

FREEDOM OF INFORMATION POLICY

Purpose and Scope

The Freedom of Information Policy describes the Forensic Archive Ltd.'s (FAL) approach to its obligations under The Freedom of Information Act 2000 to ensure that it complies with the provisions of the legislation. It applies to all employees. This Policy does not form part of the contract of employment and may be reviewed and revised in line with changes in the law or due to business need. The Trade Union will be kept informed of any planned changes.

INTRODUCTION

1. The Freedom of Information Act 2000 (the FOI Act) came into force on 1 January 2005. It provides a right of access to information held by public authorities, subject to certain exemptions.
2. Forensic Archive Ltd. (FAL) will take all reasonable steps to implement this Policy and to ensure that all staff are fully aware of it and abide by it.
3. This Policy does not form part of the formal contract of employment, but it is a condition of employment that staff will abide by the rules and policies implemented by FAL. Any failure to follow this Policy can therefore result in disciplinary proceedings.
4. FAL has appointed an Information Compliance Adviser to manage and oversee requests to FAL submitted under the terms of the FOI Act. Anyone who considers that this Policy has not been followed in respect of the information they have requested, should raise the matter, in writing, to FAL's Information Compliance Adviser at foi@forensicarchive.com.

COMPLIANCE WITH OUR OBLIGATIONS

5. FAL is committed to creating a Publication Scheme to place selected documents/information into the public domain, in accordance with s.19 of the Act. FAL will periodically review the Publication Scheme and make amendments where required.
6. Information is defined within the FOI Act as meaning 'information recorded in any form'. This is interpreted to mean paper records, e-mails, information stored on computer, handwritten notes or any other form of recorded information.
7. FAL has adopted appropriate and proportionate measures to meet the requirements of the FOI Act and requests for information submitted in accordance with the FOI Act's provisions. Requests for the personal data of the applicant will be dealt with in accordance with the provisions of the Data Protection Act 1998, as set out in FAL's Data Protection Policy.
8. Staff employed by, or working for, FAL who receive written requests for information under the FOI Act, including any requests which do not specifically mention the FOI Act, must forward these immediately to the Information Compliance Adviser to foi@forensicarchive.com. Where an oral request is made, the applicant should be advised to put their request in writing.
9. FAL is only obliged to respond to requests under the FOI Act where it costs less than £450 at a uniform rate of £25 per staff hour (or 2.5 working days) to meet the request. Where it would cost more than £450, FAL has the discretion to decline to answer the request or charge a fee to do so. It is FAL's policy that requests costing greater than this amount to

administer will be declined and the applicant asked to restructure the request to meet the fee threshold.

10. FAL aims to comply with requests for access to recorded information as quickly as possible, but will ensure that it is provided within 20 working days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing to the person making the request.

CONSULTATION WITH THIRD PARTIES

11. FAL may consult with any third party, if the views of that third party may assist us in determining whether an exemption under the FOI Act applies to the information requested, or where the views of the third party may assist FAL to determine where the public interest lies under section 2 of the FOI Act.

STAFF AWARENESS/INVOLVEMENT

12. FAL will ensure that:
 - a. there is someone with specific responsibility for managing requests submitted under the FOI Act; and
 - b. everyone managing and handling information understands that they are contractually responsible for maintaining the highest standards in relation to the management of all information retained by FAL.

INTERNAL REVIEW PROCEDURE

13. If an applicant is dissatisfied with the way in which his / her request has been handled, or is dissatisfied with any decision made regarding disclosure of information requested, then they are able to request that the matter is reviewed internally.
14. FAL will endeavour to ensure that internal reviews will be overseen by individual(s) who were independent of the actions and internal mechanisms used to determine the original disclosure decision. The internal reviewer will review the manner in which the application was dealt with, and is empowered to either uphold or overturn the original decision.
15. FAL will only consider requests for an internal review that are made within three months of the original date of the response to the applicant.
16. The applicant will be notified as to the outcome within a reasonable timescale. FAL aims to deal with internal reviews within 20 working days of receiving the complaint. If it becomes clear at any stage of the internal review that FAL will not be able to meet the deadline set, the applicant will be informed.

THE INFORMATION COMMISSIONER'S OFFICE

17. The Information Commissioner's Office is the UK's independent authority set up to promote access to official information. If the applicant remains dissatisfied with the decision made as a result of the internal review procedure, they can complain to the Information Commissioner's Office, as provided by s.50 of the Act.

18. They can do so by writing to the Information Commissioner's Office at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF (www.ico.gov.uk) to apply for a decision as to whether the request has been dealt with in accordance with the requirements of part 1 of the FOI Act.

19. A Decision Notice will be served on FAL. if the Information Commissioner's Office decides that FAL has failed to:
 - Communicate information;
 - Confirm or deny where required to do so by section 1 (1) of the FOI Act;
 - Comply with the requirements of section 11 of the FOI Act (which refers to the manner of communication in response to a request for information); or
 - Comply with any of the requirements of section 17 of the FOI Act (which refers to the specific details that must be included when refusing a request for information).

20. The Decision Notice will specify the steps, which must be taken by FAL to comply with the requirement and the timescale for compliance.

21. The Information Commissioner's Office can serve an Information Notice on FAL. requiring FAL. to provide specified information (unless legal professional privilege applies).

22. If the Information Commissioner's Office is satisfied that FAL. has failed to comply with any of the requirements under part 1 of the FOI Act, they can serve an Enforcement Notice, requiring FAL. to take particular steps within a specified time to comply with those requirements.

23. FAL. may appeal to the Information Tribunal against decision notices and information and enforcement notices.

Related documentation and processes

FAL Data Protection policy

FAL disciplinary policy

Sponsor and further assistance

This policy is sponsored by the Executive Team.

Please discuss any questions about this policy with your manager.

Version Control