
Freedom of information policy

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1. Purpose

- 1.1 This document sets out the Professional Standards Authority's ("the Authority") policy on dealing with requests for information under the Freedom of Information Act 2000 (FOIA)

2. Introduction

What is the FOIA?

- 2.1 The FOIA is intended to promote a culture of openness and accountability amongst public authorities by conferring on individuals a general right of access to recorded information. For the purposes of the FOIA, the Authority is a public authority.
- 2.2 The FOIA places a duty on the Authority to provide information requested to the applicant, unless one of the exemptions set out in the FOIA applies.

What is the Authority's general policy to information requests?

- 2.3 The Authority welcomes the rights of access to information, set out in the FOIA¹. We are committed to operating openly and to dealing with requests for information about our activities. We have a publication scheme, through which some information about our activities can be obtained. If the information required cannot be found in our publication scheme, the guidance below, details how an information request can be made to the Authority.

3. Guidance for the public

How do you make a request?

- 3.1 In order for your request for information to be valid it must:
 - be in writing (requests by email are acceptable)
 - state your name
 - state an address for correspondence (this can be an email address)
 - describe the information in sufficient detail to enable us to identify what information has been requested.
- 3.2 When making your request you should specify how you would prefer to receive the information requested. The Authority will, as far as is reasonably practicable, provide the information to you in your requested format. If the Authority is unable to provide the information to you in your requested format,

¹ Please note that whilst we are a UK wide organisation, because we are based in England we only abide by the requirements of the FOIA and are not bound by the Freedom of Information (Scotland) Act 2002.

we will communicate the information by any means we consider reasonable in the particular circumstances of the request.

What does the Authority do when we receive a request?

- 3.3 Requests for general information about the conduct of the Authority (such as a request for a procedure): If the request is for information that we would usually provide then we will deal with it informally and the request does not have to be in writing. We will respond promptly and, at the latest, within 20 working days.
- 3.4 All requests for information are passed to the Head of Governance who will acknowledge receipt of the request, inform you of the date on which the 20 day time limit expires and will consider the request in further detail..

How will we manage the request?

- 3.5 The Head of Governance will work with the designated lead in the team holding the information to:
 - Establish whether we hold the information;
 - If the information is held, collate the information;
 - Liaise with any third parties who provided the Authority with or would be affected by the release of the information;
 - Consider whether any of the exemptions in the FOIA are applicable; and
 - Liaise with our legal adviser where necessary.
- 3.6 Once a decision has been reached on what, if any information can be disclosed, the Head of Governance will write to you.
- 3.7 We will as far as is reasonably practicable, disclose the information to you according to your stated preference. You must specify the preferred format, it is not sufficient to ask for information in 'all forms in which it is held'. If we cannot provide the information in the form you have requested we will provide an explanation. If you have not stated a preference then we may communicate the information by any means that are reasonable in the circumstances.

What do we do if we do not hold the information?

- 3.8 If you request information that we do not hold, we will
 - Contact you and advise that we do not hold the information requested. If we know the information requested is held by another public authority we will provide you with its contact details so you can forward the request to them.

What assistance and advice will we provide?

- 3.9 Section 16 of the FOIA places a duty on the Authority to provide advice and assistance, to individuals requesting information so far as it would be reasonable to expect us to do so. Advice and assistance will always be fact and context but may include the following:
 - Explaining the types of information available
 - The format in which information is available
 - Information relating to our charging policy.

- 3.10 If we have difficulty in identifying the information you have requested we will contact you to:
- Clarify the request
 - Provide an explanation of our filing system; or
- 3.11 If after taking reasonable measures to assist you in making your request, we cannot identify or locate the information we will disclose information we consider to be covered by your request along with an explanation of why we have disclosed what has been disclosed. We will also provide details of our complaints procedure.
- 3.12 Where a request has been refused, for example because of excessive costs, appropriate assistance would be explaining how the request could be refocused so that it could be complied with.
- 3.13 If you have made a request that spans both the FOIA and the Data Protection Act 1998 (“DPA”), we will inform you of this and deal with the requests separately and in accordance with the statutory time limits.
- 3.14 If we are unable to respond to your request within the statutory time limits we will write to you explaining the delay and provide you with a new time scale for dealing with your request. If we are still unable to comply with the request within the new timescale we will write to you again with an update as to our progress in dealing with your request, and provide you with a new timescale.

What is the timescale for responding to requests for information?

- 3.15 We will deal with requests for information promptly and in any event within 20 working days.
- 3.16 Where you have made a request but it has not met the requirements of the FOIA, the 20-working day limit would not start until we had sufficient information to deal with the request.
- 3.17 Sometimes it is not possible to provide the information within 20 days, for example:
- where we need to consider the public interest in disclosing the information; or
- 3.18 If we decide to charge a fee for processing the information, you are given three months from the date of our notice to pay. The 20-working day timeframe stops the day before the notice is sent and would restart the day after we receive the fee.

Will we charge for providing the information?

- 3.19 The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations provides that public authorities do not have to comply with a request where the cost of providing information exceeds £450 or 18 hours.
- 3.20 In considering whether responding to the request will exceed £450 we will take into account: the time taken to determine whether we hold the information, locating, retrieving and extracting the information..
- 3.21 If the request is estimated to cost more than £450, we can:

- refuse to handle your request but offer advice and assistance on how to refocus the request to bring it within the acceptable limit; or
- handle your request and charge a fee. You will be advised of the fee before the request is processed.

3.22 The fee will be based on:

- giving effect to any preference expressed by you in making the request as to the means or form of communication;
- reproducing any document containing the information; and
- postage and other forms of transmitting the information;

3.23 The fee will only be charged if the costs are over £25.

Are there any grounds we can rely on for not complying with your FOIA request?

Vexatious or repeated requests

3.24 The FOIA says that we are not obliged to respond to a request for information if the request is vexatious. In determining whether a request is vexatious we will consider guidance issued by the Information Commissioner and relevant case law. In particular, we will consider:

- the intention of the requester
- The purpose or value of the request, particularly when the request is being made as part of a series of requests.
- Whether the request can be characterised as obsessive or manifestly unreasonable.

3.25 Even if a request is not vexatious there is no obligation on the Authority to comply with a request which is identical or substantially similar to a previous request unless a reasonable interval has elapsed.

3.26 When considering whether a request is vexatious, we may seek legal advice.

Exemptions

3.27 There are a number of exemptions to the right of access. Exemptions are either qualified or absolute.

3.28 Where a qualified exemption applies the Authority must apply a two stage test. First, we must decide whether the exemption applies to the information requested and if it does, we will then apply the public interest test.

3.29 There are also a number of absolute exemptions. If an absolute exemption applies there is no need to consider the public interest.

The duty to confirm or deny

3.30 In all cases where a qualified exemption applies, and many cases where the exemption is absolute, we must also consider whether we can confirm or deny whether we hold the information.

3.31 This is a complex part of the FOIA and we may seek legal advice when before responding to the request.

Our obligations on refusal of a request

3.32 Where we refuse to provide information following a request or we cannot confirm or deny whether the Authority holds the information, we will issue a refusal notice setting out the reasons for the refusal.

3.33 If we rely on an exemption in not providing information requested, we will explain why we consider the exemption applies. If we rely on the public interest in not disclosing information requested, we will explain this in our refusal notice.

3.34 In any case, where we are withholding information we will provide details to you of our complaints procedure and we will inform you of your right to complain to the Information Commissioner. Our complaints procedure and the Information Commissioner's details can be found below.

3.35 If you are unhappy with the way that we have handled your request you can complain about us. Further information can be found on our website or by calling 0207 389 8030.

3.36 If you remain dissatisfied, you can contact the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 745
Fax: 01625 524 510
Email: enquiries @ico.gsi.gov.uk

4. Document Control

Version Control

- 4.1 Printed documents are uncontrolled. This document is only valid on the day it was printed.

Version	Status	Description of Version	Date Completed
1.0	agreed	Freedom of Information Policy	14/11/08
2.0	agreed	To remove outdated links to ICO website	08/05/09
2.1		Change of Contact	14/02/12
2.2		Updated for Changes from CHRE to Professional Standards Authority	
2.3	agreed	Legal review	10/02/2017
2.4	Agreed	Annual IAO review	January 2019
2.4	Agreed	Annual review	January 2022

Associated Documentation

Version	Description of Documentation