



Freedom of Information Act 2000

What's it all about?

The Freedom of Information Act creates a statutory right for anyone to know if a public authority (that's us) holds specific information. If it does, to be provided with the information but not necessarily a copy of the original document. The Home Office states that it will be a "catalyst for a change of culture within the public service towards greater openness."

The Wiltshire Fire & Rescue Service publish details of the information that it holds, and details of what it will publish routinely. This was submitted to the Information Commissioner in Dec 02 and is known as our Publication Scheme.

And in Practice?

Any individual or organisation can request information from the Service. The request can be about anything or any project, and the Service will have to comply with that request. All information relating to the request will have to be released (subject to certain exemptions).

All Information?

Yes, everything whether it is kept in a structured filing system or in Officer notes. For example, if the request relates to a particular incident, the details will have to be provided from records, along with any notes made by Officers at any meeting relating to that application, whether a formal note or not. The Information Commissioner's advice says "any doodle".

However, data relating to living individuals will still be covered by the Data Protection Act 1998; information should always be checked before release where it refers to a living person.

What kind of request will there be?

Topics for requests can include expenses paid to Members of the Service, mobile phone usage of Officers and staff, and details of contracts and projects.

How will requests be made?

The guidance from the Information Commissioner is specific in that requests for information must be made in writing. However, the Service will have a duty to ensure that support is given for people requesting information to assist them in making such a request, either the Service itself, or by referring them to another organisation such as the Citizen Advice Bureau for support. Further, all requests for information must be treated as though they are a Freedom of Information request.

Can we refuse to release information?

Under certain circumstances there will be exemptions that may be applied to information. However, Fire Service's are being urged not to rely on exemptions, and to be as open as possible. There is a "public interest exemption", and the Information Commissioner has stated that this will be scrutinised where used to ensure that information withheld using this exemption is really in the public interest, and not to prevent embarrassment to an organisation, Officer or Member, the phrase used at a recent briefing by a Information Commissioner Official was "private embarrassment does not equal public interest." It is important, therefore, that at least one Officer of the Service is completely au fait with the exemptions within the Act. The Information Rights Adviser is responsible for the day to day administration of the Act on behalf of the Service to ensure our full compliance with the Act and is the focal point for all requests for information from members of the public.

Information that is already in the public domain is exempt from FOI, therefore it makes sense for the Service to ensure that as much information as possible is put into the public domain.

How will a request be processed?

All requests for information should be treated as Freedom of Information requests. They should be received by the Information Officer and the information collated from all areas of the Service, scrutinised, and then released to the requestor – just as in the case of a subject access request for Data Protection. The Service will have 20 working days to respond to a FOI request.

Given that there is a cross over between this legislation and Subject Access requests under Data Protection, and because of the rules regarding disclosure of data relating to people, the Home Office recommend that the Officer within the Service who deals with Data Protection issues should also deal with Freedom of Information issues.

As with Data Protection Subject Access requests, the Service may charge for Freedom of Information requests, but within statutory guidelines.

How do we respond?

1. The Information Rights Advisor has been given responsibility for ensuring compliance with the Freedom of Information legislation, including the responsibility of reviewing information before it is disclosed to an enquirer.
2. An Information Audit of our filing system ensures that we know what information is kept where.
3. All departments within the Service who hold information whether electronically or hard copy ensure that information is accurate, relevant and kept for no longer than necessary.
4. A Publication Scheme has been prepared and submitted and is promulgated on our website.
5. Charging and Accounting systems have been put into place to deal with any applicable fees that may be charged for FOI requests.
6. As information that is publicly available will be exempt from the Freedom of Information legislation, it is in the Service's interests to ensure that all information that can be made public is published.

What Penalties are there for non-compliance?

The Information Commissioner will have statutory powers, including the power to issue enforcement notices, and where these are not complied with, to take remedial action via the Information Tribunal. This will have the force of a Court, and if the Service were not to comply with a notice from this Tribunal, it would be in contempt of Court with the attendant penalties.

What do I do if I receive a request for information whilst I am at work?

Record the callers name, address and telephone number then relay the information to the undersigned and who will deal personally with the applicant from then on. This will remove the responsibility from you and allow an efficient response by the Service in compliance with the legislation.

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