



ISLINGTON

# Access to Information Policy

A council-wide information management policy

Version 5.1

February 2018



### Copyright Notification

Copyright © London Borough of Islington 2018

This document is distributed under the Creative Commons Attribution 2.5 license. This means you are free to copy, use and modify all or part of its contents for any purpose as long as you give clear credit for the original creators of the content so used. For more information please see: <http://creativecommons.org/licenses/by/2.5/>

### Revision History

Date	Version	Reason for change	Author
April 2011	0.1	First version.	Leila Pope
May 2011	0.2	Revisions following comment from Jeremy Tuck	Leila Pope
June 2011	1.0	Approved by CAB	Leila Pope
July 2013	1.1	Updated following changes to council structure	Leila Ridley
February 2014	1.2	Updated following changes to FOIA and incorporating comments from colleagues	Leila Ridley
March 2014	2.0	Published following approved changes	Leila Ridley
December 2014	2.1	Updated to include handling subject access request requirements in roles and responsibilities.	Leila Ridley
January 2015	3.0	Published following approved changes.	Leila Ridley
August 2015	4.0	Amended to reflect payment no longer required for SARs.	Leila Ridley
August 2016	4.1	Annual review, no changes.	Shona Nicolson
August 2017	5.0	Amended to reflect changes to job titles, some change in responsibilities and change of board name.	Leila Ridley
February 2018	5.1	Updated to reflect new legislation names, changes to job titles and some change in responsibilities.	Leila Ridley

### Distribution:

This document has been distributed to:

Version	Name	Role
0.1-0.2	ICT Transformation and Assurance Team	Responsible for Information Governance
1.0	Customer Access Board	Responsible for corporate information governance arrangements
1.2	Corporate Governance Group	Responsible for corporate information governance arrangements
2.0	Corporate Governance Group	Responsible for corporate information governance arrangements

3.0	Corporate Governance Group	Responsible for corporate information governance arrangements
3.1	Corporate Governance Group	Responsible for corporate information governance arrangements
5.1	Corporate Governance Group	Responsible for corporate information governance arrangements for review and approval
5.1	All staff	Action

## TABLE OF CONTENTS

1	PURPOSE OF THIS DOCUMENT .....	5
2	SCOPE .....	5
3	LEGISLATIVE FRAMEWORK.....	5
4	HOW REQUESTS FOR INFORMATION WILL BE MANAGED.....	6
5	HOW EXEMPTIONS WILL BE APPLIED.....	9
6	HOW THE COUNCIL WILL PROACTIVELY PUBLISH INFORMATION.....	10
7	HOW THE COUNCIL WILL CONSIDER RE-USE OF INFORMATION .....	10
8	HOW THE COUNCIL WILL ADDRESS INFORMATION COMPLAINTS.....	11
9	GOVERNANCE, APPROVAL AND REVIEW.....	12
10	APPENDIX A: ROLES AND RESPONSIBILITIES .....	14

## **1 PURPOSE OF THIS DOCUMENT**

This document sets out the framework within which the council will promote a culture of good practice around the management of Access to Information requests and details the agreed policy for ensuring compliance with our Legislative requirements.

## **2 SCOPE**

### **2.1 Access to Information**

The public have a general right of access to the information held by the council and the council must release information on request, unless a relevant exemption applies. This document describes the arrangements and practices in place to ensure that the council can respond appropriately to information requests under the Freedom of Information Act 2000, the Data Protection Act 2018, the General Data Protection Regulation, the Environmental Information Regulations 2004, and any other legislation that provides a right of access to information.

The objectives of this policy are to:

- a) Promote greater openness and increased transparency of decision-making;
- b) Build the trust and confidence of the public and stakeholders; and
- c) Provide clarity on the way in which the council will meet its duties under access to information legislations, guidance and best practice.

### **2.2 Commitment to openness and transparency**

Islington is committed to promoting and developing a culture of openness, transparency and accountability and will:

- a) Routinely publish information through its Publication Scheme and favour prompt disclosure wherever possible;
- b) Where information is not made available, explain clearly why and apply any exemptions from disclosure consistently and in accordance with legislation;
- c) Deal with complaints in a positive and fair manner; and
- d) Operate a fair and efficient appeal system.

## **3 LEGISLATIVE FRAMEWORK**

### **3.1 Introduction**

Whenever the council receives an information request, it will consider the nature of the information requested and, wherever possible, identify the statutory access regime under which it will respond to that request.

### **3.2 Freedom of Information Act**

The Freedom of Information Act 2000 (FOIA) provides the public with a general right of access to information held by the council. When a written request for information is made, the council must provide a response promptly and no later than 20 working days. If the council holds the information on any record system (including backup systems and off-site storage archives) then the council must usually provide the requester with the information. Any information in the possession of, or held on behalf of, the council is potentially disclosable, provided it is held for

the purpose and interest of the council. The Act defines specific exemptions that apply where the council may not be obliged to release the information.

### **3.3 Data Protection Act and General Data Protection Regulation**

The Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) requires all organisations that handle personal information to comply with important data protection principles including in relation to privacy and disclosure. GDPR also sets out a number of Individual's Rights in relation to their personal information. GDPR enshrines the right of access to personal data by making a Data Subject Access Request; the right to rectification and erasure; the right to restrict processing; the right to data portability; the right to object and rights in relation to automated decision making and profiling. The Council must respond to these requests within one month from the date it is received.

The council is a registered data controller (reference: Z6018243) and is required to process data in accordance with the six data protection principles.

### **3.4 Environmental Information Regulations**

Some requests for information do not fall under DPA/GDPR or FOIA but may instead be requests for environmental information. The Environmental Information Regulations 2004 (EIR) gives members of the public the right to access environmental information held by public authorities. If the council receives a request for information held on any of the environmental areas mentioned below, it is normally obliged to provide it promptly and no later than 20 working days. There are a number of exceptions to this rule.

EIR covers (in summary) information on the state of the elements of the environment, such as air, water, soil, land, flora and fauna and diversity and will also include information on genetically modified organisms. In addition, information on emissions and discharges, noise, energy, radiation, waste and other such substances; measures and activities such as policies, plans, agreements; reports, cost benefit and economic analyses are included. The state of human health and safety, contamination of the food chain, cultural sites and built structures as they may be affected by environmental factors, are also considered to be environmental information.

EIR covers both old and new information, and applies to information recorded in any form, including written, visual, aural and electronic. The council has an obligation to disclose environmental information in our possession which has been produced or received by us, or if it is stored elsewhere, by another person, on our behalf. This definition is wider than that under FOIA.

### **3.5 Combined Requests**

If a request for information comprises a combination of personal information relating to the individual requesting the information, environmental information and other information then the council will separate out the requests and deal with each element separately under the DPA/GDPR, EIR and FOIA as appropriate.

## **4 HOW REQUESTS FOR INFORMATION WILL BE MANAGED**

### **4.1 All requests for information will be responded to**

All staff are responsible for responding to information requests relating to their work as part of their day-to-day function. As part of this, all staff must be aware of how to deal with information requests under the Freedom of Information Act and the Environmental Information Regulations and requests for personal information under the Data Protection Act/General Data Protection Regulation.

The council receives a considerable number of requests for information through Contact Islington and through the council's website. Most of these are dealt with as 'business as usual' requests and responded to accordingly. The council is committed to responding to all requests for information.

Where a requester wants to have their request dealt with under the access to information legislative framework, the council will ensure that this is put in writing. Legally EIR requests can be made verbally over the phone or in person. Where this does happen, the council will put it in writing and process the request as a standard information request and, as part of this process, consider whether or not the request should be dealt with under EIR.

All requests for personal information relating to the individual requesting the information, however, will be dealt with under DPA/GDPR in terms of this policy and will require that the request meets the requirements of being a Data Subject Access Request. Any request deemed to fall under the definition of an Individual Right (as set out in the GDPR) will be processed in accordance with the GDPR.

#### **4.2 All FOI requests must be in writing**

An FOIA request must be made in writing and a contact name and address for the requester must be supplied. If a request is made over the phone, the member of staff making the phone call should ask the requester to provide the request in writing and advise on the access channels provided above. Requests can be received by:

- a) email ([FOIA@islington.gov.uk](mailto:FOIA@islington.gov.uk)); or
- b) letter; 4<sup>th</sup> Floor, 7 Newington Barrow Way, London N7 7EP
- c) as a Tweet to one of the Council's official Twitter accounts

Where an FOIA request is made via Twitter, the Council will log the request in the usual manner. The Council will ask the requester to email the Council with separate contact details as most responses exceed the character limit allowed on Twitter.

#### **4.3 Any request to be dealt with under EIR must be agreed corporately**

Where a requester or service area believes that an information request should be processed as an EIR request, this will need to be agreed by the Information Compliance Manager. Part of this is to ensure that any consideration of exceptions (which differ between FOI and EIR) are dealt with correctly.

#### **4.4 All written requests for information must be logged corporately**

All written requests for information must be logged corporately, regardless of the legislation they fall under. The corporate team will allocate a unique reference number to the request and will send an acknowledgement to the requester.

#### **4.5 Requests for personal information will be treated as Data Subject Access Requests**

An individual has the right to find out what personal information is held about them by the council and this is called a 'Data Subject Access Request' (DSAR). However, a request does not need to be called a data subject access request or make reference to the DPA/GDPR.

If a requester seeks their own personal information, the council will treat the request as a DSAR under the DPA/GDPR (however the request is worded). If a requester asks for information about another person, that information is exempt under both FOIA and EIR if, among other things, it would be a breach of the six data protection principles to release the information without their written consent.

The council will treat DSARs in the following way: if an individual wishes to make a request to

receive information held about them by Islington Council they will need to write to the council providing their name and address and any other details that could help the council to find their information. There are exemptions to the right to receive personal information, for example, personal information in respect of which legal professional privilege could be claimed.

In order to be valid, a DSAR must:

- a) be clear that the person is making a request for their own personal data, this may be verbally, in writing or via social media;
- b) be supported by proof of identity (e.g. driving licence, passport, birth certificate), in order to prevent unauthorised disclosure;
- c) be clear about what information is requested, in order to allow us to locate the information required; the council will invite an applicant to explain where any by whom information is believed to be held, as well specific details of the information required; and

The council will, upon receiving a DSAR, log and acknowledge it. The information, once collated, can be sent electronically, by post or collected in person. Under the DPA/GDPR, the council must respond promptly by supplying the relevant information in an intelligible form (by way of a copy) within one month.

Full details of how the council manages DSARs can be found in the Individuals' Rights Policy.

#### **4.6 Transferring requests to other authorities**

If Islington Council does not hold the information requested (or part of it), but is aware that another public body does, the request for information may be transferred to the second body. The council will confirm with the second body that it holds the information and then notify the requester providing contact details of the second body. The council will transfer the request to the second body should the requester ask them to do so. Where Islington Council does hold some of the information it will be provided in accordance with this policy.

#### **4.7 Any exemption must be approved corporately before being applied**

Before an exemption is applied to a request and a response made to a requester, the case will be reviewed corporately by the Information Governance Review Panel, which will advise on whether an exemption applies.

#### **4.8 Section 29 and 35 Requests**

The council is allowed to release personal information for crime and taxation purposes under section 29 and for legal proceedings under section 35 of the Data Protection Act 1998. The exemptions are not blanket exemptions and the release of information is not automatic, the decision to apply the exemption and release information should be applied on a case-by-case basis. Before releasing information the council must be satisfied that:

- there is a valid reason to provide the information
- The requester has the appropriate authority to request the data
- The data requested is both necessary and minimal

The council may request further information to satisfy itself that the release of data is appropriate.

Staff in receipt of such a request should refer this to their Information Governance Officer for advice on how to proceed. Any request for personal data from a third party, for example the Police, must be logged corporately and the proposed disclosure reviewed by the Information Governance Review Panel who will ensure that any disclosure is appropriate and proportionate.



## **5 HOW EXEMPTIONS WILL BE APPLIED**

### **5.1 All exemptions must be considered and agreed corporately**

Some information will be exempt from disclosure and this will differ, depending on whether it is an FOI request, an EIR request or a DPA/GDPR request. It is important; therefore, that there is due consideration and agreement about which legal regime the request falls under before applying an exemption to ensure the correct exemptions are considered. Some exemptions are absolute and some are qualified.

### **5.2 The corporate information governance review panel will advise service areas on the use of exemptions**

Weekly information governance review panel meetings will be held as a forum to consider and discuss exemptions that service areas believe may need to be applied in relation to a specific request for information. A member of Legal Services also sits on the Panel to ensure any more detailed advice can be immediately provided.

### **5.3 The corporate information governance review panel will advise on EIR exceptions**

There is a presumption under EIR that environmental information must be released. The only available grounds for withholding information are set out in a number of exceptions, all of which are subject to a public interest test and must be interpreted restrictively. In order for information to be withheld under an exception, the corporate information governance review panel must approve it.

### **5.4 Public Interest Test**

In the case of qualified exemptions, the council must apply the public interest test in considering whether or not to disclose the information. The test is whether, in all circumstances of the case, the council considers the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In addition, there is a prejudice test to be satisfied in the case of many (but not all) qualified exemptions.

### **5.5 Time limit for dealing with requests**

There is an exemption in relation to FOI requests, where the cost of compliance by the council exceeds the 'appropriate limit'. The appropriate limit is set at £450. The council can only include the time spent by council staff on identifying, locating, retrieving and extracting the information at a rate of £25 per hour. So the £450 limit equates to 18 hours or just over 2.5 days work.

In the case of FOI requests, where it is considered that the 'appropriate limit' for dealing with the request may be exceeded then this will be considered by the information governance review panel. In any instance where the council engages this exemption (section 12 FOIA), the council will record, as evidence, why this consideration has been made. When the council calculates that a request for information will exceed the appropriate limit, the council will go back to the requester to advise them of this and ask if they would like to narrow down their request in order to bring the scope of the request within the appropriate limit.

### **5.6 All redactions will be explained in the response**

In some cases – for example the need to protect the identity of individuals – information will be 'redacted' or obscured before being disclosed. This redaction will be explained in the response.

## **6 HOW THE COUNCIL WILL PROACTIVELY PUBLISH INFORMATION**

### **6.1 Publication Scheme**

The council has a Publication Scheme, which sets out the types of information that the council makes routinely and proactively available and provides a guide about how that information can be obtained. It is a legal requirement and the Information Commissioner's Office (ICO) set out a model scheme that authorities could adopt. Where a council does not adopt the model publication scheme, they would have their publication scheme individually approved by the ICO. The council has, therefore, adopted the model scheme.

### **6.2 The council will proactively publish information**

In commitment to being more transparent and open, the council will increasingly publish information on the public website with a focus on information regularly requested under the FOIA and in accordance with our Transparency obligations.

The council will publish all datasets requested in accordance with the FOIA. All datasets will be published in a reusable format and under the Open Government Licence (OGL)<sup>1</sup>. Where information is not published under the OGL, the council will state the reasons for this.

## **7 HOW THE COUNCIL WILL CONSIDER RE-USE OF INFORMATION**

The Re-use of Public Sector Information Regulations 2015 implement the European Directive (2013/37/EU) on the re-use of information. The focus of the Regulations is on re-use rather than access – and the regulations do not provide access to the information itself. The Regulations require the council to ensure that a list of significant documents available for re-use is made available to the public, preferably by electronic means and, as far as reasonably practicably, with an electronic search capability.

### **7.1 The council will clarify where necessary that re-use differs from initial use**

'Re-use' means the use by a person (including a company) of a document held by the council for a purpose other than the initial purpose for which the document was produced. The council will make it clear to anyone requesting the re-use that this needs to be processed corporately in line with this policy.

### **7.2 Re-use of information requests will be processed corporately**

The corporate team will review all requests for the re-use of information. The corporate team will respond within 20 working days and will communicate with the requester should there be a requirement to extend this timeline.

### **7.3 Requests for the re-use of information will be processed as new requests**

All requests will be treated as new information requests by the corporate team, which will include providing the request with a unique number, acknowledging the requester, considering whether or not exemptions apply, and then formally responding to the requester.

### **7.4 Where necessary information provided will contain an appropriate disclaimer**

Where the nature of the information is such that the council considers that re-use is likely, the council will provide a disclaimer with the information that clearly explains separate permission needs to be obtained from the copyright owner before its used in a way that would infringe copyright, for example, by making multiple copies, or publishing and issuing copies to the public.

---

<sup>1</sup> <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/>

## **8 HOW THE COUNCIL WILL ADDRESS INFORMATION COMPLAINTS**

### **8.1 Difference with the standard council complaints process**

Islington Council is committed to providing excellent services to residents and responds to complaints as an important part of service delivery. The council has an internal complaints process through which complaints are considered. If anyone is dissatisfied with the council's complaints process they can raise the matter to the Local Government Ombudsman, an independent, impartial and free service. The Ombudsman can investigate complaints about how the council has done something and generally this pertains to the way in which services are delivered.

The Access to Information complaints process differs from this because the Information Commissioner's Office (ICO) has been established to oversee information legislations. Anyone dissatisfied with an information response can raise the matter directly and immediately with the ICO. For this reason, the council has set up a specific complaints process relating to information requests. Requesters are entitled to complain about their response, however they must do so within 2 calendar months of the date of their response. The council will consider complaints received outside this period and process the complaint if it deems it reasonable to do so.

### **8.2 Information complaints must be logged and processed corporately**

All information complaints will be logged, receive a unique information complaints reference number and the complainant will receive an acknowledgement from the council. Complaints will be categorised into the following:

- a) Standard Information complaints
- b) Internal Reviews
- c) Data Protection Complaints
- d) Information Commissioner complaints

### **8.3 The review of a complaint will consider process and content issues**

Unless the complaint clearly relates to a specific matter, all reviews of information complaints will examine the process as well as the response that was made.

### **8.4 Standard complaints will lead to an immediate attempt to resolve the matter**

The purpose of a complaints investigation is to establish what happened and why the complainant may be dissatisfied with the response they received. An outcome which takes time and then simply provides the complainant with a review and what the council needs to do to resolve it, can waste valuable time. Therefore, for all information complaints, the corporate team will place initial emphasis on addressing the issue. This means that the council will attempt to rectify any errors made as quickly as possible so the information can be provided to the requester.

If the corporate team is unable to address the complaint in this way, it will categorise the complaint as an internal review. The complainant will be notified that this has happened.

### **8.5 Internal Reviews will lead to a formal outcome which puts actions on the council**

An Internal Review is a formal process that leads to an outcome that explains to the complainant what actions the council needs to undertake to resolve the matter. Where the council can at the same time redress any issues that were raised and provide the requester with the original information they were seeking, the council will.

All Internal Reviews will:

- a) Review the appropriateness of the information process that was undertaken.
- b) Review the adequacy of the information provided.
- c) Comprise a thorough appraisal of the decision and handling of the request.
- d) Be impartial, thorough and swift.
- e) Inform the complainant about the outcome.

Where the original decision is reversed the applicant must be told, and either be provided with the information or be made aware of when they can expect to receive the information originally requested. Where the original decision is upheld, the applicant must be made aware of their right of appeal to the ICO and be provided with the full contact details for the ICO.

### **8.6 The outcome of an Internal Review will be the council's final escalation point**

An Internal Review will be the council's final escalation point relating to information complaints. This means that anyone dissatisfied with the outcome of an Internal Review needs to raise their complaint with the ICO.

### **8.7 All Information Commissioner's Office complaints will be dealt with corporately**

The ICO is the UK's independent body set up to promote access to information rights and protect personal information by promoting good practice, ruling on eligible complaints, providing information to individuals and organisations, and taking appropriate action when the law is broken.

All ICO complaints will be dealt with by the corporate team to ensure that the matter is appropriately escalated and addressed.

### **8.8 Any vexatious and repeated requests must be dealt with corporately**

The council is not obliged to comply with vexatious or repeated requests for information. Where the council considers that a request may be vexatious or repeated, it will work closely with the service area to review the case and will make a decision, corporately, that the request should be considered vexatious.

The council will follow the ICO advice and guidance on vexatious and repeated requests. Where a request is considered vexatious or repeated, the requester must be provided with a written notice of this.

## **9 GOVERNANCE, APPROVAL AND REVIEW**

### **9.1 Corporate Governance Group**

This policy and the council's commitment to a robust governance framework are subject to continuous, systematic review and improvement. This council-wide policy will be governed by the Corporate Governance Group (CGG), chaired by the Corporate Director of Resources, who is also the council's Senior Information Risk Owner. The council's Monitoring Officer is also a member of the CGG. The CGG has clear terms of reference and reports directly into the Corporate Management Board.

### **9.2 Formal approval, adoption and review**

This policy will be formally signed off by Corporate Management Board. It will be reviewed on an annual basis by the Corporate Governance Group who will determine who will carry out this review.

Name	Role	Signature	Date Signed
<b>Mike Curtis</b>	<b>Senior Information Risk Owner and Chair of the Corporate Governance Group</b>		
<b>Yinka Owa</b>	<b>Director of Law &amp; Governance</b>		
<b>Shona Nicolson</b>	<b>Head of Information Governance &amp; Business Support</b>		
<b>Leila Ridley</b>	<b>Information Compliance Manager</b>		
<b>Brad Pearton</b>	<b>Access to Information Manager</b>		

## **10 APPENDIX A: ROLES AND RESPONSIBILITIES**

### **10.1 Service Responsibilities**

a) To nominate an Information Governance Officer (IGO)

Service areas have nominated IGOs who lead on responding to access to information requests and who take ultimate responsibility for ensuring that their responses are made within the statutory timeframe.

b) To nominate Data Protection Leads where these are not IGOs

All service areas must ensure that they have the appropriate mechanisms in place to respond to requests for personal information that the council may hold on an individual. This would include ensuring that the Data Protection lead officer correctly understands what a SAR is and how to process such a request.

c) To train staff to understand their legal obligations relating to information requests

All staff are responsible for responding to information requests relating to their work as part of their day-to-day function. Where staff are uncertain of their responsibilities they must escalate these requests to the IGO in their area or seek advice from the corporate team.

d) To ensure responses to requests for information are signed off at a senior level

Corporate Directors are responsible for ensuring that responses to requests for information are signed off by them, or a nominated representative, before the response is sent. This responsibility must not be devolved below Service Director level.

### **10.2 Information Governance Officer Responsibilities**

a) To lead on any information requests in their area

The service area's IGO must take responsibility for coordinating and collating a response to the information request.

b) To ensure that any request is logged corporately

All requests need to be logged by the corporate team and the request will get a unique reference number.

c) To make the response to the requester within the statutory time limit

The service area IGO must take responsibility for ensuring that requests are responded to within the statutory time limit and must set up mechanisms in order to ensure this.

d) To make a response in line with up-to-date corporate guidelines and templates

All responses must follow corporate guidelines including any templates or standard text that is provided by the corporate team. In addition, where necessary, any response needs to be provided with a disclaimer that separate permission needs to be obtained from the copyright owner before it's used in a way that would infringe on copyright, for example, by making multiple copies, or publishing and issuing copies to the public.

e) To ensure exemptions are approved corporately

When a service area receives an FOI request, they may believe it is appropriate to apply an exemption (either partially or fully). They must raise this in writing to the Access to Information Manager. This should be done as early as possible and must be done before the due date.

The service area must engage with the corporate team should they believe that an exemption

may apply, if they believe a Fees Notice should be issued, or if they believe that further information is needed from the requester in order to resolve the request.

f) To ensure that any section 12 exemption is approved corporately

Where a service area considers that the time for responding to the request would be likely to exceed 18 hours, the service area will need to evidence this on a standard form provided by the corporate team. This request will be reviewed by the information governance review panel.

It is important that this is done quickly because many of the activities that may be considered time consuming may not be time that can be considered part of the 18 hours and it would be important to clarify this as early as possible to ensure that the request meets the compliance deadline.

g) To get corporate agreement that a request will be dealt with under EIR

An IGO must engage with the corporate team where they believe an information request should be processed as an EIR request. Part of this is to ensure that any consideration of exceptions (which differ between FOI and EIR) are dealt with correctly. An IGO will need to log this with the corporate team and receive a unique reference number. For record keeping purposes, all EIR requests will be processed in the same way as FOI requests.

h) To obtain corporate agreement before requiring further information or serving a fees notice

The agreement of the corporate team is necessary before the council will require further information from the requester in order to identify and locate the requested information. The agreement of the corporate team is also necessary before any fees can be charged.

i) To ensure that responses to requests for information are signed off at a senior level

The IGO must ensure that all responses to requests for information are approved by their Corporate Director, or their nominated representative, before the response is sent.

j) To ensure that a copy of any response is saved to the case file

The service areas IGO must ensure that a copy of the response is saved in the case file, before the request is closed.

k) To ensure that an appropriate public interest test is undertaken

Where an exemption or refusal requires application of the public interest test, the service area must work with the corporate team to ensure that this is correctly carried out and worded and that the conclusion reached is appropriate and robust.

l) To ensure that all redactions will be explained in the response

An IGO will be responsible for ensuring that information is appropriately redacted. Where information is redacted in the information provided to a requester, the IGO must explain what each redaction is for. In addition, the IGO must ensure that a copy of the information (i.e. the information prior to redaction) is stored in the relevant case file in the corporate case management system.

m) To ensure that all requests for re-use of information are approved corporately

Where there is a written request for the re-use of information this will be forwarded to the corporate team who will process the request and respond to the requester.

n) To ensure that all Information complaints are logged corporately

All information complaints must be sent to the corporate team to be logged and receive a unique information complaint reference number. Any correspondence, engagement or other contact by the ICO must be escalated to the corporate team.

o) To ensure that any requests considered vexatious or repeated are approved corporately as such

The council is not obliged to comply with vexatious or repeated requests for information. Where a service area considers that a request may be vexatious or repeated, this needs to be raised with the corporate team who will review the case and work with the IGO. The decision that a request should be considered vexatious or repeated will be taken corporately.

p) To work with the corporate team to improve records management

The council has a duty under section 224 of the Local Government Act 1972 to make 'proper arrangements' for the records it creates as well as to comply with the Lord Chancellor's Code of Practice issued under section 46 of the FOIA.

The council has a duty to comply with the Data Protection Act 2018 and the General Data Protection Regulation, which includes the fifth principle, which states that 'Personal shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.' Therefore, it is essential that personal data is only held for as long as required and does not exceed any agreed retention period. Where systems and processes are identified that do not comply with retention periods, these must be brought to the attention of the Information Governance Team.

Through access to information requests the council will become aware reactively of many practices and systems that could be improved. The corporate team will highlight these systems as priority systems in need of improvement and work with service areas to ensure that there are appropriate action plans to achieve this.

### **10.3 Data Protection Lead Responsibilities**

a) To lead on any subject access request in their area

The service area's Data Protection Lead must take responsibility for coordinating and collating a response to the DSAR.

b) To ensure that any request is logged

All requests must be logged in the corporate system and acknowledged with a reference number by the officer that logs the request. Local recording logs must not be kept.

c) To make the response to the requester within the statutory time limit

The service area Data Protection Lead must take responsibility for ensuring that requests are responded to within the statutory time limit and must set up mechanisms in order to ensure this.

d) To make a response in line with up-to-date corporate guidelines and templates

All responses must follow corporate guidelines including any templates or standard text that is provided by the corporate team.

e) To ensure exemptions are approved corporately

When a service area receives a DSAR, they may believe it is appropriate to apply an exemption (either partially or fully). They must raise this in writing to the Access to Information Manager. This should be done as early as possible and must be done before the due date.

The service area must engage with the corporate team should they believe that an exemption may apply, or if they believe that further information is needed from the requester in order to resolve the request.

f) To ensure that any section 24(b) of the DPA exemption is approved corporately

Where a service area considers that the time for responding to the request would be likely to exceed reasonable limits, the service area will need to evidence this on a standard form



provided by the corporate team.

f) To ensure that a copy of any response or record of release is saved in the case file

The service area's Data Protection Lead must ensure that a copy of the response is saved in the case file.

g) To quality assure redacted responses and provide guidance on redaction

The Data Protection Lead must ensure that any redactions to information have been carried out in line with corporate guidance and that it is not possible to 'reveal' the information that has been redacted.

h) To ensure that all redactions are explained in the response

The Data Protection Lead will be responsible for ensuring that information is appropriately redacted. Where information is redacted in the information provided to a requester, the Data Protection Lead must explain what each redaction is for. In addition, the Data Protection Lead must keep a copy of the information (i.e. the information prior to redaction) and this must be stored in the case file. For SAR responses that are very large this may not be possible. In these situations it is essential that clear records outlining what redactions were carried out and why are kept. Where this situation arises, the Data Protection Lead must discuss the best approach with the Access to Information Manager.

i) To ensure that all Information complaints are logged corporately

All information complaints must be sent to the corporate team to be logged and receive a unique information complaint reference number. Any correspondence, engagement or other contact by the ICO must be escalated to the corporate team.

## **10.4 Corporate responsibilities**

a) To coordinate Access to Information requests

The Information Governance Team is responsible for overseeing that arrangements are in place to deliver access to information across the council.

- i. The Information Compliance Manager is corporately responsible for ensuring that access to information is being managed well and for being the council's final point of escalation related to access to information complaints. The Information Compliance Manager will support and advise service areas.
- ii. The Data Protection Officer leads the council's commitment to data security and protection, which includes supporting and advising service areas.
- iii. The Access to Information Manager leads on day-to-day management of information requests for Islington Council. The Access to Information Manager will support and advise service areas.
- iv. The Access to Information Administrator leads on the administration of information requests and provides initial advice to service areas and will support the Information Governance Team in supporting service areas.

b) To allocate requests for information to the appropriate service area

The corporate team must identify the service area which will deal with the request.

The corporate team must ensure that a named IGO in the service area has accepted responsibility for the request and understands the due date for the request.

Where a request requires responses from more than one IGO, this will be coordinated by the corporate team who will collate and send out the response.

c) To request further information

Where the council reasonably requires further information from the requester in order to identify and locate the requested information the statutory time limit of 20 working days will not commence unless and until the further information is received from the requester.

- i. The corporate team will review the request and work with the service area to understand what further information is required in order to progress the request.
- ii. The IGO will respond to the requester explaining what further information is needed.
- iii. The requester must be contacted in writing to clarify their request in order that the requested information can be identified and located.
- iv. If clarification is not received within three months of being requested, then the request lapses and the council is not required to respond. The corporate team will therefore close such requests after three months.

d) To issue a Fees Notice

- i. Fees are not charged for FOI requests so long as the council will spend £450 or less in complying with the request (i.e. 18 hours at £25 per hour). However, the council can charge for reasonable disbursements, for example, photocopying or postage charges.
- ii. The council may serve a fees notice on the requester stating that a fee of an amount specified in the notice is to be charged by the council for complying with an FOI request.
- iii. The statutory time limit of 20 working days will be 'on hold' until the requester responds, where after the time line for the response will resume from where it left off.
- iv. If the council issues a fees notice, the corporate team will write to the requester informing them that the clock for complying with their request stops on the day that the notice is given and restarts on the day that the fee is received (which, in the case of the cheque, means the day the cheque is cleared).
- v. If the fee is not received within three months of the fees notice, then the request lapses and the council is not required to respond. The corporate team will therefore close such requests after three months.

e) To coordinate and manage an Information Governance Review Panel

The corporate team will hold routine meetings to consider and discuss exemptions that service areas believe may need to be applied in a specific request for information. The team will determine the level of legal advice required on a case-by-case basis and provide service areas with a clear rationale where this is needed.

Where an exemption is qualified, a public interest test will be applied. The Access to Information Manager will then relay the decisions of the information governance review panel to the service who will respond to the requester. Exemptions can only be applied after they have been formally approved by the Panel in this way. The service must quote the exemption used and the reasons for its use in their response.

The corporate information governance review panel will advise on all EIR exceptions.

The corporate information governance review panel will review whether or not a request should be considered vexatious.

The corporate information governance review panel will review whether the council should respond to a sections 29 and 35 (of the DPA) requests.

The corporate information governance review panel will review whether exemptions apply to a DSAR.

The corporate information governance review panel will review whether the council must comply with one of the other Individual Rights set out in the GDPR, where it is unclear. In cases where

the council has recorded that certain rights do not apply, it will not need separate panel approval.

f) To advise on the use of the public interest test

Where an exemption or refusal requires the demonstration of the public interest test, the corporate team will advise a service area where this is required. The corporate team will work with the service area to ensure that the response appropriately addresses the evidence needed and that this is done in a standard way across all requests.

g) To advise on the use of section 12 and the appropriate limit

Where a service area considers that responding to the request would be likely to exceed 18 hours, the service area will need to evidence this on a standard form provided by the corporate team. The corporate team will provide the service area with the form and advise as to what can and cannot be considered time that can be charged (i.e. identifying, locating, retrieving and extracting the information). This process will also apply to DSARs that are believed to fall into the 'exceeding appropriate limits'.

h) To advise on the requests for the re-use of information

The corporate team will process all requests for re-use that are forwarded to the team and will process this in a standard way, including: providing the request with a unique reference number, acknowledging the requester, considering whether or not exemptions apply, and then formally responding to the requester.

i) To produce management information

The corporate team must produce regular reports that provide management information about the council's compliance. There are several reports that will be produced routinely. These reports will be provided to members of the Corporate Management Board and their direct reports.

j) To prioritise systems that require improved records management

The council has a duty under section 224 of the Local Government Act 1972 to make 'proper arrangements' for the records it creates as well as to comply with the Lord Chancellor's Code of Practice issued under section 46 of the FOIA.

Through access to information requests the council will become aware reactively of many practices and systems that could be improved. The corporate team will highlight these systems as priority systems in need of improvement and work with service areas to ensure that there are appropriate action plans to achieve this.