



02109 PROCEDURE – FREEDOM OF INFORMATION – RESPONDING TO REQUESTS

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ECHR

Potential Equality Impact Assessment: **Low**

1. About This Procedure

1.1. This document explains the procedure to be followed by Hampshire Constabulary (including the Hampshire Safer Roads Partnership) in dealing with the legislative requirements imposed upon it by the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations (EIR) requests.

1.2. The document should be read in conjunction with the ACPO National Manual of Guidance. Hampshire Constabulary conforms to the principles contained therein in respect of its handling of Freedom of Information requests.

2. Risk Assessments / Health & Safety Considerations

2.1. Not applicable.

3. Procedure

3.1. Defining an FOI Request

3.1.1 Correspondence, including that received via social networking sites, that meets the following criteria must be forwarded to the FOI Section to be dealt with under the Freedom of Information Act:

- a) If a request for information mentions Freedom of Information or the Freedom of Information Act or if it addressed to the Freedom of Information Section or the FOI Officer; or
- b) If there is a desire **not** to disclose the information; or
- c) If the information cannot be supplied within 20 working days.

3.1.2 If any or all of the above apply, then the request for information **must** be forwarded immediately to the FOI Section at PHQ.



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- 3.1.3 Whilst there is a duty on all members of staff to advise how to submit an FOI request, **no member of the force should respond to an FOI request (as defined above) and/or provide information under the FOIA.**

3.2 Receipt of Request

- 3.2.1 If a written request is received by e-mail, letter, social networking source, internal referral or fax is received that falls under the definition on 3.1.1, this should be forwarded to the FOI Section.
- 3.2.2 Where a request has been forwarded to the FOI Section but is defined by the FOI Officer as 'business as usual', it will be immediately returned to the individual or department submitting the request.
- 3.2.3 Requests for information that do not mention the Freedom of Information Act and fall wholly under DPA will be redirected to the Data Protection Section (access to personal data).

3.3 Review of Request

- 3.3.1 Valid requests will be recorded on the FOI workflow system.
- 3.3.2 Where a request contains more than one question relating to different subjects, it will be split and each subject area will be registered as a separate request.
- 3.3.3 If it is unclear as to what information the applicant is seeking, the applicant will be contacted for clarification. The timing clock will be suspended and the 20 working days time limit begins again (less any time already used up) on the date further information is received by Hampshire Constabulary. Where the applicant does not clarify their request within 20 working days, the request will be closed off.

3.4 Timeliness

- 3.4.1 Hampshire Constabulary is legally obliged to deal with all FOI requests within 20 working days of receipt, with the day after receipt of a request being labelled Day 1. Where the request is complex and the information may be subject to the application



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of a qualified exemption, Hampshire Constabulary may extend the time limit of the request.

3.5 Fees and Charging

- 3.5.1 It is Hampshire Constabulary's policy that requests exceeding the £450 fees limit will be declined under s12 of the Act on the basis of cost. This equates to 18 hours of staff time (at an estimated cost of £25 per hour) to determine if information is held and to locate and retrieve it.
- 3.5.2 Hampshire Constabulary may charge for disbursements (to the full cost incurred).
- 3.5.3 Hampshire Constabulary policy is not to charge for disbursements under £20.

3.6 Aggregating Costs

- 3.6.1 Where two or more requests for information are made to a public authority, by one person or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, Hampshire Constabulary will aggregate these requests for the purposes of calculating fees under the Fees Regulations.

3.7 Internal Retrieval of Information

- 3.7.1 Upon receipt of a valid request for information, the FOI Section will undertake enquiries to determine if relevant information is held, locate and retrieve it.
- 3.7.2 Relevant information, if held, will be forwarded to the FOI section to apply any relevant exemptions, evidence of harm and the public interest test.
- 3.7.3 The FOI Section will be responsible for redacting documents and information as appropriate.

3.8 Responding To Requests for Information

- 3.8.1 Requested information will be released via a communication medium acceptable to the applicant subject to the application of appropriate exemptions contained within the FOIA. Where no



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preference is specified by the applicant for the method of communication, the information will be communicated by any means reasonable in the circumstances.

- 3.8.2 Where the cost of providing the information exceeds the provisions in the Fees Regulations, Hampshire Constabulary will inform the applicant, in writing, that the information requested will exceed the statutory cost limit and suggest the applicant refines the request for information or narrows down the parameters of the request.

3.9 Releasing Information or Refusing Disclosure

- 3.9.1 Hampshire Constabulary will inform the applicant whether information requested is held **unless** by doing so, it would inadvertently reveal exempt information.
- 3.9.2 Where Hampshire Constabulary is confirming information is held and disclosing this information in part or exempting in full, the applicant will be advised, in writing, of the exemptions that have been applied, copies of the public interest test (applied in respect of qualified exemptions and including factors favouring disclosure and non-disclosure and a full balancing test) and evidence of harm (applied in respect of prejudice-based exemptions) (where relevant) and details of complaint rights (both internal and ICO).
- 3.9.3 In line with ACPO policy, Hampshire Constabulary will layer exemptions and cite all exemptions that apply to the information that has been declined or redacted.

3.10 Redaction

- 3.10.1 Where information contained within a document is exempt under the terms of the FOIA, Hampshire Constabulary will conform with ACPO policy and vigorously redact the identified information either manually or using the redaction tool contained on the FOI workflow system.

3.11 Vexatious and Repeated Requests

- 3.11.1 Where a request is refused on the grounds that it is vexatious/repeated, a notice will be issued within 20 working days of receipt of the request with details of the appeals procedures.



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- 3.11.2 Where a vexatious/repeated notice has previously been issued, Hampshire Constabulary may neither acknowledge nor answer subsequent requests that are made on the same or similar subject.
- 3.11.3 If there is evidence to suggest that the subsequent request(s) are from the same person or persons acting in concert, Hampshire Constabulary may ignore the request(s).
- 3.11.4 As per ACPO policy, Hampshire Constabulary will assess whether a request is vexatious/repeated based on the type of information requested and not on the identity of the applicant, taking into account the current guidance issued by the ICO.
- 3.11.5 A 'reasonable interval' when judging if a request is repeated is defined by ACPO as 60 working days.

3.12 The Appeals Procedure

- 3.12.1 Appeals will be logged by the FOI Section and passed to the Head of Information Compliance.
- 3.12.2 If appropriate, the HOIC will consult with the DCC. If deemed necessary, a panel comprising of senior members of staff will be convened.

3.13 Third Party Consultation and Referral

- 3.13.1 Hampshire Constabulary will adhere to s45(2) of the Freedom of Information Act and the ACPO National Manual of Guidance when requests are received that may affect the interests of third party organisations.

3.14 Publication Scheme

- 3.14.1 Hampshire Constabulary will follow the statutory requirements laid out by the Information Commissioner's Officer and the guidance laid down in the ACPO National Manual of Guidance in respect of the updating and maintenance of the force Publication Scheme.

3.15 ACPO Central Referral Procedure



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3.15.1 Hampshire Constabulary will follow the procedures laid down in the ACPO National Manual of Guidance that will define those requests that should be referred to the CRU.

4 Roles and Responsibilities

- 4.1 FOI requests must be dealt with by the Freedom of Information Section, which forms part of Information Compliance.
- 4.2 The FOI Section at PHQ is responsible for the day-to-day implementation and enforcement of the Freedom of Information Act.

5 Administration

- 5.1 The processing of all FOI requests must be undertaken by the FOI Team at Police Headquarters in Winchester.
- 5.2 Prior to the release of complex disclosures, the Head of Information Compliance may quality assure the response.

6 Monitoring / Evaluation

- 6.1 This procedure will be monitored and evaluated by the FOI Officer.

7 Review

- 7.1 The Freedom of Information Officer will review this procedure every three years, commencing one year from the date of publication. The procedure will be approved by the Head of Information Compliance.

8 Related Procedures, Policies and Information Sources

- 8.1 Various documents on the FOI Intranet site
- 8.2 AD203 –Equality Impact Assessment

Origin: Information Compliance