

Dyfed Powys Police



1.0 Policy Identification Page

This policy has been drafted in accordance with the principles of human rights legislation. Public disclosure is approved unless otherwise indicated and justified.

Policy title: Freedom of Information Policy	
Policy reference number: 05/05	
Issue Number: Number One	
<u>Policy Ownership</u>	
Portfolio/Business-area owner:	Head of Information, Systems and Technology
Department responsible:	Information, Systems and Technology
Person responsible:	Freedom of Information Officer
Links or overlaps with other policies:	<ul style="list-style-type: none">• Data Protection and Disclosure Policy• Information Security Policy
Policy implementation date:	13 June 2005
Required frequency of review	Annually
Date policy last reviewed:	February 2009 (some amendments made)
Policy review date:	February 2010
Human Rights Act Certification:	___ <i>S.Gainard</i> ___ Date: <u>13/08/05</u> ___

2.0 Policy Statements/Intentions

2.1 The principles and scope of the policy

- Dyfed – Powys Police is committed to ensuring that all officers, staff and agents are conversant with, and comply with the requirements of the Freedom of Information Act 2000 (FOIA).
- This policy will provide staff with an awareness of the FOIA 2000.
- This policy will set out the responsibilities of the Force under the Act.
- This policy will set out the responsibilities of Dyfed Powys Police staff under the Act.

It will also provide information to staff to enable them to:

- Identify a request for information under the FOIA 2000.
- Identify a request for information classed by ACPO as a “Business as Usual” request for information.

It will provide information on the Dyfed Powys Police FOI Publication Scheme.

This policy is applicable to all staff within Dyfed Powys Police, including police officers, police staff, police community support officers, special constables and volunteers. It includes staff whether they are employed on a full-time, part-time, casual or temporary basis.

The FOIA covers all information held by Dyfed Powys Police in any format including paper documents, electronic documents, CCTV videos and tape recordings. The principles of this policy covers all information held by the Force in regardless of the format in which it is held.

This Freedom of Information Policy covers all requests for information made to the Force after midnight on 31 December 2004. Any requests that require personal information will be assessed under the Data Protection Act 1998, but in all cases this policy reflects how the original request will be initially addressed.

2.2 The aims of this policy

To ensure that Dyfed Powys Police meets the legal requirements of the FOIA 2000 and complies fully with the legislation, Including associated Codes of Practice issued by the Lord Chancellor’s Office. The policy ensures that:

- The terms and conditions of the FOI Act are met in full.

- Information is supplied to the public as stipulated within the FOI Act.
- The integrity of information needed for effective law enforcement is retained.
- Processes are available to provide for appeals.
- Information supply does not reduce the efficiency of the Force in carrying out its core functions.
- The obligation to provide information and uphold accountability is balanced with the need for the Force to contribute to the safety of the community.
- Systems, structures and processes are arranged to facilitate both conformity with the FOI Act, and increased organisational efficiency.
- Staff receive sufficient and timely training to support this policy's aims.

In the exercising of any power, authority or directive under this policy, each member of staff must ensure that:

- a) They make full use of current and relevant legislation
- b) They ensure actions taken are justified under the legislation and this policy
- c) They follow a clearly defined decision-making process
- d) This decision-making process is subject of regular review by the appropriate Force group

3.0 Introduction

3.1 Origins/background information

The FOIA was passed in November 2000. It *“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.”* (Source: www.Information-Commissioner.gov.uk)

Requests for personal information are currently processed by Dyfed Powys Police under the Data Protection Act 1998. The FOIA Act 2000 extends the public right to access information held by the Force.

Requirements of the Freedom of Information Act 2000

The essential aim of the FOIA is to significantly increase the range and depth of information to which members of the public have a constitutional right of access. The FOIA covers all public authorities within the United Kingdom, and also a number of private bodies that carry out public services, on behalf of a public sector body. It covers all information held by the public authority regardless of format held or any security markings applied to the information.

The Act is fully retrospective and therefore covers all information held regardless of the age of the information.

In drafting this policy, Dyfed-Powys Police recognises that the aim of the FOIA 2000 is to provide greater access to information for members of the public and, by implication, increased accountability for the Force. The aim of Dyfed-Powys Police is to safeguard the community. Often, these two aims will be compatible, but there will inevitably be times when they are not. It is important that when this is the case, the Force can clearly evidence its audit trail of decision-making, and justify its actions. This policy is intended to provide a guide to both staff and public, outlining the Force's approach to FOI issues.

This policy is based on current guidance and best practice, including –

- Freedom of Information Act 2000
- Data Protection Act 1998
- ACPO Manual of Guidance (Media Advisory Group)
- ACPO Manual of Guidance - Freedom of Information
- ACPO Manual of Guidance – Data Protection
- Code of Practice on the Management of Records (Lord Chancellor's Office)
- Code of Practice on Freedom of Information (Law Society)
- Code of Practice on Access to Public Records (Public Record Office)
- Functional requirements for Electronic Records Management Systems (Public Record Office)
- Code of Practice on the Discharge of Functions of Public Authorities under Part 1 of the FOIA 2000 (Lord Chancellor's Office)
- ISO 15489 International Standard on Information and Documentation: Records Management

Using the Policy

This policy is intended as a reference document for those wishing to understand the Force's approach to FOI issues, and to understand how this approach has been determined. Full details of the policy and associated information on FOI can be located via the Force Internet and Intranet sites.

Compliance and responsibility

Adherence to this policy is mandatory. The policy is intended to ensure that the Force, and its staff, complies with the provisions of the FOIA. Divisional Commanders and Heads of Department are ultimately responsible for ensuring their staff contribute to the Force's overall compliance.

Freedom of Information Act 2000

The FOIA falls into two parts:

- Publication Schemes
- General Rights of Access to Information

Publication Scheme

- A Publication Scheme is an agreed set of documents, which a public authority will allow members of the public to access without making a special request.
- These documents will be placed on the Internet; they will include documents such as minutes of management meetings and policy documents.
- Paper copies of the documents listed within the Publication Scheme are available upon request.
- The Dyfed Powys Police Publication Scheme is available on the Dyfed Powys Police Internet site @ www.dyfed-powys.police.uk/foi/.

General Rights of Access to Information

The general right of access to information held by Dyfed Powys Police took effect from the 01 January 2005. On or after this date anyone who makes a request for information to Dyfed Powys Police is entitled to:

- Be informed in writing by the Force whether the information requested is held.

- If the Force holds the information the requestor is entitled to be provided with the information requested, unless an exemption applies to the information.
- Any person anywhere in the World can make a request to Dyfed Powys Police for information. They do not have to have any connection with the Force or with the information requested.

Time limits for compliance

Dyfed Powys Police must retrieve and provide the information requested promptly and usually not later than the twentieth working day following the date the Force received the request. It may be necessary to extend the time period where decisions are required in relation to the public interest test and the issue of disclosure or non-disclosure, (s10 (3)). It may also be necessary to “stop the clock” when further details are required by the Force in order to locate the information requested (s 10(6)), or when a fees notice has been issued (s 10(2)).

3.2 Motivators/Driving Force

- The FOIA 2000 took full effect from the 01 January 2005. The implementation of the Act by the Force is the driving force behind this policy.
- There is no existing policy in place within Dyfed Powys Police that covers the Act.
- This policy document is intended to assist Dyfed Powys Police in promoting a culture of openness and accountability. A culture of openness and accountability will enable an improved public understanding of how Dyfed Powys Police carries out it’s duties, why decisions are made and will also provide information on how the Force spends public money.

3.3 Appendices

- Appendix 1 - Dyfed Powys Police Meeting Minutes Template
- Appendix 2 - Dyfed Powys Police Request for Information Form

Dyfed Powys Police Meeting Minutes Template (Appendix 1)

A meeting minutes template has been devised for use at all meetings held throughout the Force. The aim of the template is for minute takers to record details of all information required by the Freedom of Information Department. The information will provide a guide to the Freedom of Information Decision Maker as to any exemptions that may be applicable and the rationale behind

them. It also provides information regarding the destruction date of the minutes, the owner of the minutes, protective marking etc.

Dyfed Powys Police Request for Information Form - (Appendix 2)

The Dyfed Powys Police Request for Information Form is a form that can be used by anyone wishing to make a request for information. The form is not compulsory as a request can be made via letter, fax or e-mail.

3.4 Definition of Terms

- **Exemptions** –There are 23 exemptions within the Freedom of Information Act 2000. They fall into one of two categories:
 1. Absolute exemptions and
 2. Qualified or conditional exemptions.
- **FOI** – Freedom of Information
- **FOIA** – Freedom of Information Act
- **PIT** – Public Interest Test, of the 23 exemptions identified by the Act, 17 are subject to the application of the Public Interest Test.
- **Retrospective-** This means that the Act applies to all information the Force has created provided it has retained that information.

3.5 Accessibility, redress and Review

- This policy has been published and made readily available to all police officers and police staff via the Force Intranet System or where this facility is not available, at the discretion of Divisional Commanders / Heads of Department, by paper dissemination.
- This policy is a public document and will be made available to the general public via the Force Internet site @ www.dyfed-powys.police.uk - and upon written request to the Force policy coordinator or alternatively the Freedom of Information Unit.
- This policy will be reviewed annually by the Information, Systems and Technology Department in order to ensure on-going compliance in respect of the Human Rights Act and any other legislation or guidance documents, to include Human Rights case law. It will also be subject to external audit by, for example, Her Majesty's Inspector of Constabularies (HMIC). This document policy will be published in a format making it easily readable.
- Any person(s) who has / have cause to feel aggrieved by any matter outlined in this policy is / are able to and may seek redress via the below listed channels:

- Misconduct procedures
 - Civil or criminal proceedings
 - Organisational complaints procedure
 - Reconciliation procedure
- Public consultation is an important part of this process, with any views and comments welcomed. These should be addressed to the

Chief Constable
 Dyfed Powys Police
 Police Headquarters
 PO Box 99
 Llangunnor
 Carmarthen, Carmarthenshire
 SA31 2PF

4.0 Implications of the Policy

4.1 Financial Implications/Best Value

The FOIA 2000 will have financial implications for the Force, both centrally and at divisional and departmental level. The Force is able to charge for an FOI request. There are two types of charging which have been identified under the Act:

- Prescribed costs
- Disbursements

Prescribed costs: refer to the process of seeking and retrieving the information. The Force will be able to recover a **proportion** of costs incurred during this process. The Force can only charge fees in such situations when the prescribed costs exceed the appropriate limit. The appropriate limit currently stands at £450 and relates to the time spent searching and retrieving the information. The Force will use a standard hourly rate of £25 per hour when calculating the cost of staff time for prescribed costs. There are likely to be financial implications to the Force in respect of requests that cost less than £450 to process.

The Force will follow the Association of Chief Police Officers (ACPO) guidance as contained within the ACPO FOI Manual of Guidance in respect of requests where the statutory cost limit is extended.

Disbursements: include photocopying, printing and postal charges. The Force can charge the requestor the full cost of disbursements.

There are a number of non-chargeable items;

- Time taken by the FOI Decision Maker in establishing if information is exempt.

- Time taken by the FOI Decision Maker to refer the request to another department within the Force eg Legal Services to establish whether information is covered by an exemption.
- Time taken to contact another public authority, individual or organisation to obtain their consent for disclosure.

The non-chargeable items are likely to result in financial implications to the Force.

4.2 Human Resources/Training

- The FOIA potentially has an impact on all areas of work throughout the organisation, dependant upon the types of requests received. Where information is requested staff have a responsibility to locate and retrieve the information concerned within a five-day deadline as identified within the FOI process map for requests.
- The FOI Requests Process Map also identifies the requirement for an FOI Liaison Officer and an FOI Deputy Liaison Officer within each department and division. These officers act as a single point of contact for the Freedom of Information Unit. It is necessary for the Liaison Officers and their deputies to have an awareness of the provisions of the FOIA and the processes involved in dealing with requests for information.
- It will also be necessary for all staff throughout the organisation to have an awareness of this policy, the FOIA and in particular an awareness of what is expected of them should they receive a request for information.
- It is imperative that staff upon joining Dyfed Powys Police are made aware of this policy, of the Freedom of Information Act 2000 and their obligations under the Act.

4.3 Corporate/Business Plan

- This policy is set in place to ensure that the staff of Dyfed Powys Police carry out their duties in respect of information held by the Force and information requested by members of the public.

4.4 Crime and Disorder Act

- A number of partner agencies of Dyfed Powys Police i.e. public authorities will be subject to the FOIA.
- Partner agencies and other external agencies need to be aware that any information they provide could be released under the FOIA.

- Information will not be released without prior consultation with the relevant partner agency or other external agency.
- As the Act is fully retrospective information previously obtained from partner or other external agencies may be released under the FOIA.
- A protocol for partner agencies relating to jointly owned documents is to be established.
- Partner and other external agencies could make requests for information under the FOIA. Similarly Dyfed Powys Police could make a request for information to partner and other external agencies.

4.5 Diversity

- Dyfed Powys Police could potentially receive requests for information from anyone anywhere in the World.
- All requests for information must be dealt with in the same way regardless of who is making the request.
- The right to information is “applicant blind” and the reason for the request for information is immaterial.
- Under the Act Dyfed Powys Police have a duty to provide advice and assistance to anyone who makes or proposes to make a request for information. This includes offering to record details of the request for anyone who is unable to do so.
- Dyfed Powys Police will provide information requested in the language it is produced in. If it is available in more than one language it will be provided in the language of the choice of the requestor.
- Unless it is normally translated Dyfed Powys Police will not translate information requested.
- Correspondence with the requestor will be made in Welsh or English dependant on the choice of the requestor.
- Where a request for information is received in any language other than Welsh or English arrangements will be made to translate the request in order to process the request.
- This policy has the potential to impact upon requestors who are unable to understand the language in which the information requested has been recorded.

4.6 Internal policy links

- Data Protection and Disclosure policy
- Information Security Policy

There is a link between this policy and both policy documents listed above; all three are concerned with information held by Dyfed Powys Police.

The FOIA extended the provisions of the rights given under the Data Protection Act for persons to request information held by public sector organisations. It made several other changes to the Act but probably most significant is that it extended the definition of what manual systems were included. Although there are some exemptions this change has meant that the subject access and now FOI requests cover virtually our entire manual filing systems.

4.7 Consultation

Consultation has taken place with the below named persons/departments.

- Mr A Bevan – Director of Finance and Resources
- C/Supt A Pickard – Operations Department
- Supt M Evans – Professional Standards Department
- Supt G Evans – Business Change Programme Manager
- Mr M Stevenson – Information, Systems and Technology Department
- T / Chief Insp A Millichip – Information, Systems and Technology Department
- Mr J Evans – Data Protection
- Mr P Jeremy – Commercial Services
- Ms M Lewis – Criminal Justice Unit
- Ms S Gainard – Litigation Officer

5.0 Human Rights Considerations and Certification

Human Rights Generic Audit Compliance List

Policy Name: Freedom of Information Policy

Policy Owner: Information Systems and Technology Department

Audited by:

Issue	Question	Response	Page Ref
AUDITING FOR POTENTIAL INTERFERENCE AND DISCRIMINATION	Have the contents of this policy (and any attendant powers, authorities and directions contained within it) been audited for potential interference with an individuals rights?		
	Have the contents of this policy been audited for the potential for it to be discriminatory. In relation to the application or provision of such rights?		
KEY HUMAN RIGHTS PRINCIPLES	Does the policy contain a statement explaining what the legal basis is for the policy (and any attendant powers, authorities or directions given within it)?		
KEY HUMAN RIGHTS PRINCIPLES	Does the policy provide details of what could be considered a legitimate aim(s) for the potential interference with an individuals rights by virtue of exercising the policy and its attendant powers, authorities or directions?		
KEY HUMAN RIGHTS PRINCIPLES	Are supervisors and practitioners made aware of the need to follow a clearly defined decision making process in considering all information, and deciding on courses of action?		

KEY HUMAN RIGHTS PRINCIPLES	<p>Is it explicit within the policy what the minimum standards are in relation to the documentation of such decision making?</p>		
KEY HUMAN RIGHTS PRINCIPLES	<p>Does the policy provide managers and practitioners with clear guidance on establishing the:-</p> <ul style="list-style-type: none"> • Legal basis of their actions • The aim of their actions (legitimate aims can only be established by virtue of the exemptions and derogation's given in the act) • Whether their actions are justified and proportionate in seeking to achieve their aim(s) • Whether the intended action is the least intrusive and damaging option to achieving the aim(s) • The need to document clearly the decision making process and outcomes of action. 		
DELINIATING BETWEEN POLICY AND TACTICS	<p>Does the policy incorporate police tactics, which would make it impractical to publish the contents? (NB: due to publication requirements it is suggested that tactical material is not included in policy documentation for security reasons).</p>		
RIGHTS, PUBLICATION AUDIT AND INSPECTION	<p>Does the policy contain a statement in favour of public disclosure or, if this is inappropriate, justification of any reservation to this rule on public interest/other grounds? Does the policy contain:-</p> <ul style="list-style-type: none"> • a clearly defined statement of rights when a power, authority or direction is being exercised. Including the right to make representations, access to legal advice etc? 		

	<ul style="list-style-type: none"> • a statement about the availability of the policy (method of proposed publication to public). A clearly defined appeals procedure? • a recommendation about maintaining audits and inspection of decision making? • a recommendation about the level of independent scrutiny of decision making and complaints? 		
CERTIFICATION OF COMPLIANCE	Does the policy contain a certification that it has been drafted in accordance with the Human Rights Act and the principles underpinning it?		
LEGAL VETTING	Has this policy been through legal vetting for human rights compliance?		
POLICY REVIEW	Has the policy got a review date to ensure ongoing compliance in light of emergent legislation and human rights case law?		

Certificate of Compliance

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its contents and the supporting evidence and it is deemed compliant with the Act and the principles underpinning it.

Signed: _____ *S. Gainard* _____

Name: _____ Samantha Gainard _____

Department: ___ Force solicitor _____

Review:

This policy is due for review by: Date: __ 13/08/05 __

6.0 Guidance and Procedures

6.1 Risk Assessments and Health and Safety Considerations

- There is the potential that information released could cause embarrassment to, or affect the reputation of the Force and individuals within the Force.
- There is the potential that sensitive information could be released.
- There is the potential for increased workloads for staff involved in the storage and retrieval of information.
- If information requested is not released the Force may be subject to an appeals process, which may also involve scrutiny by the Information Commissioner.
- If the Publication Scheme is not kept up to date and regularly updated with information the Force may be subject to an appeals process, which will involve scrutiny by the Information Commissioner.
- If it is found that information that should have been released has been deliberately destroyed, tampered with or there was no sound reason to withhold it, the Force could be subject to financial penalties and staff could be found in breach of section 77 of the Act.
- Staff who are tasked with locating information that has been requested should be mindful of health and safety considerations when searching for and retrieving information, eg lifting or moving heavy boxes, or searching for information located in places that are not easily accessible. Relevant training in manual handling techniques is available via the Force Health and Safety Adviser.
- Consideration could be made to carrying out a risk assessment if necessary. A risk assessment form is available via the Occupational Health, Safety and Welfare section of the Dyfed Powys Police Intranet.
- The Dyfed Powys Police Health and Safety at Work Policy should be consulted as necessary.

6.2 Guidance and Procedures

Definition of a request

A request is any application for information, which is recorded in writing by letter, fax or e-mail stating the name of the applicant and an address for correspondence, and clearly sets out the nature of the information sought. An application must be legible.

Dyfed Powys Police will follow the ACPO Freedom of Information Manual of Guidance in respect of business as usual requests.

Principles of dealing with information requests

- All staff should make themselves aware of what constitutes a request for information under the Freedom of Information Act 2000.
- The Force has a form available via the Internet site, which requestors can use to submit a request. The form is not compulsory. A copy of the form can be found at appendix 2.
- The Force routes all requests for information under FOI to a central unit based at Headquarters dedicated to dealing with such matters.
- This unit will log all requests and commence a tracking process, to ensure that requests are met promptly and in any event no longer than the 20 working days deadline following receipt of the request.
- Where the request has not been responded to within 20 working days, a reason for the delay will be provided to the requestor.
- While the physical work of locating the information may be conducted by division or department, responsibility for dealing with an information request will always remain with the central unit.
- The central unit will evaluate all information before it is sent to the requestor, to ensure that it meets the terms of the FOIA 2000.
- The Force will, at all times endeavour to comply not only with the FOIA 2000, but also with the codes of practice and best practice guidance provided by statutory bodies.
- The Force's media strategy for FOI has been drafted to link to ACPO Media Advisory Group guidelines. This will ensure that there is consistency between the treatment of the media under FOI, and treatment in normal day-to-day media relations
- Information will be supplied to the requestor in the format of their choice (e.g. e-mail, paper, etc), provided it is practical to do so.
- The Force will maintain a disclosure log and will publish a selection of FOI responses which have been previously disclosed under the Act.
- The Force will not publish details of persons making requests for information.

- The Force responds to correspondence in Welsh or English at the requestor's choice. Information will be supplied in the language in which it was created. Where it is available bilingually the requestor will be able to receive the information in either Welsh or English, as they prefer.
- The Force produces quarterly reports on the charges made, and the costs incurred, in dealing with requests for information.
- The Force maintains an appeals process, based on best practice guidance from the Lord Chancellor's Office, and is subject to regular review. This process is in addition to (and not a substitute for) the legal rights of appeal contained within the FOIA itself.
- The Force is constantly seeking to refine its processes and procedures following any feedback received from the public.
- The process for dealing with requests under the FOIA has been determined following internal consultation. Due to the likelihood that requests for personal and non-personal data will be received at the same time (or within the same request), the process has been developed to ensure both types of request are dealt with appropriately.
- Where a request is refused, or where certain information is not supplied because of a claimed exemption, the Force will identify which clause of the FOIA forms the basis of that exemption. It will provide a detailed response to a requestor explaining why some (or all) of the information will not be supplied, and providing details of the appeal process. An audit trail will be retained in the FOI Unit detailing the reasons behind the decisions taken, and who took the decision.
- Where the information requested can only be accessed by division, the Freedom of Information Unit will supply divisional staff with full details of what information will be required. When this is sent to the Freedom of Information Unit an audit trail will be retained of the movement of the required documents, in line with the Force's system for document tracking. The Freedom of Information Unit will not provide information to a requestor without full discussion with the information owner, or his/her representative. The aim will be to agree a way forward acceptable to both parties. If agreement cannot be reached, further discussion will be held with the information owner and Legal Services and, if no agreement is reached at this point, a final decision will be made by the ACPO officer with overall responsibility for Freedom of Information.
- Dyfed Powys Police will continue to use the Communications Centre FAQ page to provide information, as appropriate, to callers.

- Requests for personal information (information about living individuals) will continue to be dealt with under the Data Protection Act 1984; requests of this nature should be directed to the Data Protection Unit.
- If a request for information contains a mixture of both personal information and non-personal information the requestor can be directed to either the Freedom of Information Unit or the Data Protection Unit, who will ensure the request is dealt with appropriately and expeditiously.
- If a request for information were made for example via the telephone or at a front desk and the member of staff would normally provide the information immediately then this practice should continue. If staff are unable to answer the query the requestor should be directed to the FOI Unit or the Data Protection Unit as appropriate.
- However, where any member of staff has concerns about providing any information requested they should consider whether the information could be provided under the FOIA. The requestor should then be directed to the FOI Unit.
- All requests for information that cannot be dealt with under the banner of "Business as Usual" will be considered as Freedom of Information requests. These requests should be forwarded to the Freedom of Information Unit.
- Where a requestor specifically states they are making a request for information under the Freedom of Information Act 2000 the requestor should be directed to the Freedom of Information Unit.
- If the information requested is of a sensitive nature the request should be forwarded to the Freedom of Information Unit.
- The Force will retain all paperwork in relation to the request for two years.
- Any member of staff who wishes to make an "business" request for information under the Freedom of Information Act 2000 of another public authority must make such a request via their Head of Department or BCU Commander as appropriate.

Principles in decision-making

- The Force will take a positive view of the use of exemptions – i.e. it will only seek to claim exemptions where it feels that publication is likely to harm the Force's ability to carry out its core policing functions
- The Force will take the view that "public interest" does not necessarily mean what is of interest to the public. The public interest test will be

applied based on the view that the Force best serves the public interest by upholding law and order furthering the investigation and suppression of crime and increasing community safety in our Force area. Any request deemed likely to decrease the Force's ability to carry out these functions is likely to be refused on the grounds of public interest

- The Force will endeavour to ensure consistency between its decisions and those of other forces. However it is mindful that different forces have different working practices, and may view individual requests in a different way. The Force will not view the provision of information by another force as a compelling reason for providing the same information itself – each case will be dealt with on its merits

The Freedom of Information Act 2000 Publication Scheme

The Dyfed Powys Police Publication Scheme is available via the Force Internet site @ www.dyfed-powys.police.uk/foi/.

- A Publication Scheme is an agreed set of documents that the Force will allow members of the public to access without making a special request.
- These documents will be made available on the Internet. The documents will be organized into information classes and will be organized in line with Information Commissioner's Office and ACPO guidance.
- The Publication Scheme will be reviewed regularly to ensure accuracy and currency of information.
- Any member of staff who wishes to update information included within the Publication Scheme or has suggestions for information to be added to the Scheme should contact the Freedom of Information Officer.
- Information will only be published via the Publication Scheme if it is suitable for public release and is not covered by an FOI exemption. If any member of staff has concerns regarding any of the information included within the Publication Scheme they should contact the Freedom of Information Officer.

Records Management

The Force is in the process of reorganising its records management both to assist compliance with the requirements of the FOI Act and the Management of Police Information (MoPI), and to improve its own operational efficiency. The Force recognises that information is a vital asset to effective policing, and that there are important operational benefits and organisational efficiencies to be gained from improved records management. The Force also recognises

that the FOI Act considerably extends the legitimate rights of access to information for the public, and that the Force must adapt its own structures and processes to assist the public by providing information.

- The Force has reviewed its Retention & Destruction policy and will continue to review this as an ongoing commitment. It will adhere strictly to the timescales within the policy, and will not retain records “just in case”.
- The Force has implemented an information classification system. For this system to maximise the efficiency of records management in the Force, it is important that all staff follow the simple principles associated with best practice. Adhering to these basics allows everyone in the organisation to benefit from improved access to information, as well as providing an effective means of locating information for public requests.

Principles of records management – the Force will adhere to the following principles when dealing with records. Staff should ensure that they are aware of how to do the following in their daily work:

- The Force will adhere to the principles of Data Protection in relation to personal information.
- The Force will regularly review its information handling, to improve the accuracy and integrity of information collected and held.
- The Force has classified the information it holds to allow for easy searching. The aim of information handling will be to allow accurate, up-to-date information to be located quickly and easily.
- The Force will rigorously follow its published Retention & Destruction Schedule. This will enable the public to identify quickly whether the Force holds the information requested. The Force will not retain records “just in case”.

6.3 Individual roles and responsibilities

All Staff

Duty to assist

All staff throughout the organisation have a duty to assist a requestor making a request for information, all staff have a duty to provide advice and assistance to requestors. Requestors wishing to make a request for information under the Freedom of Information Act 2000 should be directed to the:

Freedom of Information Unit
Dyfed Powys Police Headquarters
Po Box 99
Llangunnor
Carmarthen
Carmarthenshire
SA31 1PF

E-mail: foi@Dyfed-Powys.pnn.police.uk

Members of the public can contact the unit via the Force Communications Centre. Internal extension numbers can be found on the Force phonebook via the Intranet.

Requests for information under the Freedom of Information Act 2000:

- Can only be made in writing.
- Must state the name of the requestor and an address for correspondence.
- Must describe the information requested (being as specific and prescriptive as possible).
- Must be legible.
- Can be made by letter, fax, e-mail or request form.

A request for information does not:

- Have to be written on a special form
- Need to mention the Act or refer to Freedom of Information in any way

If a requestor is unable to frame a request in writing due to for example illness, disability or illiteracy, assistance could include the provision of advice on where help and support can be found eg Citizens Advice Bureau. It may be necessary and appropriate in some cases to make a note of the request on behalf of the applicant and then forward the request to the applicant for conformation. It may be necessary for frontline staff that would have face-to-face contact with requestors to provide assistance in this way. Any member of staff who is unsure of their responsibilities should contact the Freedom of Information Unit for advice and guidance.

Freedom of Information Unit

It shall be the responsibility of the FOI Unit to respond to requests for information that are received. This will include:

- Upon receiving a request for information, acknowledging its receipt with the requestor.
- Where necessary seek clarification of what is required with the requestor

- Review the request and identify where information might be held.
- Contact the relevant department/s or division/s to obtain the information. Department/s or division/s will have five days to provide the information to the Freedom of Information Unit.
- Collate and review the information and apply any exemptions and apply the public interest test (PIT) as appropriate.
- Reply to the requestor and provide information that is not exempt.

Head of Freedom of Information Unit

In addition to the above it shall be the responsibility of the Head of the Freedom of Information Unit to:

- Provide advice and guidance on the Freedom of Information Act 2000 to members of the public.
- Provide advice and guidance on the Freedom of Information Act 2000 and relevant Force policies to members of staff throughout the organisation to promote good practice throughout the Force.
- Maintain and update the Freedom of Information Publication Scheme.
- Provide presentations and training on the Freedom of Information Act 2000 as required.
- Collate and prepare information for audit purposes.
- Ensure the ongoing compliance and implementation of any changes arising from the annual review of this policy.

Divisional/Departmental Liaison Officers

Divisional and departmental FOI Liaison Officers and Deputy Liaison Officers will be nominated for each division and department. These Officers will:

- Make themselves familiar with the processes and requirements of the Force to comply with the Act.
- Make themselves familiar with information located within their department or division.
- FOI staff will liaise with the Liaison Officers or their deputies when a request for information is received.

- Liaison Officers or their deputies will collate the information required by the FOI Unit to respond to the request and will provide the information to the Unit within agreed timescales.
- Liaison Officers or their deputies will ensure that the information is forwarded appropriately to the FOI Unit, taking due cognisance of any protective markings applied to the information.
- FOI Unit staff and the Liaison Officers or their deputies will ensure the safe return to its originating department or station of any information forwarded to the Unit.
- In some instances it may be necessary for the FOI Decision Maker to view and apply exemptions to the information at the department or division concerned. The Liaison Officer or their deputy will assist in facilitating this.
- In some instances a requestor may wish to view information at a divisional station or other station. In some cases it may be necessary for the Liaison Officer or to their deputy to assist with this process.
- Liaison Officers and their deputies will assist the FOI Officer with any activities to support FOI such as collating information for audit purposes and circulating training and other material as required.
- Liaison Officers and their deputies will participate in any FOI appeals received.

6.4 Vexatious Requests for Information

The aim of this section of the policy is to outline the Force's approach to requests for information that are deemed to be "vexatious".

This section of the policy is based on the Force's existing policy for dealing with "Persistent Complainants" which has been subject to audit against Human Rights compliance. It aims to balance the legitimate rights of members of the public to request information under the FOIA, with the practical limitations of public sector resources, and the legitimate need to provide a service to all requestors.

Legal background

The issue of vexatious claims is explicitly addressed in the legislation. Section 14 of the Freedom of Information Act 2000 states that

"[The earlier provisions in the Act do] not oblige a public authority to comply with a request for information if the request is vexatious... Where

a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request”.

Definition of “vexatious”

There is no explicit definition of “vexatious” within either the FOIA or associated guidance from the Lord Chancellor’s department. Vexatious does however refer to the request and not the requestor. The definition provided below is a working definition based on Section 14 of the Freedom of Information Act:

“A request is considered vexatious when any of the following criteria are fulfilled –

- A request which is substantially similar in content to a previous request made by that person
- A request identical in detail except for the timescale covered by the information requested
- A request identical or substantially similar to a number of other requests made on that subject within a limited time period
- A repeated request for information when the requestor has been informed that the information is available elsewhere”

Who will deal with requests

Any requests deemed vexatious will be processed in line with the ACPO Freedom of Information Manual of Guidance

Process for dealing with requests

Any requests processed under FOI will have been received in a written format, and will have been logged on the management system to monitor performance in responding to the request.

An FOI decision maker will make an assessment of whether the request is “vexatious” or not. The above criteria will be used to make this assessment..

An FOI decision maker will then write to the requestor, informing them that their request falls within the criteria, and that the Force does not intend to respond to their request. The letter will explain (if applicable) where the information or similar information may be obtained, or an alternative organisation that might be approached for the information requested. It will also clarify that the requestor is entitled to make information requests in the future, provided that the new requests do not fall into the criteria.

If the requestor contacts the Force again on the same subject, the Force will not be under any obligation to respond to this contact.

6.5 Appeals Process

Dyfed Powys Police have established an appeals process for requestors who wish to appeal regarding their requests for information. Using the appeals process will not affect the right of a requestor to appeal directly to the Information Commissioner if he/she so wishes.

Who can appeal?

Anyone who has requested information from the Force can appeal, this includes applicants whose requests have been deemed vexatious. If a requestor has requested information and is not satisfied with the way the Force has dealt with the request, the requestor can use the appeals process to have it looked at again. If an individual who requested information wishes to appeal but cannot do so themselves, another person may appeal on their behalf.

What can a requestor appeal about?

A requestor can appeal about the range, amount and format of information we have sent following a request. A requestor can also appeal about the way a request was handled – for example, the time it took to respond, or the way letters were worded.

How can a requestor appeal?

A requestor will need to contact the Freedom of Information Unit. It will be helpful if the requestor can provide as much information as possible about the request made and the reason for the appeal. If possible the original reference number provided to the requestor should be quoted.

Time Limits

If you wish to submit an appeal you should do this within two months following the final response you receive from Dyfed Powys Police in relation to your request, this is in line with the ICO (Information Commissioner's Office) guidance. Dyfed Powys Police aims to deal with and complete your appeal as soon as practicable and in any case within two months of receipt of your appeal.

What will happen to an appeal?

- Once the Freedom of Information Unit has enough details to identify the request, the Force will begin a review of what happened and when.
- The appeal will be referred to a panel within the Force. The panel will investigate what has taken place and assess whether Dyfed Powys

Police has been fair and thorough in their dealings with the requestor. The Panel will not just look at the part of the request concerning the requestor, but will look at the whole request to see what caused the problem raised by the requestor.

- Where the Force has not followed proper procedures, or has failed to provide a high quality of service, an apology and an explanation on what procedures the Force will follow to prevent a recurrence will be provided to the requestor.
- If the Force should have provided information and has not done so, the requestor will be sent the information immediately. If it is believed following review that the original response was correct, the requestor will be informed of this. The requestor will be informed of his/her options.

Appeal to the Information Commissioner

If the requestor is still not satisfied following the second review he/she can still go to the Information Commissioner who may investigate the matter on behalf of the requestor. This option is open to the requestor at all times. It would be preferable to the Force if matters were resolved at a local level whenever possible. The Information Commissioner will decide if he/she will investigate.

6.6 Related protocols, practices or service agreements with other agencies.

The Dyfed Powys Police Conditions of Contracts for Goods document will include the following statement:

Freedom of Information Act 2000

“From 1st January 2005 all information relating to the provision and performance of contracts with Dyfed-Powys Police Authority falls under the terms of the Freedom of Information Act 2000, and as such may be disclosed to third parties upon request. Suppliers should ensure they are aware of the full implications of the Act, which is fully retrospective”.

The Dyfed Powys Police Instructions to Tenderers document will include the following statement:

Freedom of Information Act 2000

“Dyfed Powys Police Authority is committed to open government and to meeting its responsibilities under the Freedom of Information Act 2000. Accordingly, all information submitted to the Authority may need to be disclosed by the Authority in response to a request under the Act. We may also decide to include certain information in the publication scheme, which we

maintain under the Act. If you consider that any of the information included in your tender is commercially sensitive, please identify it and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity. You should be aware that, even where you have indicated that information is commercially sensitive, we may be required to disclose it under the Act if a request is received. Please also note that the receipt of any material marked 'confidential' or equivalent by the Authority should not be taken to mean that the Authority accepts any duty of confidence by virtue of that marking. If a request is received, we may also be required to disclose details of unsuccessful tenders".

6.7 Administration

- All paperwork connected with requests made and any subsequent appeals will be retained within the Freedom of Information Unit.
- All processes carried out by staff in relation to Freedom of Information requests will be logged.

7.0 Promotion and Distribution

The Freedom of Information Policy is aimed at all staff within Dyfed Powys Police. It will be therefore be made available to all staff via the Force Intranet. Following approval of the policy staff will be made aware of any amendments made to the policy at any time at a later date. Staff will be made aware of this through:

- Routine Orders
- e-mail
- The FOI Intranet Site
- It is the responsibility of all managers within Dyfed Powys Police to ensure that the policy is brought to the attention of their staff.

This Policy is available to the general public via the FOI Publication Scheme, or upon request to the Force policy co-ordinator or FOI Unit.

	<u>Dyfed Powys Police – Meeting Minutes</u>	
	Name of Meeting:	
	Protective Marking:	
	Publication Scheme Y/N:	
	Approved Y/N:	
	Date Approved:	
	Version:	
	Date Created:	
	Review Date: (Retention period 6 years + current)	
	Minute Owner:	
	Minute Taker:	

Date of Meeting:	Time of Meeting:	Duration:
Chair:	Attendees:	
Distribution:		
FOIA exemptions and reasoning behind any FOIA exemptions applied:		

No.	Item	Action	By
	<u>Open Session</u>		
1.	<u>Apologies</u>		
1.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		
2.	The minutes dated [insert date] were recorded as a true record of proceedings.		
3.	<u>Matters Arising from Minutes dated [insert date]</u>		
3.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		

4			
4.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		
5			
5.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		
6			
6.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		
7			
7.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		
8			
8.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		
9			
9.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		
10			
10.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		
	<u>Closed Session</u>		
11			
11.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		
12			
12.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		
13	<u>A.O.B</u>		
13.1	FOIA exemptions and reasoning behind any FOIA exemptions applied:		
14	Date, Time and Venue of next meeting:		

Dyfed Powys Police – Request for Information
Freedom of information Act, 2000

Step 1

To apply for information under the Freedom of Information Act 2000, please complete this form; alternatively you may send a letter or email. Whichever method of request you decide to use it would be helpful to us if you could please provide the information requested on this form.

Step 2

Forward your request to **Freedom of Information Unit, Dyfed-Powys Police Headquarters, PO Box 99, Llangunnor, Carmarthen, SA31 2PF** or email foi@dyfed-powys.pnn.police.uk

Step 3

When you have received a response to your request, review the information to determine whether you wish to make a further request or if you wish to appeal against the decision of non-disclosure. If you choose the former, you will be notified of any fees payable (please note that all fees must be paid **before** the information is released).

REQUEST DETAILS

In the space provided **please describe the records as fully as you can**, supplying as much information as possible including any helpful references i.e. approximate date(s)/ locations/ subject matters. If you require more space to complete your description, please attach a page.

METHOD OF ACCESS Receive copies of originals by post
(Please tick your preferred method of access) Examine originals at Police HQ or another station*

Receive copies of originals by email*
 Receive copies of originals by disk*

* These options may not always be available. If not available, you will be supplied with copies of the originals by post

YOUR CONTACT DETAILS (PLEASE USE BLOCK LETTERS)

Name: _____

Address: _____

Telephone Number(s):

Home: _____ **Business:** _____

Email : _____

Your signature: _____ **Date** _____