



Commissioner for **Older People**
for Northern Ireland

Freedom of Information Policy

December 2022

Reviewed by	David Murray
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1. Background

The Commissioner for Older People for Northern Ireland (COPNI) is fully committed to compliance with the requirements of the Freedom of Information (FOI) Act 2000 (the Act). The aim of the Act is to promote a culture of greater openness and accountability within COPNI and facilitate better understanding of how we carry out our duties, why we make the decisions we do and how public money is spent.

2. Policy Statement

The Act gives a public right of access to information held by public bodies, subject to some exemptions/exceptions in legislation. COPNI supports this culture of openness and will ensure compliance with the Act by:

- (i) Putting in place appropriate procedures and practices;
- (ii) Making as much information as possible available through its publication scheme;
- (iii) Carrying out regular audits to ensure all appropriate information is included in the publication scheme;
- (iv) Making the provision of information a priority by responding to written requests within statutory deadlines;
- (v) Ensuring all staff are aware of their responsibilities and that training is an ongoing process;
- (vi) Continuing to protect personal information entrusted to it by disclosing that information only in accordance with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 1998.

3. Implementation

COPNI responsibility for ensuring compliance with the Act rests with the Data Protection Officer (DPO). The DPO will provide assistance and advice to all staff in dealing with requests for information and will have overall responsibility for:

- (i) The provision of FOI training for COPNI staff;
- (ii) The development and maintenance of FOI policy and procedures; and
- (iii) Carrying out compliance checks to ensure adherence to the Act throughout COPNI.

4. Staff Responsibilities

All COPNI staff have responsibilities under the Act. They must ensure that any request for information they receive is handled in compliance with this policy and in accordance with COPNI's FOI Procedure. The Data Protection Officer is responsible for:

- (i) Responding to requests on behalf of COPNI;
- (ii) Familiarising themselves with this policy and following FOI procedures;
- (iii) Identifying information requests quickly and ensuring they receive prompt attention in line with the FOI procedures;
- (iv) Responding to all requests for information promptly and within statutory deadlines;
- (v) Disclosing information where possible and only withholding certain information in accordance with exemptions/exceptions laid down in the Act;
- (vi) Supporting members of the public in formulating or expressing requests for information;
- (vii) Working with any partners and contractors to ensure COPNI can meet its legislative obligations, including the disclosure of any information they hold on the COPNI's behalf;

- (viii) Consulting with third parties before disclosing information that could affect their rights and interests. However, in accordance with the Act, the final decision on disclosure will rest with COPNI;
- (ix) Recording all information requests and responses and monitoring their performance in handling requests and complaints;
- (x) Contacting the appropriate person when advice and assistance is required; and
- (xi) Providing input to the publication scheme as required.
- (xii) adhering to the Code of Practice on Freedom of Information (Section 45 Code);
- (xiii) adhering to the Code of Practice on the Management of Records (Section 46 Code) and COPNI's records management policy and procedures; and
- (xiv) 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.

5. Publication Scheme

To comply with the Act COPNI has a publication scheme in place which sets out;

- (i) The classes of information available;
- (ii) Whether the information is available free of charge or if a payment is required; and
- (iii) Guidance on how information can be obtained.

The aim of the publication scheme is to make information routinely available to the public.

6. Requests for Information

The Act gives individuals requesting information 2 rights;

- (i) The right to be informed whether COPNI holds certain information
- (ii) The right to have that information communicated to them

A request for information under FOI must be in writing, which includes email, and though social media websites such as Twitter or Facebook.

Individuals may express a preference as to how they would like to have the information communicated to them and COPNI must comply with this preference so far as is reasonably practicable. 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 COPNI 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.

Your request can be made to any member of staff. Is it up to the member of staff who receives the request to action it or pass to the Data Protection Officers? Any Freedom of Information Requests received will be coordinated by:

Data Protection Officer
Commissioner for Older People for Northern Ireland
Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP
Email: dpo@copni.org
Tel: 028 90890892

7. Managing Requests for Information

The Act requires COPNI 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. If the deadline is not expected to be met, the applicant will be advised of the reason for the delay and the anticipated reply date.

8. Exemptions

Certain information held by COPNI will be classified as exempt under the Act. The Act provides for both absolute and qualified exemptions. Where information is absolutely exempt, there is no obligation under the Act to provide the requested information although COPNI may choose to disclose the information held by it.

Most exemptions under the Act are qualified and are subject to a public interest test. Where information requested falls within the terms of a qualified exemption, the Data Protection Officer within COPNI will assess whether the public interest lies in disclosing the information to the applicant or withholding the information.

Detailed information on exemptions/exceptions and the public interest test can be found in by accessing the following link:

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>

Section 36 provides an exemption if disclosure would prejudice the effective conduct of public affairs.

Section 41 provides an exemption for information provided in confidence. This exemption is designed to give those who provide confidential information to public authorities a degree of assurance that their confidences will continue to be respected should the information fall within the scope of a FOI request.

Further advice can be obtained from the COPNI's Data Protection Officer.

9. Appeals and Complaints

Any complaints about how COPNI has handled requests for information under the Act should, in the first instance, be addressed to;

Chief Executive Officer
Commissioner for Older People for Northern Ireland
Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP

COPNI has an internal review procedure in place and applicants are informed of this in all response letters. An applicant may 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 FOI procedure.

If the applicant is not content with the outcome of the internal review, they may complain to;

Information Commissioner's Office
3rd Floor
14 Cromac Place
Belfast
BT7 2JB

Email: ni@ico.org.uk

(T) 0303 123 1113

(W) www.ico.gov.uk

10. Policy Awareness

A copy of the policy statement will be given 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 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.

11. Variation

COPNI reserves the right to vary this Freedom of Information Policy as it deems appropriate to include compliance with any legal requirements. The appropriate staff/Union(s) will be notified of any proposed variation and consulted in advance. However in the absence of any agreement, COPNI reserves the right to vary this Policy on 4 weeks' notice.

12. Policy Review

This policy will be reviewed every two years and a reviewed policy will be provided to the Accounting Officer (Commissioner) or Chief Executive for approval.