

## Freedom of Information Act 2000 Policy

### Version Control

| Version Control |                       |                 |           |
|-----------------|-----------------------|-----------------|-----------|
| Issue           | Description of Change | Approval        | Date      |
| 1.0             | First draft           | Clare Morley    | June 2018 |
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### 1. Policy Statement

- 1.1. Eastlands Trust ('the Trust') is committed to complying with the provisions of the Freedom of Information Act 2000 ('FOIA') and any related legislation which is applicable.
- 1.2. The FOIA enables anyone, or any organisation, to request any recorded information held by the Trust. There is no need for the applicant to explain their reasons for the request, or that it is a request under the FOIA. Requests for information must be made in writing, which includes emails. The request must state the name and address of the person applying for the information and the required information.
- 1.3. Information will be provided if it is held, unless one or more of the exemptions listed in the legislation applies. Information which is exempt does not have to be provided.

### 2. Responsibilities

- 2.1. As a wholly owned company of Manchester City Council, the Trust is defined as a public body for the purposes of the FOIA.
- 2.2. All staff are responsible for ensuring that Freedom of Information requests they receive are dealt with in accordance with the FOIA and in compliance with this policy. Staff should forward all initial requests for information received by the Trust to our Chief Operating Officer. All requests must be dealt with promptly and in line with this policy.

2.3. If requests are made verbally staff must ask the applicant to put their request in writing (appropriate assistance will be provided to applicants with access requirements) to the Chief Operating Officer at the addresses given in section 8 below.

2.4. The Trust's Chief Operating Officer has overall responsibility for this policy.

### 3. Dealing with Requests

3.1. Recorded information held by the Trust is subject to the requirements of the FOIA. The type of information which may be requested can be paper or electronic and may include draft documents, agendas, minutes, emails, diaries and even rough handwritten notes.

3.2. Where a valid request is received, there is a duty on the Trust to confirm or deny whether it holds the information, and if it does hold it, to provide the information so long as an exemption does not apply. If information has been requested but is not held, the Trust will inform the applicant of this as soon as possible.

3.3. If a request is unclear, the Trust will ask for clarification as soon as possible to enable us to proceed with considering the request. The Trust will provide advice and assistance to help people make requests under the FOIA. The Trust will aim to acknowledge requests for information within five working days of receipt. The Trust aims to respond to all requests promptly and in any event within 20 working days, counting the first working day after the request is received as the first day following receipt of a valid request. The applicant will be informed if it is not possible to comply with this timescale and given an indication of when the response is likely to be provided.

### 4. Exemptions

4.1. The FOIA does not entitle applicants to be given all information held by the Trust. The FOIA sets out exemptions from the right of access to information.

4.2. In broad terms, there are two kinds of exemptions:

4.2.1. Absolute exemptions: the right to information is completely over-ridden by the exemption; and

4.2.2. Qualified exemptions: where an exemption may be applied, but the Trust must weigh up competing interests to decide whether it serves the interests of the public better to withhold or disclose the information. This is known as the public interest test.

4.3. Where a request is refused a refusal notice must be issued setting out the section

of FOIA being relied upon and in most instances explain the reasons for its decision, including the details of any public interest and prejudice tests. The refusal notice will also outline the complaints procedure with relevant details and inform the requester of their right to complain to the Information Commissioner's Office (see section 8 for contact details).

#### 4.4. *Data Protection Act 2018*

- 4.4.1. The Trust is under a legal duty to protect personal data as required by the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and other privacy legislation. The Trust will carefully consider its responsibilities under the DPA and GDPR before disclosing any personal data about living individuals.
- 4.4.2. If responding to a request under the FOIA would breach the DPA or GDPR, it may be exempt from disclosure. In deciding whether to refuse a request on this basis, we will consider whether it would be unfair to the individual concerned to disclose their personal data.
- 4.4.3. Any request made by an individual for their own personal data will be treated as a subject access request under the Data Protection Act 2017. Please refer to the Trust's Subject Access Request policy and procedure on our website for further details.

#### 4.5. *Vexatious Requests*

- 4.5.1. While we are committed to providing information, we may receive requests which can reasonably be deemed to be 'vexatious'. Some of these requests can be costly for public bodies such as the Trust to handle, and responding to them may be an inappropriate use of staff time.
- 4.5.2. In determining whether a request may be vexatious, we will consider whether it is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation. Where we believe the request to be vexatious, we will issue a refusal notice unless we have already done so in response to an earlier vexatious or repeated request from the same individual, and it would be unreasonable to issue another one.

#### 4.6. *Repeated Requests*

- 4.6.1. The Trust can refuse requests if they are repeated, whether or not they are also vexatious.

## 4.7. Confidentiality

- 4.7.1. If we receive information from someone else and complying with a request for that information would be a breach of confidence, the information may be exempt from disclosure.

## 4.8. Legal Privilege

- 4.8.1. If complying with a request would reveal information that is subject to 'legal professional privilege', then it may be exempt from disclosure.

## 4.9. Cost Limit

- 4.9.1. The Trust reserves the right to refuse requests where the cost of providing the information would exceed the statutory cost limit. This limit set by the Information Commissioner's Office (ICO) is currently £450, which equates to 18 hours' work at the ICO-set statutory rate of £25 per hour. We are only allowed to take into account staff costs spent on the following activities:

- 4.9.1.1. Determining whether we hold the information requested
- 4.9.1.2. the information or documents containing the information
- 4.9.1.3. Retrieving such information or documents
- 4.9.1.4. Extracting the information from the document containing it (including editing or redacting information).

- 4.9.2. We are not allowed to include the estimated cost of staff time taken in deciding whether any exemptions apply to the disclosure of information requested.

## 4.10. Other Exemptions

- 4.10.1. There are also other exemptions that the Trust might apply and these include:

- 4.10.1.1. information already reasonably accessible
- 4.10.1.2. information intended for future publication
- 4.10.1.3. security bodies and national security
- 4.10.1.4. court records
- 4.10.1.5. endangering health and safety
- 4.10.1.6. trade secrets and prejudice to commercial interests, and
- 4.10.1.7. if complying with the request would prejudice or would be likely to

prejudice investigations, law enforcement and/or audit functions.

4.10.2. We will also not disclose information if complying with a request for information:

- 4.10.2.1. is not allowed under law
- 4.10.2.2. would be contrary to an obligation under EU Law, or
- 4.10.2.3. would constitute contempt of court.

## 5. Charges for Information

5.1.1. Information provided in response to requests will be provided electronically, subject to reasonable adjustments and will be free of charge where possible. The Trust may need to charge in some circumstances, for example where the costs are significant. In such cases the Trust will notify the applicant in advance and the Trust will not charge where costs incurred are below the threshold of £10.

5.1.2. If we estimate the cost of dealing with the request to be 'significant', i.e. over £10, we will issue a 'Fee Notice' informing the applicant of the required fee before processing the request for information and as soon as possible within the 20 working day deadline following receipt of the request. Once we issue a Fee Notice, the 20 working day time limit for responding stops and will start again only when we receive payment.

5.1.3. We will follow ICO guidance on what we can and cannot charge for. The maximum disbursement we can charge in these cases is limited to the specified costs of postage, printing and photocopying disbursements outlined below:

5.1.3.1. Copying or printing (black and white):  
A4 sheet 5p  
A3 sheet 10p (Larger sizes depend on costs charged to the Trust)

5.1.3.2. Copying or printing (colour)  
A4 30p  
A3 50p (Larger sizes depend on costs charged to the Trust)

5.1.3.3. Postage  
At the prevailing Royal Mail rates.

5.1.4. Where we are required by other legislation to provide information in a particular form or language at no additional cost, for example on audio

tape, to comply with the Equality Act 2010, we will make no charge for providing the information in this way. Please see section 8.

- 5.1.5. Any fees or disbursement costs paid to us are non-refundable. Fees and disbursement costs that we charge should be paid by cheque made payable to 'Eastlands Trust' and sent to:

Head Office  
National Squash Centre  
Etihad Campus  
Rowsley Street  
Manchester  
M11 3FF

## 6. Publication Scheme

- 6.1. The Trust has adopted the ICO's Model Publication Scheme. Adopting a publication scheme is a requirement under the FOIA.
- 6.2. A publication scheme is a document that describes the information a public authority publishes or intends to publish. "Publish" means to make information available routinely. The scheme is not a list of the actual publications (because this will change as new material is published or existing material revised); it is our commitment to make available the information described. The aim of the scheme is to encourage maximum disclosure but at the same time reduce the burden on public authorities.
- 6.3. The publication scheme will help you to find all the information that the Trust publishes or will normally make available.
- 6.4. In preparing the scheme, the various classes of information that are made available, or will be made available, have been considered. Most of the information detailed below is, or will become, available on the website. These classes will be reviewed on a regular basis and this scheme will be updated regularly as the Trust and its policies and strategies develop.
- 6.5. The seven classes of information are:
- 6.5.1. Who we are and what we do;
  - 6.5.2. What we spend and how we spend it;
  - 6.5.3. What our priorities are and how we are doing;
  - 6.5.4. How we make decisions;
  - 6.5.5. Our policies and procedures;
  - 6.5.6. Lists and registers; and

6.5.7. The services we offer.

6.6. Details on our Publication Scheme can be found here

<https://mcractive.com/policies/FOIA-Policy-Publication-Notice.pdf>

## 7. Complaints

7.1.1. Anyone who has made a request for information to the Trust under the FOIA is entitled to request an internal review if they are unhappy with the way their request has been handled. Internal reviews will be carried out afresh by the Chief Operating Officer (COO) who was not involved with the original decision or a Board Member if the COO has delivered the original decision (appropriate assistance will be provided to requesters with access requirements).

7.1.2. A request for review may involve:

7.1.2.1. a request for a review of a decision to withhold information, or

7.1.2.2. a complaint about the handling of a request for information.

7.1.3. The Trust may ask the applicant for clarification of the grounds of their complaint if the grounds are not clear.

7.1.4. A request for an internal review should be sent to the contact details set out in section 8 below.

7.1.5. An internal review will consider whether or not the request was handled appropriately, in line with the requirements of the FOIA. Applicants wishing to ask for an internal review must do so within 40 working days of the date of the Trust's final response to their request.

7.1.6. The Trust will acknowledge the request for an internal review within five working days and aims to respond within 20 working days of receipt counting the first working day after the request is received as the first day. In a small number of cases, the response may take longer. In these circumstances, the Trust will notify the requester, explain why more time is needed and give an estimate of the completion date.

7.1.7. Anyone who is unhappy with the outcome of an internal review is entitled to complain to the ICO.

## 8. Contact Details

Email: [dataprotection@eastlandstrust.org](mailto:dataprotection@eastlandstrust.org)

Postal address:  
Head Office  
National Squash Centre  
Etihad Campus  
Rowsley Street  
Manchester  
M11 3FF

Should you wish to contact the Information Commissioners Officer, their contact details are:

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](mailto:enquiries@ico.gsi.gov.uk)

## **9. Reasonable Adjustments and Alternative Formats**

- 9.1.1. The Trust is committed to equal opportunities and our aim is to make our policy easy to use and accessible to all of our stakeholders. We will take reasonable steps to accommodate any reasonable adjustments required to enable access to this policy or to provide responses to requests in other formats, and provide such assistance as may reasonably be required.
- 9.1.2. Should a copy of this policy be required in another language or format (such as braille, audio CD, large print or Easy Read) please get in touch with us using the contact details set out in section 8 above.