


<b>ISMS PROCEDURE 43</b>			
<b>Freedom of Information Policy (Compliance with Legal Requirements)</b>			
<b>Issue: 2.1</b>	<b>Date: 30/10/18</b>	<b>Author: Paul Herink</b>	
<b>Review Date: 30/10/2018</b>		<b>Document Status: <span style="color: green;">Approved</span></b>	

## ***FREEDOM OF INFORMATION POLICY***

### ***Purpose:***

To ensure compliance in the collection and processing of data under the Freedom of Information Act.

The Freedom of Information Act 2000 provides public access to information held by public authorities.

It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002.

Public authorities include government departments, local authorities, the NHS, state schools and police forces. However, the Act does not necessarily cover every organisation that receives public money. For example, it does not cover some charities that receive grants and certain private sector organisations that perform public functions.

The LRA is covered by and is subject to the Act.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.


The Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a subject access request under the Data Protection Act 1998. For this see the Data Protection Policy – Compliance with Legal Requirements.

### ***Policy:***

Labour Relations Agency (LRA) is committed to meeting its obligations under the Freedom of Information Act of 2000.

Anyone has a right to request information from a public authority. The Agency has two separate duties when responding to these requests:

- to tell the applicant whether you hold any information falling within the scope of their request; and
- to provide that information

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The LRA will respond to a request within 20 working days.

The LRA may refuse an entire request under the following circumstances:

- It would cost too much or take too much staff time to deal with the request.
- The request is vexatious.
- The request repeats a previous request from the same person.

In addition, the Freedom of Information Act contains a number of exemptions that allows the LRA to withhold information from a requester. In some cases it will allow the Agency to refuse to confirm or deny whether you hold information.

Some exemptions relate to a particular type of information, for instance, information relating to government policy. Other exemptions are based on the harm that would arise or would be likely arise from disclosure, for example, if disclosure would be likely to prejudice a criminal investigation or prejudice someone's commercial interests.

There is also an exemption for personal data if releasing it would be contrary to the Data Protection Act.

LRA will strive to observe the law in all collection and processing of data and will meet any FOI requests in compliance with the law and will only make data available in ways/formats compliant with carrying out its legal duties.

The IS Manager checks Data Protection websites.

[www.ico.org.uk](http://www.ico.org.uk) / [www.legislation.gov.uk](http://www.legislation.gov.uk)

This is checked every three months for updates. The IS Manager tests all new updates to make sure LRA is complying with the policy.

This is a national procedure that applies to Northern Ireland, England and Wales (Scotland is covered by the Freedom of Information (Scotland) Act 2002.)