

# Freedom of Information Act Policy

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Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	1	Change Ref.	

## Policy and Procedures

### Contents

FOI Act Policy	3
FOI Procedure	8

### Appendices

1. Dealing with requests for information process	19
2. Exemptions	21
3. Enquiry Form	23
4. First Review Form	24
5. Dealing with appeals process	25
6. Second Review Form	26

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	2	Change Ref.	

## 1. INTRODUCTION

The Freedom of Information Act 2000 (FOI Act) established a general right of access to all types of 'recorded' information held by public authorities. Under the terms of the Act every public authority is required to adopt and maintain a *publication scheme*, in order to make a significant amount of information available, and also respond to *specific requests for information* not listed in the scheme.

The *publication scheme* sets out the classes of information the public authority holds, the manner in which it intends to publish the information, and whether a charge will be made for the information. The publication schemes also provide an opportunity for public authorities to publish more information proactively and to develop a greater culture of openness. The information listed in the Royal Armouries' *publication scheme* has been available since 30 November 2002.

Where a *specific request for information* is made which is not listed in the scheme the public authority is required, subject to certain exemptions, to inform the individual making the request whether it holds that information, and to supply that information. The public authority is required to respond to such requests promptly and in any event, within 20 working days. The public authority may charge a fee, which is calculated according to Fees Regulations, and if a fee is required, the 20 working days is extended by up to 3 months until the fee is paid. If a document is requested to which one of the 23 exemptions listed in the FOI Act applies, then only those specific pieces of information to which the exemption applies are withheld, not the whole document, and the public authority is required to consider whether or not the exempt information should be released. Individuals have had the right to make a *specific request for information* not included in the Royal Armouries publication scheme since 1 January 2005.

The Freedom of Information Act (and the Data Protection Act) are enforced by the Information Commissioner. The Commissioner is responsible for promoting good practice, approving and advising on the preparation of publication schemes, providing information as to the public's rights under the FOI Act, and enforcing compliance with the Act. Copies of the Freedom of Information Act can be purchased from The Stationary Office or can be read free of charge on the HMSO website.

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	3	Change Ref.	

## 2. PURPOSE OF THE POLICY

The purpose of the Royal Armouries' Freedom of Information Act Policy is to ensure that the provisions of the FOI Act are adhered to, in particular that:

- a significant amount of information about the Museum is made available to the public as a matter of course through the publication scheme
- other information not included in the publication scheme is readily available on request, and
- in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released

## 3. RESPONSIBILITY

### 3.1 Archives and Records Manager

The Archives and Records Manager is responsible for:

- ensuring that the Museum complies with the terms of the FOI Act,
- dealing with specific requests for information not included in the publication scheme,
- arranging for any appeals or complaints to be heard, and
- providing advice on the FOI Act, and the Museum's Freedom of Information Policy and Procedures to members of staff and the public.

### 3.2 Website Manager

The Website Manager is responsible for ensuring that:

- the copy of the publication scheme on the Museum's website is up-to-date,
- the links to documents provided by the website are current, and
- the links to documents provided by other organizations' websites function.

### 3.3 Review Board

The Review Board is responsible for reviewing specific requests for information which might include exemptions, and determining whether or not information subject to an exemption should be released.

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	4	Change Ref.	

### 3.4 Director of Finance

The Director of Finance is responsible for dealing with any appeals against the decision of the Review Board, and for any complaints received.

## 4. PUBLICATION SCHEME

The publication scheme specifies:

- what information the Museum will make available to the public as a matter of course
- how and when it will do so, and
- whether or not this information will be made available free of charge or on payment of a fee

The publication scheme contains the most current and up-to-date information available. Policies and similar documents are removed when they are no longer current; information relating to a specific date, such as summaries of meetings, is removed after five years. Requests for non-current and out-of-date information can be made to the Library and Archives Department.

The publication scheme is selective. The scheme does not list all of the information that is available, and, generally, does not contain information that is retrospective (for example, summaries of past meetings may not be available).

## 5. SPECIFIC REQUESTS FOR INFORMATION

The FOI Act establishes two related rights:

- the right to be told whether information exists, and
- the right to receive the information (subject to exemptions)

These rights can be exercised by anyone – natural or legal persons, worldwide.

Specific requests for information not listed in the publication scheme are dealt with by the Head of Libraries, Archives and Records Management.

Applicants are not required to mention the FOI Act when making a request for information. However, any request must be made in a permanent form (for example in writing or by email). A charge may be

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	5	Change Ref.	

made for dealing with any request, and the details of any charges are set out in 'Fees Regulations'.

Where possible the information must be provided to the applicant in the manner requested. This may be in the form of a copy or summary, or the applicant may ask to inspect the record.

Applicants are not entitled to information to which any of the exemptions in the FOI Act applies. However, only those specific pieces of information to which the exemption applies should be withheld, and information covered by an exemption is subject to review by the Review Board. Where information is not released following a review the Museum must inform the applicant of its reasons, unless to do so would mean releasing the exempt information.

In general, a response must be provided within 20 working days. The Museum may ask for further details which it reasonably requires in order to identify and locate the information requested. If a fee is required, the period of 20 working days is extended by up to 3 months until the fee is paid.

The Museum does not have to comply with vexatious or repeated requests if it has recently responded to an identical or substantially similar request from the same person.

## 6. CHARGES

Unless otherwise specified information made available through the publication scheme will be free of charge.

Information supplied as a result of a specific request for information may be subject to a charge for research time, and this is calculated according to the Fees Regulations laid down by the Information Commissioner.

Some information is available free; for others a charge will be made to cover the cost of materials, postage and packing, etc. The charges will vary according to how the information is made available:

- by email. Information is provided free of charge.
- by post. Information provided by post will be charged at the cost of 20p per sheet plus postage and packing.
- at the Royal Armouries' Library (Leeds, Tower of London and Fort Nelson). Information can be viewed free of charge, copies are

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	6	Change Ref.	

available at the cost of 20p per sheet (unless otherwise specified).

## 7. REVIEWS

Some of the information held by the Royal Armouries may be regarded as exempt from release under the FOI Act.

Where a request is made for information which includes exemptions the Review Board will consider:

- The test of prejudice. Some exemptions can only be claimed if the release of information would or would be likely to prejudice the purpose to which the exemption relates
- The public interest test. Does the public interest in maintaining the exemption in question outweigh the public interest in disclosing the information

## 8. APPEALS AND COMPLAINTS

Applicants who are dissatisfied with the response they have received from the Museum in respect of a request for information may invoke the appeals and complaints procedures.

The first step is to seek an internal review. Requests for internal review will be dealt with by the Director of Finance and Administration.

If applicants are dissatisfied with the outcome of the handling of the internal review conducted by the Museum they may seek an independent review from the Information Commissioner.

## 9 RISK

The associated risk of non compliance with this policy is:

Impact of non compliance: Medium

Likelihood of non compliance: Low

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	7	Change Ref.	

## 10. PROCEDURES

### Introduction

The Freedom of Information Act (2000) established a general right of access to all types of 'recorded' information held by public authorities. Members of the public have the right:

- to be told whether the information is held by a public authority
- to receive the information, unless it is subject to an exemption, within 20 working days
- the applicant does not have to mention the Freedom of Information Act when they making their request
- the applicant does not have to give a reason for asking to see the information, and members of staff are not allowed to ask the person their reason for asking for it

### Contents

1. Receiving a Request for Information
2. Receiving an Appeal
3. Receiving a Complaint
4. Recording Requests, Appeals and Complaints

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	8	Change Ref.	

## Part One. Receiving a Request for Information

### 1. Valid Requests

Requests are not restricted to those that relate specifically to the Museum's statutory duties as set out in the National Heritage Act 1983, the National Heritage Act 1997. Any request for information that is

- received in writing (by letter, fax or email) \*
- that relates to the Museum's activities, and is
- *capable of being* answered using information held in the Museum's records \*\*

qualifies as a valid request under the Freedom of Information Act.

\* If somebody asks for information in person or by telephone they should be asked to make their request in writing, and be given any help or assistance they require to make their request.

\*\* In practice a member of staff answering a request may consider it more appropriate in the first instance to give either an expert opinion or to supply copies of information from a published source, in which case it should be made clear to the applicant that further information may be/is available.

### 2. Invalid Requests

The following do not qualify as requests:

- requests received by telephone or from visitors that do not require a written response.
- requests for personal information, which are dealt with under the terms of the Data Protection Act 1998.
- requests for environmental information, which are dealt with under the terms of the Environmental Information Regulations, 2004.
- requests for film, video or images that are answered by the Film & Image Library.
- requests for information that do not relate to the Museum's activities.

### 3. Routine Requests

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	9	Change Ref.	

Routine requests for information should be dealt with by the department or member of staff responsible for the particular activity referred to in the request.

A member of staff receiving such a request should seek to determine what information is required, and to direct the applicant to the most appropriate department or member of staff.

Staff should remember that the applicant does not have to give a reason for asking for the information, and members of staff are not allowed to ask the person their reason for asking for it.

#### **4. Exceptional Requests**

Exceptional requests for information should be forwarded to the Head of Libraries, Archives and Records Management.

The Head of Libraries, Archives and Records Management is responsible for:

- coordinating the work of departments/staff in finding the information referred to in the request,
- arranging for the Review Board to meet to consider any exemptions that may apply, and
- answering the request.

##### **4.1. Advising Applicants of their Rights**

It is the duty of the Archives and Records Manager to assist the public by:

- making people aware of their rights,
- explaining what information is available in the Museum's publication scheme,
- explaining the procedures for asking for information, and helping applicants to put their requests in writing,
- helping applicants to track the progress of their request, and
- helping applicants to identify the exact information they need.

##### **4.2. Processing Requests for Information (see Appendix One)**

If the terms of the request are unclear, then the Archives and Records Manager should contact the applicant and establish what information is required.

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	10	Change Ref.	

If the terms of the request are clear, but the information is not held by the Museum, then the Archives and Records Manager should either write to applicant to inform him that the information is not held, or refer the request to another institution.

If the terms of the request are clear, and the information is held by the Museum, then the Archives and Records Manager should write to the applicant to acknowledge receipt of the request. A copy of 'Access to Information about the Royal Armouries' should be included with the acknowledgement.

### **4.3. Target for Answering Requests**

The Archives and Records Manager must respond to a request within 20 working days, and either:

- refer the applicant to another organization,
- forward the request to another organization,
- provide the applicant with the information they have requested,
- advise them that the information will not be available within 20 working days as it involves a significant search or collation of material,
- inform them that the information may be exempt and subject to a review, or
- tell them that the information is exempt and will not be released.

### **4.4. Searching for Information**

It is the responsibility of the department/member of staff delegated by the Archives and Records Manager to identify all of the information relevant to answering the request.

### **4.5. Destroying Information**

It is a criminal offence to destroy information that is the subject of a request under the FOI Act.

### **4.6. Reviewing the Information (1<sup>st</sup> Review)**

The Archives and Records Manager is responsible for calling a meeting of the Review Board.

The Review Board is responsible for deciding whether it is in the 'public interest' to release the information, or if the information is exempt (See Appendix Two).

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	11	Change Ref.	

If a document contains some exempt information, only those pieces of information can be withheld, but the remainder of the document must be released.

The Archives and Records Manager is responsible for keeping a record of any reviews (see Appendix Three), and for informing the member of staff dealing with the request of the result.

#### **4.7. Charging for Information**

The Archives and Records Manager should calculate the appropriate charge, and (if appropriate) arrange for an invoice to be sent to the applicant.

The Finance Department will be responsible for sending the invoice to the applicant, and for informing the member of staff dealing with the request when payment has been received.

#### **4.8. Releasing the Information**

Upon receipt of payment (if applicable) the Archives and Records Manager should release all of the relevant information in the format requested if possible. This may include:

- a summary of the information,
- a written copy or copy in some other form (photocopy, electronic copy), and
- an opportunity for the applicant to inspect the record containing the information themselves

The Archives and Records Manager should also:

- inform the applicant of any information that has been exempted,
- give details of why the information has been withheld, and
- advise the applicant of the appeals and complaints procedures by including a copy of 'Access to Information about the Royal Armouries'

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	12	Change Ref.	

## Part Two. Receiving an Appeal

### 1. Receiving an Appeal

Any appeal for the release of exempted information should be forwarded to the Director of Finance.

### 2. Processing an Appeal

The Director of Finance should write to the applicant to acknowledge receipt of the appeal and give an estimate as to when the result of the appeal will be known.

An appeal should be completed within 20 days.

### 3. Reviewing the Information (2<sup>nd</sup> Review)

The Director of Finance should consider the appeal and decide whether it is in the 'public interest' to release the information, or if the information is exempt.

The Archives and Records Manager is responsible for keeping a record of any appeals (see Appendix Four).

### 4. Answering an Appeal

The Director of Finance is responsible for informing the applicant of the result of the appeal.

The Director of Finance shall release all of the relevant information in the format requested if possible. This may include:

- a summary of the information,
- a written copy or copy in some other form (photocopy, electronic copy), and
- an opportunity for the applicant to inspect the record containing the information themselves

The Director of Finance shall also:

- inform the applicant of any information that has been exempted,
- give details of why the information has been withheld, and

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	13	Change Ref.	

- advise the applicant that if they are unhappy with the outcome of the internal review they may ask for an independent review from the Information Commissioner.

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	14	Change Ref.	

### Part Three. Receiving a Complaint

Any complaint received from a member of the public should be forwarded immediately to the Director of Finance.

Complaints will be dealt with according to the Museum's normal complaints procedures.

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	15	Change Ref.	

## Part Four. Recording Requests, Appeals and Complaints

### 1. Maintaining Records

It is important to maintain accurate records in order to:

- assist in the answering of requests,
- monitor the progress of requests, and
- provide evidence in the event of an appeal or complaint.

### 2. Recording Requests

It is the responsibility of departments to develop systems for recording and tracking requests. Such systems must include the following data:

- Date the request was received
- Name of the applicant
- Contact details (Address, Telephone number, Fax number, Email address)
- What information was requested
- Date the acknowledgement was sent
- What information was identified
- What information was subject to review
- Date of the review
- What was the result of the review
- Date the invoice was requested from Finance
- How much was charged
- Date the information was released
- Name of the member of staff
- Name of the file
- Location of the file

It is the responsibility of the Archives and Records Manager to ensure that it is logged, and records must be kept up-to-date.

### 3. Filing Records

It is the responsibility of the Archives and Records Manager to ensure that all of the relevant documents are filed. Any electronic records should be printed off as hard copies.

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	16	Change Ref.	

#### 4. Recording 1<sup>st</sup> Reviews

It is the responsibility of the Archives and Records Manager to record the results of a review on the MS Word Form provided.

The following data should be collected for each review:

- Date of the review
- Which members of are staff present
- What information is reviewed
- What exemption is being considered
- What is the result of the review

#### 5. Recording 2<sup>nd</sup> Reviews

It is the responsibility of the Archives and Records Manager to record the results of an appeal on the MS Word Form provided.

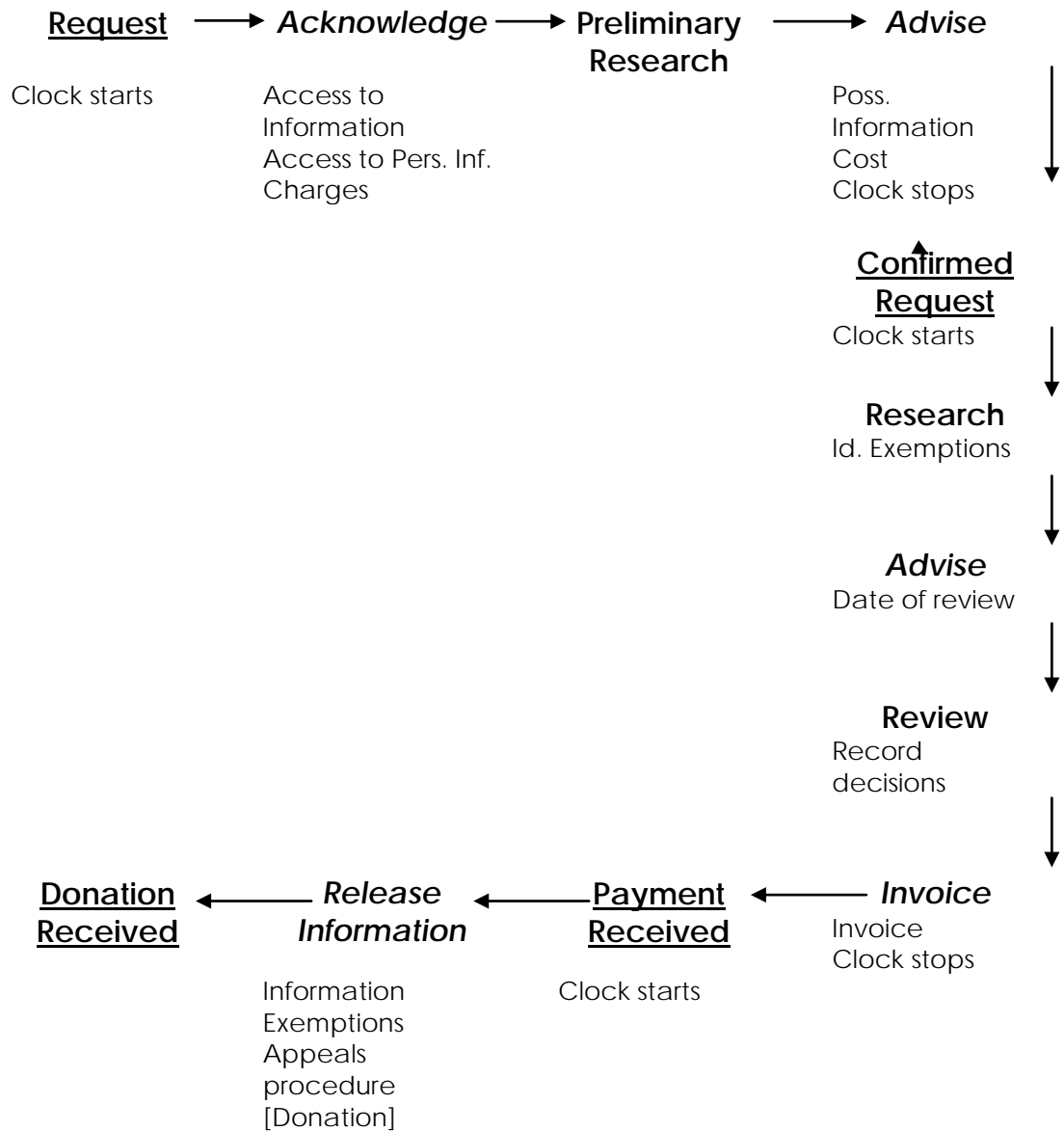
The following data should be collected for each review:

- Date of the review
- Which members of are staff present
- What information is reviewed
- What exemption is being considered
- What is the result of the review

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	17	Change Ref.	

# APPENDIX ONE

## Dealing with requests for information



Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	18	Change Ref.	



## APPENDIX TWO

### Exemptions

The Act sets out 23 categories of exemptions.

#### Absolute Exemptions

Absolute exemptions do not require the Museum to consider disclosure in the public interest nor is it required to state whether or not the information in question is held.

- s21 Information accessible to applicants by other means
- s23 Information supplied by, or relating to, bodies dealing with security matters (a certificate signed by a Minister of the Crown is conclusive proof that the exemption is justified. There is a separate appeals mechanism against such certificates)
- s32 Court records, etc
- s34 Parliamentary privilege (a certificate signed by the Speaker of the House, in respect of the House of Commons, or by the Clerk of the Parliaments, in respect of the House of Lords is conclusive proof that the exemption is justified)
- s36 Prejudice to effective conduct of public affairs (only applies to information held by the House of Commons or the House of Lords)
- s40 Personal information (where the applicant is the subject of the information. The applicant already has the right of 'subject access' under the Data Protection Act 1998; where the information concerns a third party and disclosure would breach one of the Data Protection Principles)
- s42 Information provided in confidence
- s44 Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court

#### Qualified Exemptions

Qualified exemptions are exemptions where the Museum has to consider the public interest in confirming or denying that the information exists and in disclosing information.

- s22 Information intended for future publication
- s24 National security (other than information supplied by or relating to named security organizations, where the duty to consider disclosure in the public interest does not arise)

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	20	Change Ref.	

- s26 Defence
- s27 International relations
- s28 Relations within the United Kingdom
- s29 The economy
- s30 Investigations and proceedings conducted by public authorities
- s31 Law enforcement
- s33 Audit functions
- s35 Formulation of government policy, etc
- s36 Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
- s37 Communications with Her Majesty, etc., and honours
- s38 Health and safety
- s39 Environmental information
- s40 Personal information (an authority is only required to consider release in the public interest: where the information concerns a third party and a 'Section 10 Notice' under the Data Protection Act 1998, applies to that information; where the information concerns a third party, who would not be entitled to access that information himself because a 'subject access exemption' applies to it under the Data Protection Act 1998)
- s42 Legal professional privilege
- s43 Commercial interests

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	21	Change Ref.	

APPENDIX THREE

AGI/FOI Enquiry

<b>Enquiry no.</b>

<b>Date Recd.</b>	
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<b>Name</b>	
<b>Address</b>	

<b>Tel. No.</b>		<b>Email address</b>	
<b>Fax. No.</b>			

<b>Information requested:</b>

<b>Member of staff</b>	
------------------------	--

<b>Date Acknowledged</b>	
--------------------------	--

<b>Information retrieved:</b>

<b>1st Review</b>	
<b>Date answered</b>	

<b>Invoice sent</b>	
<b>Payment recd.</b>	

<b>2nd Review</b>	
<b>Date answered</b>	

<b>Invoice sent</b>	
<b>Payment recd.</b>	

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	22	Change Ref.	

APPENDIX FOUR

AGI/FOI First Review

<b>Enquiry no.</b>

<b>Staff present:</b>

<b>Review date:</b>

<b>Information requested:</b>

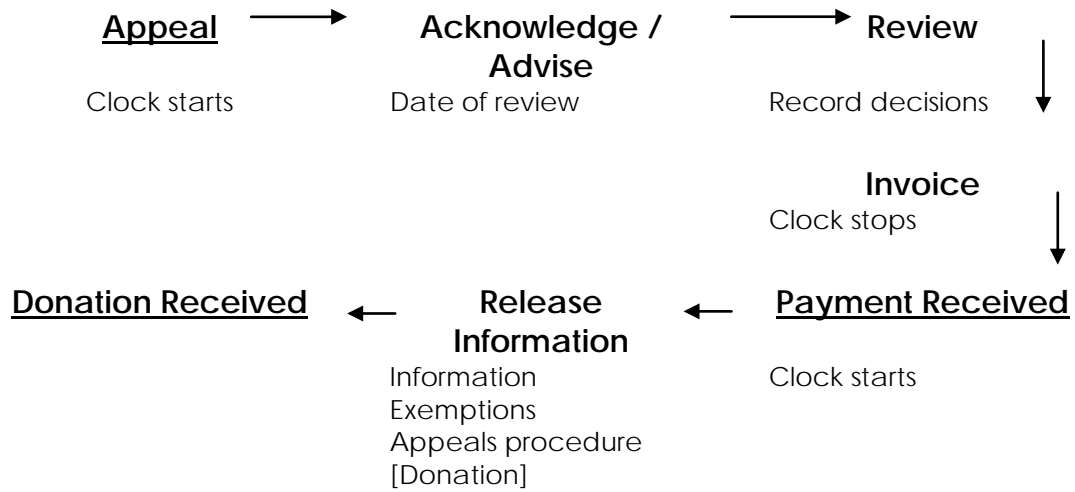
<b>Information to be reviewed:</b>	
<b>Exemption applied:</b>	
<b>Decision:</b>	
<b>Details of why the information is to be withheld</b>	

<b>Information to be reviewed:</b>	
<b>Exemption applied:</b>	
<b>Decision:</b>	
<b>Details of why the information is to be withheld</b>	

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	23	Change Ref.	

## APPENDIX FIVE

### Appeals



Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	24	Change Ref.	

APPENDIX SIX

AGI/FOI Second Review

<b>Enquiry no.</b>

<b>Staff present:</b>

<b>Review date:</b>

<b>Information requested:</b>

<b>Information to be reviewed:</b>	
<b>Exemption applied:</b>	
<b>Decision:</b>	
<b>Details of why the information is to be withheld</b>	

<b>Information to be reviewed:</b>	
<b>Exemption applied:</b>	
<b>Decision:</b>	
<b>Details of why the information is to be withheld</b>	

Policy Number	EXEC-POL-001	Date Printed	09/03/2015	Owner	Head of Libraries & Archives
Revision	00	Page	25	Change Ref.	