or groups such as campaign groups may be covered by the "manifestly unreasonable" exception.	Aggregation of requests

Source: www.defra.gov.uk

GUIDANCE TO SYFR STAFF FOR DEALING WITH INFORMATION REQUESTS

1. INFORMATION REQUESTS

The Freedom of Information Act covers all requests for information held by South Yorkshire Fire and Rescue (SYFR), including information currently provided routinely upon request to external individuals or organisations, such as fire safety information, training course information or those relating to a job application.

Requests for information currently provided routinely and as part of your job, such as requests for recruitment information, should be handled in the usual manner.

Requests which are not business as usual, are non-standard, or are more complex should immediately be directed to the FOI Coordinator in Corporate Admin, HQ (extension 2399 or email to foi@syfire.gov.uk).

SYFR has only 20 working days to respond to written requests, so it is important that any member of staff who receives a written request in their Section forwards it immediately to the FOI Coordinator, who will coordinate the response.

2. RESPONDING TO REQUESTS

Upon receipt of an information request the FOI Coordinator will contact the relevant manager(s) to ascertain which, if any, of the information requested is held by SYFR. Please remember that the identity of the applicants and their reason for requesting the information is irrelevant. We have a duty to be helpful to all applicants.

If the information requested is not held, or is readily accessible by other means, the applicant will be informed and the request is satisfied.

When we hold information relating to the request, the FOI Coordinator and relevant manager(s) will estimate the cost of supplying this information at the standard rate of £25 per hour (information costing below £450 is supplied free of charge.)

The information request will be passed to the relevant member(s) of staff for them to collate the information requested and will be accompanied by a Fee Summary Sheet (Appendix D) on which the time and resources used to satisfy the request can be recorded. **Please remember that all sections/individuals who provide information in response to an FOI request are responsible for checking and ensuring that all information submitted to the FOI Co-ordinator is accurate and complete.**

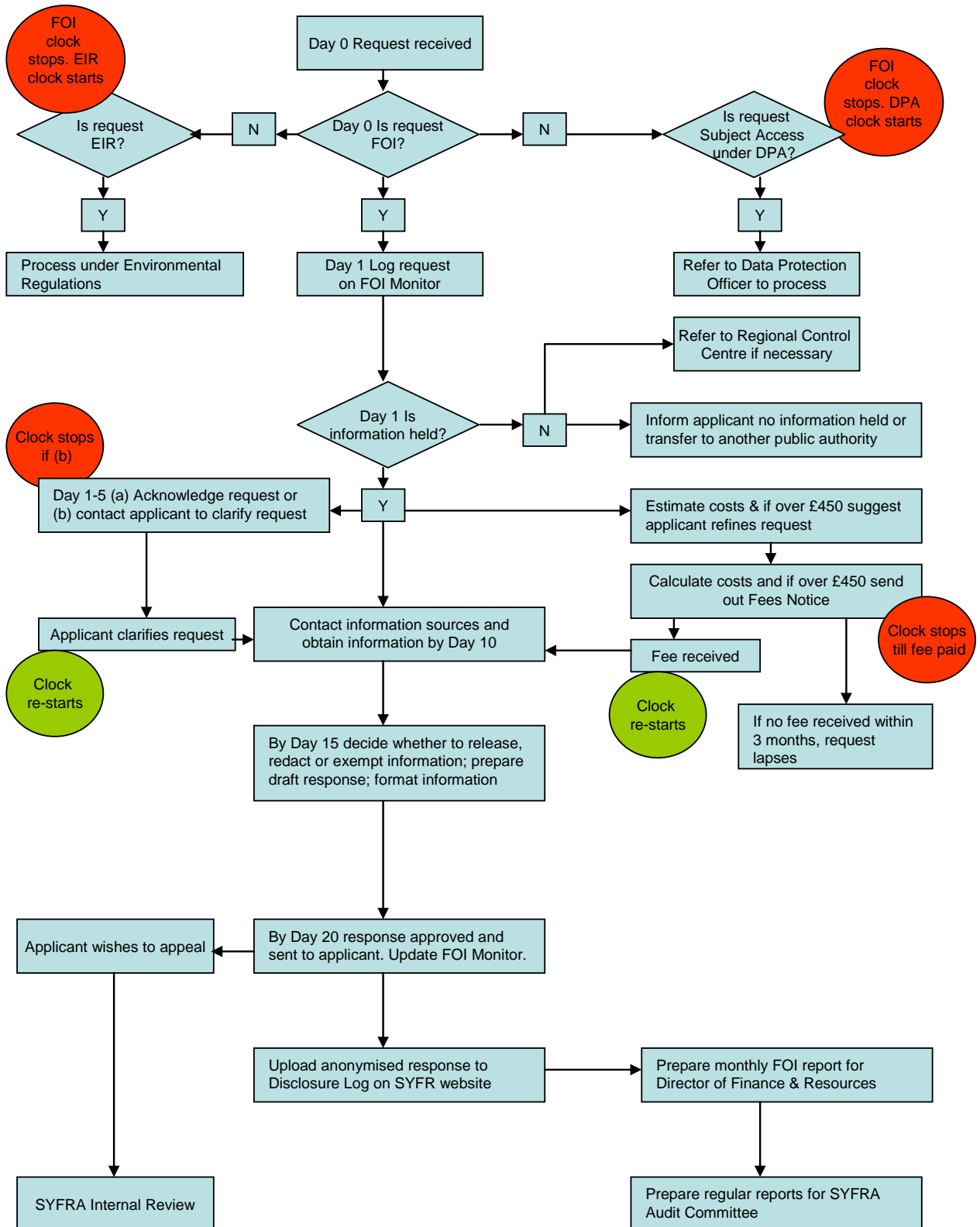
Once the information has been collated it will be passed back to the FOI Coordinator who will assess whether any of the information collected is covered by any of the Act's exemptions, and where required, whether the Public Interest is best served by nevertheless releasing the information.

If the applicant specifies that information be provided in a particular format, then we will make every reasonable effort to comply. The information will then be despatched to the applicant and the 20 day clock will end.

Any queries concerning the Act or this Guidance document should be directed to:

Freedom of Information Coordinator
Corporate Admin, HQ
0114 253 2399

PROCESS FOR DEALING WITH FOI REQUESTS



FEE SUMMARY SHEET**The Freedom of Information Act 2000****Fee Summary Sheet**

For monitoring purposes, SYFR needs to collect management data about the costs of dealing with requests under the Freedom of Information Act.

Firstly we need to know how much time it takes to deal with each request. Please fill in the relevant sections of box 3a with the total number of hours you and your staff have spent dealing with this enquiry. If you estimate that it is likely to exceed 18 hours' work in total, please inform the FOI Co-ordinator **as soon as possible** on extension 2399.

Secondly we are allowed to charge for some costs of physically providing the information e.g. putting the information in the applicant's preferred format, reproducing any document containing the information, and postage and other forms of communicating the information. If we have asked you to produce a specific physical format for the information, please give the costs of the materials in box 3b.

N.B. Please remember that all sections/individuals who provide information in response to an FOI request are responsible for checking and ensuring that all information submitted to the FOI Coordinator is accurate and complete.

For further information on your responsibilities under FOI Act, please read the Guidelines for Staff in the FOI policy on the intranet.

1. FOI REFERENCE NUMBER: <i>(FOI Coordinator to complete)</i>		FOI
2. Information Requested <i>(FOI Coordinator to complete)</i>		
3. Fees Summary		For FOIC Use Only
(a) Time Spent By Staff	Time Spent (e.g. 0.5hrs)	£
Processing request and determining whether SYFR holds the information requested <i>(FOI Coordinator to complete)</i>		
Locating/retrieving the relevant source (database, files, documents etc); extracting and redacting the information from them. <i>Please note that information should be provided to the FOI Coordinator in as final a form as possible to satisfy the request.</i>		
Final checking of information and authorisation for release <i>(FOI Coordinator to complete)</i>		
(b) Resources Used		£
Printing costs including photocopying (no. of copies produced – max 10p per sheet)		
Cost of Media (e.g. video, tape, cd) if required		

FREEDOM OF INFORMATION ACT 2000 APPEALS PROCEDURE

Public authorities have a duty to provide a complaints process to ensure that applicants are able to ask the public authority for an internal review if they are not content with the public authority's decision on release of information. This provides a first review stage for the applicants. Applicants may be unhappy with the treatment they have received if, for example:

- their application was not dealt with within the 20 working days timescale
- they did not receive all of the information requested
- they feel that exemptions have been wrongly applied
- they feel that a fee has been wrongly charged

Appeals process

Upon receipt of an appeal relating to a Freedom of Information decision, it will be passed to the person holding the FOIA brief in the Authority.

The person submitting the appeal should be informed in writing that their appeal has been received and will be dealt with using the Authority's appeal procedure and, where possible, given a time period after which they can expect to receive the result of their appeal. (As a guide simple appeals should be completed within 2 to 3 weeks; more complex appeals, for instance where the application of the public interest test is required, may take up to 6 weeks.)

The FOIA post holder will gather together all the documentation relating to the original access request and pass it to the officer in whose name the decision will be released.

In order to maintain the integrity of the appeals process, it is important that an internal appeal should be conducted by persons who were not party to the original decision on whether to release information.

Internal Review

The following officers of the Authority are authorised to take decisions about appeals: Clerk and Treasurer, Deputy Clerk & Solicitor, Deputy Treasurer and Deputy Clerk (Policy).

Any one of these officers will take their decision in consultation with a Member of the Authority and a member of the Executive Team of the Fire Service.

Outcome of the appeal

Where the original decision is reversed in full or in part, the applicant should be contacted and informed of this. They should be provided with the information they originally requested.

Where the original request is upheld, and the internal review supports the original decision taken by the Authority, the applicant should be informed of their further right of appeal to the Information Commissioner's Office.

The decisions about internal reviews will be published in the FOI Disclosure Log.