



Department of

Finance

An Roinn

Airgeadais

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**Department of Finance
Access to Information Policy**

Implementation Date: 1st September 2016

Next Review Date: 1st September 2019

Introduction

1. The Department of Finance (DoF) is fully committed to compliance with the requirements of the Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIR). The aims of FOI and EIR are to promote a culture of greater openness and accountability within the Department and to facilitate better understanding of how we carry out our duties, why we make the decisions we do and how public money is spent.

Policy Statement

1. FOI provides a public right of access to information held by the Department and EIR provides a statutory right of access to environmental information held by the Department, subject to some exemptions/exceptions provided in each legislation. The Department supports this culture of openness and will ensure compliance with FOI and EIR by:
 - putting in place appropriate procedures and practices;
 - making as much information as possible available through its publication scheme;
 - carrying out regular audits to ensure that all appropriate information is included in the publication scheme;
 - making the provision of information a priority by responding to written requests within the statutory deadlines;
 - ensuring that all staff are aware of their responsibilities and that training is an ongoing process; and
 - continuing to protect personal information entrusted to it by disclosing that information only in accordance with the provisions of the Data Protection Act 1998.

Responsibilities

2. All staff have responsibilities under FOI and EIR. They must ensure that any request for information they receive is handled in compliance with this policy and in accordance with the Department's Staff Handbooks. Staff handling requests are also responsible for:
 - responding to requests on behalf of DoF as the responsible authority;
 - familiarising themselves with this policy and following procedures set out in the Staff Handbooks;
 - identifying information access requests quickly and ensuring they receive prompt attention in line with procedures set out in the Staff Handbooks;
 - responding to all requests for information promptly and within statutory deadlines;
 - disclosing information, where possible, and only withholding certain information in accordance with the exemptions/exceptions laid down in information access legislation;
 - if applicable supporting members of the public in formulating or expressing requests for information;
 - working with any partners and contractors to ensure that the Department can meet its legislative obligations, including the disclosure of any information they hold on the Department's behalf;
 - consulting with third parties before disclosing information that could affect their rights and interests. However, in accordance with information access legislation, the final decision on disclosure will rest with the Department;
 - recording all information access requests and responses and monitoring their performance in handling requests and complaints;
 - contacting their Business Area Information Manager when advice and assistance is required;
 - providing input to the publication scheme as required;
 - adhering to the Code of Practice on Freedom of Information (Section 45 Code);

- adhering to the Code of Practice on the Management of Records (Section 46 Code) and Departmental records management policy and procedures; and
 - when responding to requests; adhere to the requirement to provide datasets in a reusable format, if reasonably practical to do so, and make them available under the publication scheme.
3. The Departmental Information Manager will provide advice and assistance to Business Area Information Managers in dealing with requests for information. They will also have overall responsibility for:
- the provision of an information access awareness programme for staff within the Department;
 - the development and maintenance of the Staff Handbooks; and
 - carrying out compliance checks to ensure adherence with information access legislation throughout the Department.
4. Business Area Information Managers have been appointed in all Directorates/Agencies and will be responsible for ensuring compliance with information access legislation, and implementing the policies and procedures within these areas. They will also provide staff in their Directorates/Agencies with awareness training and advice in dealing with requests for information.

Publication Scheme

5. To comply with information access legislation, the Department has a publication scheme in place which sets out:
- the classes of information available;
 - whether the information is available free of charge or if a payment is required; and
 - guidance on how information can be obtained.
6. The aim of the publication scheme is to make information routinely available to the public. It can be viewed on the DoF website.
7. The Departmental Information Manager, through Business Area Information Managers, shall ensure that the publication scheme is approved by the Information Commissioner and is regularly reviewed and maintained.

Datasets

8. A dataset is a collection of factual information in electronic form to do with the services and functions of the Department that is neither a product of analysis or interpretation, nor an official statistic and has not been materially altered. If we provide information in response to a request that constitutes a dataset and the requester has expressed a preference to receive the information in electronic form, we will provide it in a reusable format so far as is reasonably practicable.
9. Under the open data strategy, DoF will publish datasets that have been requested, and any updated versions we hold, unless it is not appropriate to do so.

Requests for Information

10. FOI and EIR give individuals requesting information two rights:
 - the right to be informed whether the Department holds certain information; and, if so
 - the right to have that information communicated to them.
11. A request for information under FOI must be in writing, which includes email, and through social media websites such as Twitter or Facebook.
12. A request for information under EIR may be made verbally or in writing.
13. Requests can be met in a variety of ways such as providing a copy of the original document either electronically or in hard copy, providing a summary of the information or by arranging for the applicant to visit the Department to read the documents. Advice should therefore be sought from applicants as to their preferred method of communication and the information will be provided in that format where possible.

Managing Requests for Information

14. FOI requires the Department to respond to any written request for information promptly and within 20 working days. However, this timescale can be extended to give full consideration to the public interest test for qualified exemptions. If the deadline is not expected to be met due to public interest considerations, the applicant must be advised of the reason for the delay and the anticipated reply date.
15. EIR requires the Department to respond to any request for environmental information promptly and usually within 20 working days. The time limit can be extended to 40 working days if the request is particularly complex and voluminous. If the deadline is expected to be extended, the applicant must be notified of this within 20 days.

Exemptions/Exceptions

16. Certain information held by the Department will be classified as exempt under FOI. FOI provides for both absolute and qualified exemptions. Where information is absolutely exempt, there is no obligation under FOI to provide the requested information, although the Department may choose to disclose the information held by it.
17. Most exemptions under FOI are qualified and are subject to a public interest test. Where information requested falls within the terms of a qualified exemption, the Department will assess whether the public interest lies in disclosing the information to the applicant or withholding the information.
18. A request for certain environmental information may be refused if an exception applies. The public interest test applies to all the exceptions except those relating to personal data. This means that if an exception is engaged and the Department wishes to withhold the information, it must go on to consider whether it is in the public interest to disclose it. The Department will assess whether the public interest lies in disclosing the information to the applicant or withholding the information.
19. Detailed information on exemptions/exceptions and the public interest test can be found in the Department's Staff Handbooks. Further advice can be obtained from the relevant Business Area Information Manager or the Departmental Information Manager.

Complaints

20. The Department has an internal review procedure in place and applicants are informed of this in all response letters. An applicant may, within two months of receiving their response, request a review of a decision to withhold information or may complain, through the internal review procedure, about the handling of a request for information. An internal review will normally be carried out within 20 working days and the applicant will be notified promptly of the outcome. Procedures for carrying out internal reviews are set out in the Department's Staff Handbooks.
21. If the applicant is not content with the outcome of the internal review, they may appeal to the Information Commissioner's Office.

Policy Awareness

22. A copy of this policy statement must be provided to all new members of staff and interested third parties. Existing staff and relevant third parties will be advised of the policy which will be posted on the Departmental intranet site and will be available through the publication scheme, as will any subsequent revisions. All staff and relevant third

parties must be familiar with and comply with the policy at all times. This policy will be reviewed every three years, at a maximum.

Further Information

23. Any queries about information access legislation in the Department should be addressed to the relevant Business Area Information Manager or the Information Management Unit. Further information can also be provided by the Information Commissioner's Office.

Associated Documentation

24. This policy should be read in conjunction with:

- DoF Data Protection Policy
- DoF Records Management Policy
- DoF Information Security Policy
- Departmental Guidance on Data Sharing

25. Copies of all these policies are available on DoF's internet and intranet sites.