

NORTHERN IRELAND AMBULANCE SERVICE HEALTH & SOCIAL SERVICES TRUST

FREEDOM OF INFORMATION ACT 2000 – POLICY

1.0 **INTRODUCTION**

1.1 The Northern Ireland Ambulance Service (NIAS) HPSS Trust recognises the importance of the Freedom of Information Act 2000 and to assist the Trust's compliance with the legislative requirement, will endeavour to ensure that:

- The majority of information can be assessed through the Trust's publication scheme;
- Other information is readily available on request;
- If the information requested is subject to an exemption, the Trust will implement the public interest test to determine when the information can be released.

1.2 Under the Freedom of Information Act 2000, the Trust is required to make publicly available a Publication Scheme. This is achieved by placing the Publication Scheme on the Trust's internet site – www.niamb.co.uk.

The Freedom of Information Act Policy is a statement of what the Trust intends to do to ensure compliance with the Act. It is not a statement of how compliance will be achieved, this is covered in supporting procedures relating to Freedom of Information and Environmental Information Regulations. The Trust has a duty to comply with this legislation.

2.0 **SCOPE OF THE POLICY**

2.1 This Policy is intended to cover all records created in the course of the business of the Trust ie corporate records which are also records under the terms of the Public Records Acts.

2.2 This **includes** email messages and other electronic formats.

2.3 The Freedom of Information Act Policy will apply to all Trust employees and to Non-Executive Directors.

- 2.4 The Policy will provide a framework within which the Trust will ensure compliance with requirements of the Act.
- 2.5 The Policy will underpin any operational procedures and activities connected with the implementation of the Act.
- 2.6 The Policy supports the principle of openness. The Trust wants to create a climate of openness and transparency with all the stakeholders and improving access to information about the Trust will facilitate the development of such an environment.
- 2.7 The Trust believes that individuals also have a right to privacy and confidentiality. This Policy does not overturn the common law duties of confidence or statutory provisions that prevent disclosure of personal identifiable information.

3.0 **POLICY STATEMENT**

The Trust will use all appropriate and necessary means to ensure that it complies with the Freedom of Information Act 2000 and associated Codes of Practice issued by the Lord Chancellor's Department pursuant to Sections 45(5) and 46(6) of the Act and guidance notes issued by the Information Commissioner.

3.1 **Publication Scheme**

The Trust has adopted a Publication Scheme in accordance with the HPSS Freedom of Information Project Board. The Information Commissioner has approved the Trust's Publication Scheme. The Information Commissioner will review Publication Schemes every 5 years.

The Publication Scheme is a statutory requirement under Section 20 of the Act and ensures compliance with Section 19 of the legislation.

3.2 **General Rights of Access**

From 1 January 2005, Section 1 of the Act give a general right of access to recorded information held by the Trust, subject to certain conditions and to Exemptions contained in the Act. In accordance with Section 8 of the Act, a request for information under the general rights of access must be received in writing. Requests of information regarding environmental issues (EIR) can be received verbally.

3.3 **Conditions and Exemptions**

The duty to confirm or deny an information request is subject to certain conditions and exemptions. Under Section 13 of the Act, the duty to confirm or deny does not arise where the Trust:

- Reasonably requires further information in order to identify and locate the information requested, and
- Has informed the application of that requirement.

The Trust will make reasonable efforts to contact the applicant for additional information pursuant to their request should further information be required.

3.4 **Charges and Fees**

The Trust will generally not charge for information it has chosen to publish in its Publication Scheme. Charges may be levied for hardcopies, multiple copies or copying onto such media such as a CD-ROM. The Publication Scheme and the procedures that support this Policy will provide further guidance on charging.

The Trust follows the DHSSPS Fees Regulations for general rights of access under the Act.

A fees notice, when applicable, will be issued to the applicant as required under Section 9 of the Act.

3.5 **Time Limits for Compliance with Requests**

The Trust will ensure compliance with the duty to confirm or deny and to provide the information requested within 20 working days of a request in accordance with Sections 10 and 46 of the Act. All staff and Non-Executive Directors will be required to comply with the requirements of these procedures, failure to do so, may result in disciplinary action.

3.6 **Means by Which Information will be Conveyed**

Where an applicant, on making their request for information, expresses a preference for communication by any one or more of the following means, namely:

- (a) The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant;
- (b) The provision to the applicant of a reasonable opportunity to inspect a record containing the information;
- (c) The provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant.

The Trust will make every effort, within cost limits, to comply with the applicant's preference.

3.7 **Duty to Provide Advice and Assistance**

The Trust will ensure that systems and procedures are in place to meet the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the Trust to do so, to persons who propose to make or have made requests for information. This is a duty under Section 16 of the Act.

The Trust will ensure that the systems and procedures that are deployed to meet the Section 16 duty also conform to the Code of Practice issued under Section 45 of the Act.

3.8 **Transferring Request**

A request can only be transferred where the Trust receives a request for information which it does not hold, within the meaning of Section 3(2) of the Act but which is held by another public body.

All transfers of requests will take place as soon as is practicable and the applicant will be informed as soon as possible once this has been done.

3.9 **Personal Data**

Where information constitutes "personal data" within the meaning of the Data Protection Act, the Trust will have regard to Section 40 of the Act which makes detailed provision for cases in which a request relates to such information and the interplay between the Act and the DPA in such cases.

3.10 **Public Sector Contracts**

Public sector tendering, contracts and agreements are also governed by the Act, the general duties of disclosure are lessened by several significant Exemptions, provided that the use of such Exemptions can be properly validated as being in the public interest.

The Trust will seek not to impose Conditions in contracts (or have them imposed by prospective contractors) in the interests of mere secrecy, through it is recognised that this is not always possible, given the strength of the negotiating position of the respective parties.

3.11 **Accepting Information in Confidence from Third Parties**

The Trust will only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Authority's functions and it would not otherwise be provided.

The Trust will not agree to hold information received from third parties "in confidence" which is not confidential in nature.

3.12 **Refusal of Requests**

The Trust will keep a record of all notices issues to refuse requests for information as part of its recording and monitoring system. The Trust's decision to deny access to information will be taken following due care and consideration of the Act's Exemptions.

3.13 **Complaints about Discharge of duties of the Trust under the Act**

The Trust's procedure for dealing with complaints about the discharge of its duties under the Act is outlined in the Trust's FOI/EIR Procedures Manual (December 2006).

The procedure refers applicants to the right under Section 50 of the Act to apply to the Information Commission if they remain dissatisfied with the conduct of the Trust, following attempts at local resolution of their complaint.

3.14 **Records Management**

The Trust will develop a separate Policy with supporting systems and procedures that will ensure compliance with the Lord Chancellor's Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000 and the Department of Health's Guidance HSC 1999/053; For the Record; Managing Records in HPSS Trust's and Health Authorities and the DHSSPS paper entitled Good Management, Good Records.

4.0 **RESPONSIBILITIES**

4.1 **Responsibilities of all Staff and Non-Executive Directors**

All staff and Non-Executive Directors are obliged to adhere to this Policy. A failure to adhere to this Policy and its associated procedures may result in disciplinary action. Managers at all levels are responsible for ensuring that the staff for whom they are responsible, are aware and adhere to this Policy. They are also responsible for ensuring staff are updated in regard to any changes in this Policy.

- 4.2 The Corporate Manager is accountable to the Chief Executive for the co-ordination and management of freedom of information requests and records management. The Corporate Manager will oversee the implementation of the Policy on behalf of the Chief Executive. The Corporate Manager will establish systems and procedures that will support the implementation of this Policy.
- 4.3 The Corporate Manager is responsible for the maintenance and review of this Policy.
- 4.4 It is the responsibility of the Corporate Manager and relevant personnel to handle requests for information under the Freedom of Information Act. Control of these requests will be handled by the Corporate Manager.
- 4.5 It is the responsibility of all Trust staff to refer any requests received for information under the Freedom of Information Act either verbally, via email or writing, to the Corporate Manager so that the request can be appropriately handled and dealt with in the legislative timescales ie 20 days.
- 4.6 The Corporate Manager is identified as the Trust's Freedom of Information lead.
- 4.7 The Corporate Manager will work with the Regional Ambulance Training Centre to ensure that training on the Act is available to staff and Non-Executives who require it.

5.0 **Distribution**

This Policy will be available on the Trust's internet and intranet site.

6.0 **Review**

This Policy will be reviewed every three years.

Liam McIvor (Mr)
CHIEF EXECUTIVE

Date of Issue: January 2007
Date for Review: December 2009