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HM Treasury



Operating Principles & Values

1.09 Freedom of information policy

Version No: 1.0

Responsible officer: Chief Executive

Date for next review: April 2020

Date of last revision: August 2019





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1. Introduction

- 1.1. Local Partnerships is a public authority, as defined by the Freedom of Information Act 2000 (the “**Act**”)¹. We recognise our responsibility as a public authority, and we are committed to promoting a culture of openness and transparency with all the information we hold to meet the requirements of the Act.
- 1.2. The Act provides access to information held by Local Partnerships in two ways:
 - (i) we are obliged to publish certain information about our activities, and
 - (ii) members of the public are entitled to request information from us.
- 1.3. In some cases, there may be good reasons under the Act to refuse a request for information.

2. Purpose and scope

- 2.1. This policy has been produced to ensure we comply with the provisions of the Act. It incorporates guidance from the Information Commissioner’s Office (“**ICO**”).
- 2.2. The policy provides a framework for compliance and is supported by appropriate guidance with advice and statements of good practice.
- 2.3. The policy applies to Local Partnerships’ Board members and all members of staff including temporary, casual or agency staff, and contractors (including Associates) and suppliers working for, or on behalf of, Local Partnerships.

3. The model publication scheme

- 3.1. Section 19 of the Act places a duty on Local Partnerships to:
 - adopt and maintain a scheme for the publication of information
 - publish information in accordance with our publication scheme, and
 - review our publication scheme from time to time.
- 3.2. We have adopted the model publication scheme approved by the ICO. The publication scheme identifies information which is readily accessible without the need for a formal request under the Act and is reviewed on an annual basis.
- 3.3. Our publication scheme sets out the types of information we publish in accordance with the guidelines set out by the ICO, and these are:
 - who we are and what we do
 - what we spend and how we spend it
 - what our priorities are and how we are doing
 - how we make decisions
 - our policies and procedures
 - lists and registers, and
 - the services we offer.

¹ Freedom of Information Act 2000 <https://www.legislation.gov.uk/ukpga/2000/36/contents>

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- 3.4. The information that we publish in accordance with the publication scheme represents the minimum that we must disclose. If a member of the public wants information not listed in the scheme they can still ask us for it by **making a request for information**.

4. Making a request for information

- 4.1. Freedom of information requests can be made by anyone, whether a person or organisation. Applicants do not have to reference the Act, or expressly state that they are making a freedom of information request.
- 4.2. Under the Act, an applicant has two separate and qualified rights:
- (i) a right to be told whether the information is held, and
 - (ii) a right to receive that information (unless there are grounds for withholding it).
- 4.3. Applicants can request any recorded information held by Local Partnerships. This includes printed documents, letters, emails, computer files, letters and notes.
- 4.4. For a request for information to be considered valid under the Act, it must:
- be in writing
 - include a name and address for correspondence (an email address is sufficient), and
 - describe the information requested.
- 4.5. Information can be asked for in a particular format, such as paper or electronic copies or large print.
- 4.6. Requests for information that is not already available through our publication scheme should be addressed via email to LPFOI@local.gov.uk, or by post to:
- Freedom of Information Enquiries
Local Partnerships
18 Smith Square
London
SW1P 3HZ
- 4.7. The Act does not give people access to their own personal data (information held about themselves). Individuals wishing to see such information need to make a subject access request under the Data Protection Act 2018.

5. Responding to a request for information

- 5.1. We have a duty to provide advice and assistance in response to a request so far as it is reasonable to expect us to do so.
- 5.2. We will respond to a request promptly, and normally by the twentieth working day following receipt of the request.
- 5.3. If the request is unclear and we need further details to identify and establish whether we hold the information, we may ask for clarification. The 20 working days will commence the day after we receive the required clarification.



- 5.4. If the **public interest test**² applies and we are unable to respond to the request within 20 working days, we will contact the applicant with an explanation and claim a reasonable extension of time. The total length of time should not exceed 40 working days.
- 5.5. Our response will normally confirm whether we hold the requested information. If we do hold the information, our default position is that the information will be released.
- 5.6. Some information may be exempt from disclosure under one of the exemptions in the Act (which can include being exempt from the requirement to confirm or deny whether we hold the information). See section 7 below for more information on **exemptions**.
- 5.7. We have the right to charge applicants a reasonable fee for supplying requested information but we are under no obligation to provide information if the cost of doing so would be in excess of the “appropriate limit”. Any **fee** for handling a request will be calculated in line with regulations (see section 10 below).

6. Environmental Information Regulations 2004

- 6.1. Any requests for environmental information held by Local Partnerships will be handled under the Environmental Information Regulations 2004 (“**EIR**”)³, rather than the Freedom of Information Act.
- 6.2. EIR requests do not need to be made in writing; however, a written record will be made of any verbal requests that are received.
- 6.3. We will generally respond to an EIR request within 20 working days (an extension may be sought in certain cases, where permitted by the EIRs). We will treat these requests in line with the guidance provided by the ICO.

7. Exemptions

- 7.1. The Act contains several exemptions that exist to protect information that should not be disclosed. These include information provided in confidence and information which, if disclosed, would or would be likely to prejudice the commercial interests of any person. Many of the exemptions are subject to a public interest test. A full list of the exemptions can be found on the ICO’s website⁴.
- 7.2. We will consider carefully any applicable exemptions and ICO guidance. There may be circumstances in which we should consult third parties about whether information is suitable for disclosure before taking the final decision on its release.
- 7.3. If we refuse all or any part of a request in reliance on one or more exemptions, we will send a written refusal notice giving clear reasons for our decision.

² Public interest test https://ico.org.uk/media/for-organisations/documents/1183/the_public_interest_test.pdf

³ The Environmental Information Regulations 2004 <http://www.legislation.gov.uk/uksi/2004/3391/contents/made>

⁴ When can we refuse a request for information <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>



8. Repeated requests

- 8.1. Where a request for information is received that is identical or substantially similar to a previous request from the same person, we will consider this as a repeated request.
- 8.2. We are not obliged to comply with repeated requests unless a reasonable interval has elapsed between those requests.

9. Vexatious requests

- 9.1. Local Partnerships is not obliged to comply with any part of a vexatious request under the Act.
- 9.2. In determining whether a request should be refused because it is vexatious, we will take into account the context and history of the request and whether the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation.

10. Excessive cost of compliance

- 10.1. Under section 12 of the Act, Local Partnerships does not have to comply with a request for information if we estimate that the cost of compliance would exceed the “**appropriate limit**”.
- 10.2. The appropriate limit for the calculation of excessive cost of compliance is currently **£450**.
- 10.3. For the purposes of estimating whether the appropriate limit is exceeded, we can only consider the costs we reasonably expect to incur in relation to the request in:
 - determining whether we hold the information
 - locating the information, or a document which may contain the information
 - retrieving the information, or a document which may contain the information
 - extracting the information from a document containing it.
- 10.4. The cost of compliance is estimated at a flat rate of **£25 per person per hour**, regardless of the actual cost or rate of pay.
- 10.5. Where a reasonable estimate is made that the cost of complying with the request would exceed the appropriate limit, we will either:
 - refuse to comply with the request and confirm this in a refusal notice, or
 - issue a fees notice to the applicant for the estimated cost of complying with the request.
- 10.6. We must still confirm or deny whether we hold the information requested unless the costs of this alone would exceed the appropriate limit.
- 10.7. Where appropriate, we may indicate to the applicant what information could be provided within the appropriate limit and also ask if they would like to make a refined request so that it does not exceed the appropriate limit.



11. Fees

- 11.1. Section 9 of the Act allows Local Partnerships to charge a reasonable fee for providing information in response to a request. The fee will be calculated in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004⁵.

12. Review Procedure

- 12.1. If the applicant is unhappy with the way in which their request has been handled, they can request an internal review by a Corporate Director at Local Partnerships, by sending an email to:

LPenquiries@local.gov.uk

or by post to:

Local Partnerships LLP
18 Smith Square
London
SW1P 3HZ

- 12.2. A **request for internal review** must be submitted in writing within 40 working days of receipt of Local Partnerships' response, giving reasons for the review request.
- 12.3. Our target date for responding to the request for review is normally within 20 working days of receipt. If it will take longer to consider the issues and respond, we will inform the requester and provide a reasonable target date for a response.

13. Appealing to the Information Commissioner

- 13.1. If the requester remains dissatisfied following the outcome of an internal review, they have a right under section 50 of the Act to appeal to:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113

- 13.2. Further information about rights to access information under the Act is available from the Information Commissioner's Office web site:

http://ico.org.uk/for_the_public

⁵ Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
<http://www.legislation.gov.uk/uksi/2004/3244/contents/made>

APPENDIX 1 – Freedom of Information Act: Internal Procedures



1. Introduction

- 1.1. This document sets out the staff procedure for handling requests for information under the Freedom of Information (Fol) Act (the “Act”) and has been **supplemented by mandatory online training.**
- 1.2. Employees should be aware that any requests for environmental information held by Local Partnerships should be handled under the Environmental Information Regulations 2004 (EIRs) rather than the Act. There are important differences between these two statutory regimes. Advice on handling should be sought from a member of the Legal Team at an early stage in cases where a request appears to relate to environmental information.
- 1.3. **All employees should be aware that any breach of the Act may result in disciplinary procedures being instigated.**

2. Receiving a request for information

- 2.1. **Fol requests can be made by anyone.**
- 2.2. **Applicants do not have to reference the Act**, or expressly state that they are making a freedom of information request.
- 2.3. **Applicants should be directed to our designated email address, LPFOI@local.gov.uk.** Enquiries that are sent elsewhere should be forwarded to LPFOI@local.gov.uk unless the applicant can be immediately signposted to publicly available information that will answer their query.
- 2.4. **All Fol requests must be logged centrally in a register** maintained by the Programme Team and tracked. The Head of Legal should be made aware of the Fol request immediately. The Head of Legal will designate a team member as the **Fol responder** (first point of contact) for any queries that may arise in respect of the handling of the Fol request.
- 2.5. **We must check if the Fol request is valid under the Act.** To be considered valid, the Fol request must:
 - (i) be in writing (which can include requests made by email) and be legible
 - (ii) include a name and address for correspondence (an email address is sufficient), and
 - (iii) describe the information requested.
- 2.6. **The Fol responder will identify which individuals may hold relevant information** for or on behalf of Local Partnerships, promptly liaising with staff members as appropriate.
- 2.7. **The Fol responder will establish if there are grounds to refuse to comply** with the Fol request.
- 2.8. **The Fol responder will establish whether to apply the public interest test or whether any exemptions to disclosure are relevant.**



3. Timescales for responding

- 3.1. The timescales for responding start from when Local Partnerships receives the request, so it is important that staff act quickly. The Act requires Local Partnerships to **respond promptly and normally by the twentieth working day** following receipt of the request.
- 3.2. While this may seem like a long period, this includes time that may be required to consider any exemptions and to complete any redactions.
- 3.3. If the request is unclear and further details are needed to identify and establish whether the information is held, the applicant may be asked for clarification. The twenty working days will commence the day after the required clarification is received.
- 3.4. If the public interest test applies and it is not possible to respond to the request within 20 working days, **the applicant should be contacted** and given an explanation and told a reasonable extension of time is being claimed. The total length of time should not exceed 40 working days.

4. Responding to a freedom of information request

- 4.1. Under the Act, an applicant has two separate and qualified rights:
 - (i) a right to be told whether the information is held, and
 - (ii) a right to receive that information (unless there are grounds for withholding it).
- 4.2. Our response should normally confirm whether or not the information is held. If it is held, **the presumption is in favour of releasing it**. However, there may be good reasons under the Act to refuse a FoI request. These include:
 - (i) on grounds of cost
 - (ii) where a FoI request is repeated
 - (iii) where a FoI request is vexatious, and
 - (iv) where an exemption is to be applied to protect information that should not be disclosed.
- 4.3. We have a general duty to **provide advice and assistance** in response to a FoI request so far as it is reasonable to expect us to do so.
- 4.4. **The Chief Executive and the Head of Marketing and Communications must approve the proposed response** to the FoI request before it is issued to the applicant.

5. Repeated requests

- 5.1. Where a FoI request is received that is identical or substantially similar to a previous request from the same person, this may be considered as a repeated request. There is no obligation to comply with repeated requests unless a reasonable interval has elapsed between those requests. **The Chief Executive will declare whether a FoI request should be treated as a “repeated request”**.



6. Vexatious requests

- 6.1. There is no obligation to comply with any part of a vexatious request under the Act. In determining whether a request should be refused because it is vexatious, it is necessary to take into account the context and history of the request and whether the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation. **The Chief Executive will declare whether a FoI request should be treated as a “vexatious request”.**

7. Exemptions to disclosure

- 7.1. The Act contains a number of exemptions that exist to allow organisations covered by the Act to withhold some or all of the information requested where a justifiable reason exists. Staff should consider carefully any applicable exemptions and guidance documents from the Information Commissioner. There may be circumstances in which third parties should be consulted about whether information is suitable for disclosure before taking a final decision on its release.

7.2. Absolute exemptions

If the exemption is absolute, the information does not have to be released. Absolute exemptions that are most likely to be considered by Local Partnerships are:

- (i) information that is reasonably accessible by another means (Section 21)
- (ii) personal information relating to the person making the request (Section 40(1)). Such requests should instead be handled as **subject access requests** under the Data Protection Act 2018 and in line with Local Partnerships’ data protection policy
- (iii) information that constitutes personal information about a third party, where disclosure would contravene the data protection principles contained in the Data Protection Act 2018 (Section 40(2))
- (iv) information provided in confidence. This exemption only applies to information where disclosure would result in an actionable breach of confidence (Section 41), and
- (v) information that is prohibited from disclosure by law (Section 44).

7.3. Qualified exemptions

If it is decided that an exemption is engaged and that exemption is qualified, it is necessary to weigh the public interest in maintaining the exemption against the public interest in disclosure. In other words, the decision is qualified with reference to the public interest test (see below). The qualified exemptions most likely to be considered by Local Partnerships are:

- (i) information intended for future publication (Section 22)
- (ii) environmental information, which should instead be handled under the EIRs (Section 39)
- (iii) legal professional privilege (Section 42), and

- (iv) information the disclosure of which would, or would be likely to, prejudice the commercial interests of any person, including Local Partnerships (Section 43).

8. The public interest test

- 8.1. The public interest test requires that information should be withheld under an exemption if, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 8.2. Where the balance is seen as equal, the information must be released. In all cases, **the Chief Executive will declare whether the public interest test is met** and the decision whether to release or withhold will be a matter of judgement at the time of the request. The Information Commissioner has published detailed guidance on the public interest test⁶.
- 8.3. **The decision in respect of the public interest test should be recorded**, documenting the reasons on both sides as objectively as possible, to make the decision and to be able to account for reasons.
- 8.4. **Applicants must be sent a written refusal notice**, if we rely on an exemption to refuse all or part of a FoI request, identifying the relevant exemption and giving clear and accurate reasons for relying on it. It is possible for more than one exemption to be cited as the reason for non-disclosure of information to the public.
- 8.5. Employees should be aware that an exemption that may have applied at the time of creation of a record or document may no longer apply when the relevant information is the subject of a FoI request.
- 8.6. If a document contains exempt information, access to the whole document should not be refused unless it is absolutely necessary to do so in order to ensure that exempt information is not disclosed. **Where part of a document is exempt, normally only that part of the document containing the exempt information will be withheld.**
- 8.7. **Any applicants receiving a refusal notice should be offered assistance in finding relevant, alternative information.**

9. Fees

- 9.1. Under section 12 of the Act, **there is no obligation on Local Partnerships to comply with a FoI request if it is estimated that the cost of compliance would exceed the “appropriate limit”**. For Local Partnerships, this is currently **£450**.
- 9.2. **All decisions to levy fees must be referred to the Chief Executive for approval.**

⁶ The public interest test https://ico.org.uk/media/for-organisations/documents/1183/the_public_interest_test.pdf



- 9.3. For the purposes of estimating whether the appropriate limit is exceeded, we can only consider the costs we reasonably expect to incur in relation to the request in:
- (i) determining whether we hold the information
 - (ii) locating the information, or a document which may contain the information
 - (iii) retrieving the information, or a document which may contain the information, and
 - (iv) extracting the information from a document containing it.
- 9.4. **The cost of compliance is estimated at a flat rate of £25 per person per hour**, regardless of the actual cost or rate of pay.
- 9.5. Where a reasonable estimate is made that the cost of complying with the request would exceed the appropriate limit, we may:
- (i) refuse to comply with the request and confirm this in a refusal notice, or
 - (ii) issue a fees notice to the applicant for the estimated cost of complying with the request.
- 9.6. **We must still confirm or deny whether we hold the information requested** unless the costs of this alone would exceed the appropriate limit.
- 9.7. Where appropriate, we may:
- (i) indicate to the applicant what information could be provided within the appropriate limit, and
 - (ii) ask the applicant whether it would like to make a refined request so that it does not exceed the appropriate limit.

10. Review procedure

- 10.1. Applicants should be made aware that if they are dissatisfied with the way in which their FoI request has been handled, they can request an internal review by a Corporate Director at Local Partnerships, by sending an email to: LPenquiries@local.gov.uk
- or by post to:
- Local Partnerships LLP
18 Smith Square
London
SW1P 3HZ
- 10.2. Applicants should be told that a request for internal review must be submitted in writing within 40 working days of receipt of Local Partnerships' response, giving reasons for the review request.
- 10.3. We should aim to respond to any request for review normally within 20 working days of receipt. If it will take longer to consider the issues and respond, the Corporate Director should inform the requester and provide a reasonable target date for a response.
- 10.4. Applicants must be informed that if they remain dissatisfied following the outcome of an internal review, they have a right under section 50 of the Act to appeal to the Information Commissioner.



- 10.5. If the applicant does appeal to the Information Commissioner and the matter is not resolved informally, the Information Commissioner will issue a decision notice. If the Information Commissioner finds a breach of the Act, the decision notice will say what needs to be done to put things right.
- 10.6. The Information Commissioner also has powers to enforce compliance whether or not a complaint has been received.
- 10.7. **Breaches of the Act** may occur in any of the following circumstances:
 - (i) failure to respond adequately to a FoI request
 - (ii) failure to adopt the model publication scheme, or to publish the correct information, or
 - (iii) deliberately destroying, hiding or altering requested information to prevent it from being released (this is a criminal offence that individuals and organisations can be charged with).

11. Mandatory training

- 11.1. All Local Partnerships staff are expected to comply with the Act and to stay up-to-date with regulations by completing regular mandatory online training. Employees will receive reminders to complete this training when it becomes due.