

NIPEC/18/31
(replacing NIPEC/16/22)



NORTHERN IRELAND PRACTICE AND EDUCATION
COUNCIL FOR NURSING AND MIDWIFERY

Freedom of Information Act 2000 Request Procedures

September 2018

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Introduction

The vast majority of requests for information and enquiries received by NIPEC are routine and are dealt with as normal course of business. The purpose of these procedures is to provide a process for NIPEC staff, in assisting them to deal with requests for information.

The Freedom of Information (FOI) Act 2000 gives people a general right of access to information held by or on behalf of public authorities. It is intended to promote a culture of openness and accountability amongst public sector bodies, and therefore to 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.

This 'right' is subject to certain conditions and exemptions; however the culture of the legislation is intended to facilitate transparency in the conduct of public affairs. Furthermore, the Act places a statutory duty on public authorities to provide advice and assistance to anyone requesting information.

A Freedom of Information Code of Practice (July 2018) issued by the Cabinet Office provides guidance for public authorities on best practice in meeting their responsibilities under Part 1 of the Act. It sets the standard for all public authorities when considering how to respond to FOI requests. <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

In the spirit of the FOI Act, NIPEC will attempt to deal with enquiries as 'Normal Course of Business' where appropriate (*see stage 1 for examples of normal course of business*). It is anticipated, therefore, that formal FOI requests should be the exception.

These procedures have been developed within the context of the Equality and Human rights statutory obligations and requirements.

Contact Details

Requests for information can be received by any member of NIPEC staff. All formal FOI requests should be directed or forwarded to NIPEC's Corporate IT & Information Officer (CITIO) at the following address:

Centre House
79 Chichester Street
BELFAST
BT1 4JE

Tel: 0300 300 0066
Email: enquiries@nipec.hscni.net

Key Principles

- The FOI Act states that FOI requests should be responded to within **20 working days**. However, where possible, NIPEC will endeavour to respond prior to the 20 working day deadline. Staff should be vigilant in their observation of enquiries arriving either through the postal system or via email. This response time may be increased where complex public interest judgments need to be made. The working

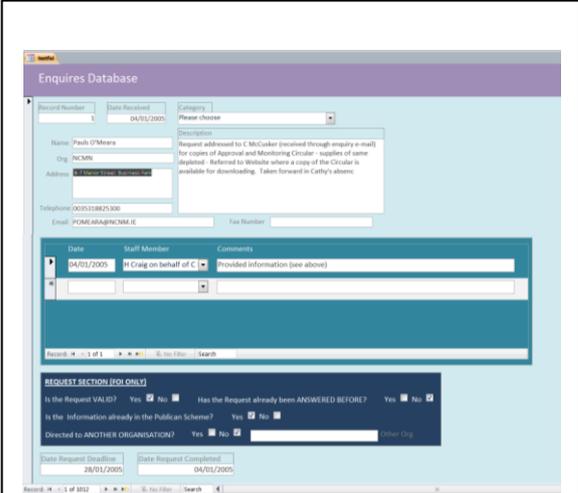
day represents hours during 9am and 5pm, Monday to Friday, excluding public holidays.

- Applicants must provide a physical return address, ie. postal address.
- The FOI Act is fully retrospective, ie. requests can be made for records from as far back as records are held.
- Limited exemptions may apply as detailed within the FOI Act.
- NIPEC has a statutory duty to provide advice and assistance to anyone making requests for information.
- NIPEC will endeavour to assist those applicants whose first language is other than English.
- Charges may be levied for the provision of some information. Where this is the case we will notify the applicant of the charge and seek approval to proceed.
- NIPEC will only issue single copies of records that are relevant to the request.
- In dealing with an information request, NIPEC may need to consult other public authorities and/or third parties in order to reach a decision on whether the requested information can be released.
- Where we do not hold the information, staff should attempt to transfer the request to the public authority best able to provide it. We will advise the applicant of any transfer of their request, advising them to whom it has been transferred to and how they can make contact with this organisation.
- All applicants should be advised of the opportunity to seek a review and details of the Information Commissioner.
- NIPEC will monitor requests that are dealt with under the FOI Act. This information may be used by NIPEC to develop activity reports which may be distributed to other health organizations, eg. Department of Health, (DoH). Applicants details will not be specified in any such report.

Record management

All requests for information, including FOI requests, should be recorded on NIPEC's enquiries database (see stage 2 for further information). This will record the applicant's name and contact information, a brief description of the request, who was involved in drafting the response, what response and information, was provided and the date this was forwarded to the applicant. All requests and responses are saved on the server at COM/16/01.

The enquiry database will enable NIPEC to monitor the number and nature of enquiries,



The screenshot displays the 'Enquires Database' interface. It features a form with the following fields and sections:

- Received Number:** 04/01/2005
- Date Received:** 04/01/2005
- Category:** Patient Advice
- Name:** Paul O'Meara
- Org:** NCMS
- Address:** 11, Church Lane, Ballymore, Dublin 15
- Telephone:** 0035318825300
- Email:** POMLAB@NCMS.IE
- Fax Number:**
- Description:** Request addressed to C McCusker (enclosed through enquiry email) for copies of Approval and Monitoring Circular - supplies of same required. Referred to Website where a copy of the Circular is available for downloading. Taken forward in Cathy's absence.
- Date:** 04/01/2005
- Staff Member:** C Craig on behalf of C
- Comments:** Provided information (see above)
- REQUEST SECTION (FOI ONLY):**
 - Is the Request VALID? Yes No
 - Has the Request already been ANSWERED BEFORE? Yes No
 - Is the Information already in the Publican Scheme? Yes No
 - Directed to ANOTHER ORGANISATION? Yes No
- Date Request Received:** 04/01/2005
- Date Request Completed:** 04/01/2005

Enquiries Database

and identify any trends occurring which could help inform how NIPEC can improve public access to information, for example, through its websites. It will also assist NIPEC in completing monthly reports to the DoH on the number and nature of FOI requests, however, if an FOI request is received, this should be sent to the DoH the week it is received and not left till the end of the month.

Process for handling of FOI requests

In order to simplify the procedures for the handling of FOI requests, NIPEC has divided the procedures into four steps as follows: -

	<u>Stage One</u>
	<u>Receipt of request for information</u> Information is received into NIPEC (written format), and can be received by any member of staff
	<u>Stage Two</u>
	<u>Check, clarify and acknowledge request for information</u> Requests are sent to Corporate IT & Information Officer (CITIO), checked and logged onto NIPEC's FOI Database. Clarification from the applicant is sought where required. Acknowledgement of receipt of request is sent to the applicant.
	<u>Stage Three</u>
	<u>Search and fees</u> Quick search and decision whether costs and/or exemptions are appropriate. Applicant notified if costs/exemptions are to be claimed.
	<u>Stage Four</u>
	<u>Retrieve and release of information</u> Information is retrieved, photocopied and a response sent to applicant either by post or email. A copy of the response and information released is held on file, and the database is updated accordingly.

Stage 1 – Receipt of request for information

Normal course of business

IF THE REQUEST FOR INFORMATION IS ROUTINE AND IS CONSIDERED TO BE 'NORMAL COURSE OF BUSINESS', THEN STAFF SHOULD RESPOND AS SUCH AND PROVIDE THE INFORMATION AS QUICKLY AS POSSIBLE.

Examples of information provided in the normal course of business may include:

- i) a request for information already published on the NIPEC website
- ii) a request for information that is regularly and routinely provided, eg. information on nurse/midwife education courses
- iii) a request which has already been answered during a previous FOI request by NIPEC, or by another HPSS organisation such as the Business Services Organisation
- iv) information provided in the Publication Scheme where the applicant and staff member has access to the Publication Scheme
- v) information already published elsewhere.

FOI requests

IF THE REQUEST FOR INFORMATION IS NOT ROUTINE AND IS NOT CONSIDERED TO BE 'NORMAL COURSE OF BUSINESS', THEN STAFF SHOULD PROCEED WITH AS AN FOI REQUEST.

All FOI requests should be forwarded to the Corporate IT & Information Officer (CITIO) immediately these are received, for discussion with the Head of Corporate Services (HCS), or Corporate Services Manager (CSM) in their absence. The FOI Act stipulates that applicants should make their requests in writing (ie. email, post). However, NIPEC has a statutory duty to offer every assistance to applicants. If necessary, staff should note their request, if made by telephone or in person, and verify this is correct before processing their request.

The minimum information required is:

- Details of the information the applicant is seeking
- A contact name and address.

However, it is also desirable to obtain the following:

- Phone number
- Fax number
- Email address.

In all but the most straightforward cases, the applicant should be contacted to:

- a) verbally acknowledge receipt of their request
- b) clarify any ambiguities
- c) discuss:
 - types of information available
 - possible costs

- timescales and staged release of information
- the scope of the request
- the preferred format for the delivery of the information as this may affect the fees to be charged.

It should also be noted that applicants are not obliged to say why they want the information, but if they are willing to do so it might assist with the search. The applicant should, however, be reassured that he/she will not be treated differently if he/she does not give reasons for the request.

If the request comes into NIPEC electronically, then a terrestrial address must be provided where the information is to be supplied in hardcopy.

Stage 2 – Check, clarify and acknowledge request for information

Once an FOI request is received, the CITIO, in discussion with the HCS/CSM, will decide whether the request is valid. If necessary, advice will be sought from a member of NIPEC's senior professional team. An FOI request is valid when the applicant gives NIPEC the minimum information required under the legislation, ie, details of what information is being requested and a contact name and address.

The CITIO will assist the HCS/CSM in processing all FOI requests.

If the minimum information required is not disclosed, then the CITIO will seek to obtain further information from the applicant.

If the request is **ambiguous**, then the HCS/CSM will write to the applicant, identifying any issues, and inform the applicant that the 20 day response time is suspended until clarification is given. NIPEC's chief executive should also be advised and kept informed of progress.

All FOI requests should be acknowledged within 2 working days, either by email or in writing if a postal address has been supplied.

If it is necessary for the request to be passed onto another member of staff, this should be recorded within the database along with any appropriate comments. The CITIO will inform the staff member of how many days are left before the deadline expires, and agree a timescale within which the information should be available. All information must be returned to the CITIO for collation before being reviewed and checked by HCS/CSM.

NIPEC may need to transfer the request to another organisation if they do not hold the information requested. In these circumstances, NIPEC should ensure that the information is held by the other authority first and then notify the applicant. The transfer should be effected without delay.

Stage 3 – Search and fees

Once the request has been deemed valid and logged onto the FOI database, the CITIO and HCS and/or CSM, with a member of the senior professional team if appropriate, should undertake a quick review of the scope of information that the organisation is likely to hold in relation to the request. They should also identify any major issues affecting the

ability to respond to the request, for example, sensitivity of information held; retrieval difficulties affecting timescale; and cost.

For more complex enquiries involving searches across many files within the system, it is advisable to use the FOI Search Strategy Proforma (see page 10) and record the following information:

- date of the record/information
- author
- the person/persons to which it is addressed
- a brief description of the record or its contents.

On completion of the search, consideration should be given to whether any full or partial exemptions are applicable in the release of the information held. Based on the results of this search review, an estimate of the cost of retrieval should be calculated, and noted on the form.

Fees

The fees to be applied to FOI requests will be calculated in accordance with the Freedom of Information and Data Protection (appropriate limit and fees) Regulations 2004 that was issued in December 2004. All FOI requests that cost less than £450 to produce will be free of charge. If gathering the information is likely to cost more than £450, the legislation states that public authorities do not have to provide the information.

The Chief Executive should be advised of all FOI requests where fees are deemed appropriate.

NIPEC may consider responding to the request in return for a fee set by the amount by which the limit is exceeded by. For example, if answering a request would cost £600, in terms of time (public authorities are advised to use the hourly rate of £25/hr), NIPEC could charge the applicant £150. The applicant should be given this information in writing, indicating that he/she has three months to pay this fee. The 20 working day response time will be suspended until payment of the fee has been made, and the request will lapse if not paid within 3 months. If the applicant decides not to proceed, then the FOI request is closed.

It should be noted that the system of determining whether or not the appropriate limit would be exceeded should be relatively simple in the majority of cases. It should be very often obvious that the cost will exceed the appropriate limit, eg. if a request is more complicated and likely to take longer to answer. NIPEC will consider each request on an individual basis.

In determining whether the appropriate limit has been exceeded, the following are the costs that NIPEC reasonably expects to incur:

- Determining whether it holds the information requested
- Locating the information or documents containing the information
- Retrieving such information or documents
- Extracting the information from the document containing it.

In cases where the appropriate limit has not been exceeded, NIPEC will incur the cost of reasonable charges including: informing the applicant whether it holds the information; communicating the information to the person making the request; putting the information in the applicant's preferred format, as far as this is reasonably practicable; reproducing any document containing the information, eg. photocopy or printing; postage and other forms of communicating the information

In cases where there is a large amount of photocopying required, NIPEC may make a small charge for disbursements, ie. photocopying and postage. Applicants will be advised of these costs at the earliest possible moment and prior to these being incurred.

Exemptions

The legislation recognises that there are grounds, such as security, confidentiality, and commercial interest for withholding information and provides a number of exemptions some of which are subject to a public interest test. Where the request could be considered exempt on cost grounds, NIPEC should consider providing an indication of what information could be provided within the cost ceiling.

In circumstances where NIPEC is not required to comply with a number of related requests because the cumulative cost would exceed the cost ceiling, NIPEC should consider whether the information could be disclosed in another, more cost-effective, manner, eg. on the website.

Stage 4 – Retrieve and release of information

Once the public interest tests for exemptions are complete, attention should be drawn to the retrieval operation in preparation for the release of information. If, as part of the request, a fee is being claimed, NIPEC should not commence retrieval until after the payment has been received and cleared (3 working days for a cheque).

All cheques should be made payable to NIPEC and sent to the HCS/CSM. However, should the applicant indicate that he/she is not prepared to pay the fee, NIPEC may consider whether there is any information that may be of interest to the applicant that is available free of charge. Once payment is received, retrieval should take place as quickly as possible.

All information retrieved should be referenced and photocopied by the CITIO and reviewed by the HCS/CSM, and member of senior professional team if appropriate. This review will identify potential areas for full or partial redaction (edited or blacked out) based on the exemptions.

The reasons for partial redactions should be noted on the photocopied papers and the redacted information hidden using tippex or a black marker. All exemptions or redactions should be noted, as the decision to withhold such information may be challenged at a later date, therefore it is advisable for an unredacted copy of all papers to be retained in case a review is required.

Finally, as soon as all work is completed, the CITIO should review and confirm the suggested redactions and exemptions with the HCS/CSM and member of senior professional team and chief executive where appropriate. The purpose of this process is to quality assure the information release and to review the release risk assessment.

Release of information

The release of information is the final stage of the FOI process, but carries a number of additional responsibilities.

The HCS/CSM should ensure that the information is to be sent to the applicant in the format stated in stage 1.

All information should be re-photocopied (twice to ensure that any redacted information is completely covered)

The applicant should be advised of the opportunity to request a review should they be dissatisfied with the outcome. Whilst applicants should be invited to informally discuss their concerns, any request for a formal review should be made in writing to NIPEC. The chief executive should be advised of all such requests for formal review. Once received, a formal review will be carried out and a response forwarded to the applicant within 20 working days.

The applicant should also be provided with details of how to contact the Information Commissioner.

Conclusion

After forwarding the information to the applicant, consideration should be given to reviewing the request, the results and whether all or part of this should be placed within NIPEC's publication scheme or website.

The FOI database should be fully completed, and all information and papers relating to the request must be **held for at least 1 year** after the last action (the time limit for completion of the appeals process).

Further information and guidance on the FOI legislation can be obtained from the Information Commissioner at <https://ico.org.uk/> ; or the Ministry of Justice at www.justice.gov.uk.

Signed: _____
Chief Executive

Date: _____

FOI Search Strategy

Ref: _____ Date request received: _____

Date search strategy to be completed: _____

Brief details of FOI request:

1. IT section to search network files and network email:
2. Librarian to search organisational reference library:
3. Staff listed below to search Central Registry filing systems:

Dept	Name	
		<input type="checkbox"/>

4. Staff listed below to search (a) local computer files; and (b) local/archive email.

Dept	Name	A	B
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Search Keywords :

Approximate cost: £

Search results to be summarised overleaf and returned to the Corporate IT & Information Officer by the date above

FOI Search Strategy - results schedule

Ref: _____

Record Date	Author	Addressees OR Title	Description / Contents	Potential Applicable Exemptions	No of Pages and file size if electronic	Estimated Retrieval time (Hours)

Signed: _____

Date: _____

Sample acknowledgement letter

FOI Request Ref:

Date:

[Address of requestor]

Dear [Dr Mr Mrs Miss]

Thank you for your request for information. Your request was received on [date] and we are dealing with this under the terms of the Freedom of Information Act 2000.

The leaflet enclosed tells you about the legislation and our procedures for processing and responding to FOI requests.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

Sample fees notice letter

FOI Request Ref:

Date:

[Address of requestor]

Dear [Dr Mr Mrs Miss]

Further to our conversation on [date] we have reviewed your request and can confirm that we hold the information and can supply it to you.

The information we currently hold is [description of the information]. The search and retrieval of this information is free of charge; there are, however, reproduction costs. Attached to this letter is a fees notice and an explanation of how the fees are calculated. Standard rates for photocopy, printing and postage as well as instructions for payment are attached.

Please remember to quote the reference number above in any future communications.

The 20 working day response time is now suspended until these fees are paid in full. If no payment is received within 3 months the request will lapse.

If you have any queries regarding this please do not hesitate to contact me.

Yours sincerely

Sample response/redaction letter

FOI Request Ref:

Date:

[Address of requestor]

Dear [Dr Mr Mrs Miss]

Further to our conversation on [date] we have reviewed your request for information. The information relates to [Description of information].

As you observe the document has been subject to redaction (editing and blacking out of information). This is because some of the information is exempt from disclosure and the accompanying table outlines the exemption applied to each of the redactions.

If you require any further assistance please contact me quoting the reference number in all correspondence.

Yours sincerely