

Freedom of Information Policy

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DOCUMENT STATEMENT:

All Translink Group Corporate Procedural Documentation (policies, procedures and guidelines) should be consistent in terms of development, approval, implementation, communication, control and review in line with these guidelines.



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1. Introduction

Throughout this Policy, the words 'Translink' 'Company' and/or 'the Group' refer to all corporate entities under the ownership of the Northern Ireland Transport Holding Company (NITHC). This includes the parent company and each subsidiary either individually or taken together as a group.

The Freedom of Information Act 2000 ("FOIA") gives individuals enforceable rights of access to information held by public authorities. Under the terms of FOIA the Northern Ireland Transport Holding Company and is a public authority subject to the Act.

This policy does not cover subject access requests i.e. requests by an individual for information about themselves under the Data Protection Act 1998. That is currently covered separately in the Translink Group's Data Protection Policy.

All staff are required to comply with the FOIA and to assist the FOI Co-ordinator if asked for information. Failure to assist may result in the Group failing to comply with the Act, which may lead to complaints and ultimately an investigation by the Information Commissioners Office.

2. Roles and Responsibilities

Information Asset Owners- designated Executives with overall responsibility for data within their Divisions. They are free to appoint a 'Information Asset Champion' to organise the collation of information to help the Company respond to a request.

Information Asset Champion - designated individuals charged by Information Asset Owners to organise the collation of information to respond to a request. They shall search divisional records, electronic and paper filing systems for the information and supply copies of that information to the FOI Co-ordinator.

The Translink FOI Co-ordinator- responsible for the day to day management of recording and responding to FOI requests (currently Janice Davidson), the maintenance of the Group Publication Scheme and assisting with education and awareness of data and information responsibilities around the business.

Appeal Body / Internal Reviewer – recently changed from Chief Corporate Services & HR officer to the Group’s Senior Information Risk Owner (General Counsel) with overall responsibility for Freedom of Information/data protection. The SIRO will impartially judge over the internal reviews process resulting from complaints and appeals.

3. Definition of Information

All information held by Translink is covered by the Act whether it is held electronically, on paper, or is an audio or video recording. Information has to be held by the Company in the first place in order to be relevant and within scope – there is no need to create new records or new species of data solely for the purpose of response to a FOIA request.

4. Recognising a Request

A request for information which is outside of a ‘normal’ or ‘routine’ business request must be treated as a formal FOIA request and processed under this policy where:

- The request has been received in writing (including emails and faxes);
- It gives the name and return address (including an email address) of the requestor; and
- It adequately describes the information requested.

Applicants do not have to quote or reference the FOIA to have their request treated as such.

5. Processing a Request

Logging/Recording the Request

The Freedom of Information Co-ordinator (the “Co-ordinator”) will maintain a system to record and respond to FOIA requests. This system will be used for recording and reporting on performance in meeting statutory timescales to respond to requests.

Allocating the Request

Upon receipt of a FOIA request the Co-ordinator will identify the Division most likely to hold the information requested and will pass the request to the Information Asset Champion. The Information Asset Champion is the person within a team charged with collating the information to respond to the request. They shall search electronic and paper filing systems for the information and supply copies of that information to the Co-ordinator within an agreed

period of time with comments on whether the information should be disclosed or withheld the under the legislation.

Timescale

Requests for information will be responded to as soon as possible but no later than 20 working days. To allow proper consideration of response, Translink allows a maximum 10 working days for the Information Asset Champion to provide a response to the Co-Ordinator.

The Seven Processing Steps

Step 1 Acknowledgement

An acknowledgement letter or email must be sent to the Applicant (the person making the request) within 1 working day of receipt of the request. This will be issued by the Co-ordinator.

Step 2 Accessible by other means

The Information Asset Champion should carry out an initial review to determine if the information is accessible by other means, i.e. through the Publication Scheme. If the information is available by other means, the Applicant should be informed by the FOI Co-ordinator where it can be accessed.

Step 3 Clarification (if necessary)

If a request is unclear or difficult to interpret then the Co-ordinator will contact the Applicant to seek clarification.

Step 4 Retrieve Records

As soon as possible, the Information Asset Champion –must arrange for the search and retrieval of information. This may involve contacting other divisions to ascertain if they have records relevant to the request.

A release schedule should be prepared to accompany the documents which summarises the records provided.

Step 5 **Review of documents and consideration of exemptions**

The FOIA allows for information to be withheld if an exemption specified by the FOIA applies to the information at the time the request is made. A full list of the exemptions is given at Appendix [1].

Exemptions in the FOIA are either absolute or qualified:

- **Absolute exemptions-** there is no obligation under FOIA to consider the request for information further.
- **Qualified exemptions-** are subject to a public interest test. It is not justified to withhold the information unless the public interest in maintaining the exemption outweighs the public interest in disclosure.

The Information Asset Champion will examine each item on the release schedule to evaluate whether any of the FOIA exemptions applies.

The Information Asset Champion will liaise with the Co-ordinator for guidance regarding the application of exemptions, as and when required.

If no exemptions apply the information is considered disclosable.

If one or more exemptions apply then the Information Asset Champion and Co-ordinator must establish if the exemption is subject to the public interest test. If the exemption is absolute, or withholding disclosure of the information on the basis of a particular exemption is supported by the public interest test, then the item will be withheld. The Co-ordinator will review which exemption is being invoked and will establish whether the duty to confirm or deny that the information is held by the Group applies.

Step 6 **Consult third parties**

The Information Asset Champion or FOI Co-ordinator should consult other public authorities or appropriate third parties who are likely to be affected by disclosure of the information. If

the consulted organisations wish for information to be withheld this must be considered within the scope of the exemptions and public interest test.

Step 7 Response

The Co-ordinator will issue the response. If any information is being withheld the Applicant will be advised which exemption is being applied within the response.

The response **must** be issued to the applicant by close of day on day 20.

Copies of responses issued are stored electronically for the organisation by the Co-ordinator. Likewise, copies of documents/information disclosed, details of any decision making process and correspondence with the applicant will be held by the Co-ordinator.

Additionally responses or documentation as applicable will be made available on the Publication Scheme on the Group's Corporate website

6. Costs limitations to requests

If the costs of locating, sorting and editing the information relating to a FOI request exceed the "appropriate limit" i.e. £450 (calculated at a cost of £25.00 per hour up to a maximum of 18 hours of an officers time spent on determining whether the information is held, location the information, retrieving the information and extracting the information), then the requested information does not need to be provided. Where a request exceeds the 'Appropriate Limit' where reasonable we shall provide advice and assistance to help the requestor refine their request so that it can be dealt with under the 'Appropriate Limit'.

7. Internal Review

If an applicant is dissatisfied with the outcome of a response they may seek a review of the decision by writing to General Counsel and Company Secretary. Correspondence should be addressed to Translink, 22 Great Victoria Street, Belfast, BT2 7LX

The review is a fresh decision making process. The reviewer will review the request and the original decision and they will come to a decision as to whether the information should be disclosed.

The Group aims to complete internal reviews within 15 working days of receipt.

8. Complaints

If the organisation is unable to resolve any complaint the applicant may refer the matter to the Information Commissioner who will make an independent judgement. The address of the Information Commissioner is Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. The address of the Information Commissioner's Office for Northern Ireland is 3rd Floor, 14 Cromac Place, Gasworks, Belfast, BT7 2JB.

Appendix 1 – Exemptions

Absolute Exemptions – public interest test does not apply:

Section of the FOI Act	Exemption
S(2) 21	Information accessible by other means (e.g. in the Publication Scheme)
S(2) 23	Information supplied by, or relating to, bodies dealing with security matters
S(2) 32	Court records, and information held in relation to court proceedings
S(2) 36	Prejudice to effective conduct of public affairs
S(2) 40	Personal information – available under the Data Protection Act
S(2) 41	Information provided in confidence
S(2) 44	Information whereby disclosure is prohibited by an enactment or would constitute contempt of court

Non-absolute Exemptions – public interest test does apply:

Section of the FOI Act	Exemption
S(2) 22	Information intended for future publication
S(2) 30	Investigations & proceedings conducted by public authorities
S(2) 31	Law enforcement
S(2) 36	Prejudice to effective conduct of public affairs
S(2) 38	Health & Safety
S(2) 39	Environmental information
S(2) 40	Personal information relating to a third party
S(2) 42	Legal professional privilege
S(2) 43	Commercial interests