

# The Freedom of Information Act 2000

## Guidance for House of Lords staff

There are two main aspects to the Freedom of Information Act:

1. A duty to adopt and maintain a Publication Scheme and to publish information in accordance with this Scheme
2. A general right of access to recorded information held by a public authority at the time a request is received, subject to specified exemptions.

### Publication of information

The Information Commissioner's Office (ICO), the independent authority set up to uphold information rights, has produced a Definition Document for the House. This sets out the types of information the ICO expects the House to publish:

[http://ico.org.uk/~media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/definition-document-house-of-lords.pdf](http://ico.org.uk/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/definition-document-house-of-lords.pdf)

The House's Publication Scheme is kept under review and the Information Compliance Team welcomes suggestions regarding additional information which can be added to the Scheme.

### Rights of access

FOI requests must be in writing with the name and contact details (email address is fine) of the applicant supplied.

The rights of access apply to recorded information *held* by a public authority at the time of the request.

There is no requirement for the applicant to cite the Act when making a request.

### Management of requests

Although the provisions of the Act apply to all written requests for recorded information held by the House Administration, in practice it has proved possible to distinguish between requests needing to be dealt with under formal FOI procedures and those that can be handled as Business As Usual. Formal FOI procedures are only applied to a relatively small number of requests.

Requests for information which is readily available and non-sensitive are treated as Business As Usual unless the applicant has cited the Act. In the latter case, formal procedures are normally applied.

The majority of requests dealt with under formal FOI procedures are received directly by the central Information Compliance Team. Other requests are received by offices such as the Information Office and the Archives and very occasionally by individual members of staff. The key principle is that the same procedures apply regardless of where the request is initially received.

Any office or member of staff receiving a request for information which is not readily available, may need consideration of exemptions or which cites the Act should forward the request without delay to the Information Compliance Team at: [hoinfocompliance@parliament.uk](mailto:hoinfocompliance@parliament.uk) The statutory deadline of 20 working days is calculated from the date the request is received by the House Administration irrespective of which office receives the request.

If, for any other reason, the relevant office FOI co-ordinator believes that it might be appropriate to deal with a request under FOI procedures then he/she should contact the Information Compliance Team.

A list of office Fol co-ordinators is available on the intranet at:

<http://intranet.parliament.uk/information-management/data-protection-security/information-security/contacts/>

## **Responsibilities**

The Clerk of the Parliaments is ultimately responsible for the House Administration's compliance with its statutory responsibilities under the Act. He has entrusted day-to-day responsibility for House of Lords' arrangements to the Freedom of Information Officer (Frances Grey) who is also the Head of the Information Compliance Team.

The Information Compliance Team is responsible for:

- managing the day-to-day process; ensuring that requests are forwarded to the Fol co-ordinator for the relevant office(s), specifying actions required, and deadlines
- drafting responses (where relevant)
- considering the use of exemptions (where relevant) in discussion with the relevant business areas and other interested parties
- ensuring statutory deadlines are met in all but exceptional cases (this can only be done with the full co-operation and understanding of business areas) and keeping the applicant informed of progress
- seeking legal advice where appropriate
- identifying requests which need to be escalated including those requiring involvement by the Clerk of the Parliaments or the House's Freedom of Information Advisory Panel
- conducting research (where relevant) into how other public authorities have handled similar requests
- keeping up-to-date with developments in information rights law including Information Commissioner's Office (ICO) decision notices, First-Tier Information Tribunal decisions and case law and guidance published by the ICO, Ministry of Justice et al.
- consulting third parties in accordance with the Code of Practice issued under Section 45 of the Act.
- ensuring any complaints are dealt with promptly and in accordance with the Section 45 Code
- reporting to senior management and relevant domestic committees on House compliance.

Each office is responsible for appointing a Fol co-ordinator to act as the Information Compliance Team's central point of contact for relevant requests and for proactive publication.

The Fol co-ordinator is responsible for:

- acting as the Information Compliance Team's primary point of contact in an office
- ensuring that copies of requested documents are located and forwarded to the Information Compliance Team in accordance with specified deadlines
- identifying and alerting the Information Compliance Team to any problems in identifying relevant information, including the potential to exceed the cost limit  
working with the Information Compliance Team to identify any information which should not be disclosed and the justification for this.

## Handling requests

<b>Process</b>	<b>Action</b>
<b>Decide who is responsible for answering</b>	The central Information Compliance Team
<b>Send the request</b>	Send as soon as possible to: holinfocompliance@parliament.uk If received locally
<b>Acknowledge receipt of request to requester</b>	Information Compliance Team
<b>Request the information from the area(s) most likely to hold the records</b>	Information Compliance Team Data requested from office FOI co-ordinators .
<b>Consultation with third parties</b>	Normally undertaken by the Information Compliance Team. PPCS will usually consult third parties in relation to procurement requests but where detailed FOI knowledge is required correspondence will be handled by the Compliance Team
<b>Collate, check and redact records</b>	Normally undertaken by the Information Compliance Team. However, there are circumstances for which this is not practical and special arrangements will be made
<b>Draft the response</b>	Information Compliance Team Relevant House's complaints process cited
<b>Circulate for approval</b>	Information Compliance Team as necessary
<b>Send the response</b>	Information Compliance Team

<b>Complaints</b>	Managed by the Information Compliance Team. Internal reviews will be undertaken by a member of staff who has not been involved in the handling of the request and who does not work within the function(s) to which the request relates
<b>Records kept</b>	Logged and tracked by the Information Compliance Team. Records are stored for 5 years in accordance with the agreed records disposal policy by the Information Compliance team. Offices may choose to keep copies for local records but these should not be retained for longer than the master set

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