

## SWYDDOGOL OFFICIAL



## FREEDOM OF INFORMATION POLICY

<b>Policy summary:</b>	The Freedom of Information policy enables Dyfed Powys OPCC to establish good practices around the disclosure and proactive publication of information under the Freedom Of Information Act 2000. It promotes openness and transparency throughout the OPCC.
<b>Date Policy implemented:</b>	May 2021
<b>Review date:</b>	At least every two years
<b>Next review date:</b>	May 2027
<b>Owner/contact:</b>	Head of Assurance
<b>Approval</b>	Approved by: Carys, Morgans, Chief Executive  Date of approval:

Version	Date	Author	Reason for Change
V1	May 2021		New Policy
V2	May 2025	Hassim Ganiyu	Review and amendments to reflect additional sections and Regulation. Ownership of Policy changed to Assurance.

## **1. Statement of Policy**

This Policy ensures the Office of the Police and Crime Commissioner (OPCC) meets and implements its legal responsibilities under the Freedom of Information Act 2000 (the Act) and the Environmental Information Regulations 2004 (the Regulations). These frameworks govern how the OPCC manages requests for information and the proactive publication of data.

The OPCC follows guidance from the College of Policing Authorised Professional Practice (APP) on Information Management – [Freedom of Information](#), and the [Information Commissioner's Office](#) (ICO), including the ICO Model Publication Scheme and FOI Flowchart. These resources guide OPCC staff in fulfilling legal requirements when handling FOI and Environmental Information (EIR) requests.

This policy applies to all OPCC staff and volunteers, including permanent, fixed-term, temporary, seconded, agency staff, contractors, and those with access to OPCC information assets.

Section 11 outlines the specific roles and responsibilities for implementing this policy.

The OPCC upholds the policing Code of Ethics, incorporating the principles of accountability, fairness, honesty, integrity, leadership, objectivity, openness, respect, and selflessness, ensuring FOI and EIR compliance supports public trust.

## **2. Policy Scope**

The legislative drivers underpinning this policy include the Act, the Regulations, and the associated Codes of Practice under Sections 45 and 46 of the FOI Act. The ICO enforces these frameworks and has the authority to investigate non-compliance.

Non-compliance with the Act or Regulations may result in breaches of legislation and undermine public trust in the OPCC. All information held by the OPCC, regardless of format (e.g., paper, electronic, video, audio, archived), falls under the scope of this policy. Information held by third parties or contractors on behalf of the OPCC is also covered.

Requests under the Act must be in writing, whereas requests under the Regulations can be verbal. Requests may come from individuals, organisations, or staff members, including via social media, provided a valid name and correspondence address are supplied.

Staff and volunteers must promptly forward all information requests to the Assurance Team. While not every enquiry is an FOI/EIR request, all must be logged and assessed for legislative applicability. If personal data is included, relevant exemptions under Section 40 of the Act or Regulation 13 of the Regulations will be applied in line with the Data Protection Act 2018 and UK GDPR.

Where information is withheld, the OPCC will issue a refusal notice stating the relevant exemption(s) or exception(s), the reasons for refusal, and—where applicable—the outcome of the public interest test.

### 3. Exemptions and Harm Test

To assess whether disclosure would cause harm, the OPCC follows the APP on Information Management – [FOI](#). The six-stage decision-making process outlined in APP is used, including the HARM Test (Stage 4) and the Public Interest Test (Stage 5) when qualified exemptions are engaged.

Refusals will include:

- The exemption(s) relied upon;
- Justification for their application;
- Public interest considerations where relevant.

Environmental information requests under Section 39 of the Act or EIR will be processed under the Regulations.

### 4. Timescales

If a request is valid, the information required has been clearly identified, and there is no preferred option for dealing with it outside of the legislation, the OPCC must process it in accordance with the FOIA or EIR within the statutory timescales.

The OPCC will comply with the following statutory timescales:

- 20 working days for FOI (Section 10, FOIA)
- 20 working days for EIR (Regulation 5)

Requesters will be notified of delays and provided with revised deadlines if necessary.

### 5. Fees and Charges

Section 12 of the Act provides an exemption from a public authority's obligation to comply with a request for information where the cost of compliance is estimated to exceed the appropriate limit. The Act allows the OPCC to refuse requests where the cost exceeds 18 hours or £450.

The OPCC must still confirm or deny whether it holds the information requested unless the cost of this alone would exceed the appropriate limit.

When estimating the time taken, the OPCC can take the following into account:

- Determining if the information is held
- Locating the information

- Retrieving the information
- Extracting the information

The OPCC cannot consider the following activities when calculating the fees estimate:

- The time spent identifying information to be exempted
- The time dedicated to the process of redaction

However, the OPCC can consider using Section 14 of the Act where this activity would be unduly burdensome.

If the estimated cost exceeds the limit:

- The OPCC will issue a refusal notice;
- Requesters will be informed and may revise their request to bring it within the threshold.

Under Regulation 8, charges for environmental information may apply and will be communicated clearly.

The option to charge for work in excess of the 18 hours appropriate limited is outlined within the Freedom of Information and Data Protection (Appropriate Limit and fees) Regulations 2004. However, the OPCC cannot be legally compelled to undertake this work.

## **6. Legal Framework**

The OPCC complies with the following legal and policy documents:

- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- Section 45 and Section 46 Codes of Practice (FOIA)
- Data Protection Act 2018 and UK GDPR
- College of Policing APP – Information Management – FOI
- ICO FOI Guidance and Flowchart
- OPCC Publication Scheme and FOI Guidance Document
- Retention and Disposal Policy
- Data Protection Policy

## **7. Vexatious and Repeated Requests**

The OPCC is not obliged to comply with requests for information that are deemed vexatious or repeated under Section 14 of the Act (FOIA) or Regulation 12(4)(b) of the Regulations (EIR).

Requests may be considered vexatious where they are judged to place an unreasonable burden on staff, have no serious purpose or value, or are intended to disrupt the work of the OPCC. Repeated requests for the same or similar information may also be refused where a reasonable interval has not elapsed since the previous request.

Each request will be considered on a case-by-case basis in line with ICO guidance. Where a request is refused on these grounds, the OPCC will notify the requester in writing, explaining the reasons for the refusal and informing them of their right to request an internal review or escalate to the Information Commissioner's Office.

## **8. Re-use of Public Sector Information**

The OPCC recognises its obligations under the Re-use of Public Sector Information Regulations 2015. Individuals or organisations may request to re-use information produced by the OPCC for purposes other than that for which it was originally created, including commercial use.

Requests for re-use must:

- Be submitted in writing;
- Include the applicant's name and address for correspondence;
- Specify the information requested and the purpose for its re-use.

The OPCC will respond to such requests within 20 working days, unless an extension is required due to complexity or volume. Re-use will be permitted unless exemptions apply or unless the information is already made available under specific terms or licensing conditions. The OPCC will inform the applicant of any applicable licensing arrangements or fees where appropriate.

## **9. FOI Disclosure Log and Transparency**

In line with the principles of openness and accountability, the OPCC will publish anonymised FOI and EIR responses on its website, where appropriate. This disclosure log helps promote transparency and reduces duplication of effort for similar requests.

Before publication, responses will be reviewed and, where necessary, redacted to remove personal data or sensitive information exempt from disclosure.

## **10. Internal Review Process**

If a requester is dissatisfied with the handling of their FOI or EIR request, they have the right to request an internal review. Requests for internal review must:

- Be submitted within two months of receiving the OPCC's response;
- Clearly state the grounds for dissatisfaction and any relevant supporting information.

Internal reviews will be conducted by the Chief Executive and Monitoring Officer. The review will be completed within 20 working days of receipt. Where more time is needed due to complexity, the requester will be informed of the expected date of response.

Following the outcome of the internal review, if the requester remains dissatisfied, they may escalate their complaint to the Information Commissioner's Office (ICO).

## **11. Roles and Responsibilities**

### **Chief Executive**

The Chief Executive as the Monitoring Officer will be responsible for the Internal Review Process as outlined above.

### **Head of Assurance**

Responsibility for this policy lies with the Head of Assurance. The Head of Assurance also has responsibility for the management of the OPCC FOI process and the responsibility to effectively direct, control, monitor and provide management oversight of the activities carried out by the staff responsible for dealing with FOI requests in relation to requests for information and the proactive publication of information under legislation, in order to ensure compliance.

### **Data Protection Officer (DPO):**

The UK GDPR introduces a duty for a public authority or body to appoint a data protection officer (DPO). This role is responsible for informing and advising about the OPCC's obligations to comply with the UK GDPR and other data protection laws, monitoring compliance, training and being the first point of contact for the ICO. The DPO responds to any queries in relation to requests for advice received under the Act and the Regulations, providing advice, assistance and guidance.

### **Assurance Team:**

The Assurance Team are responsible for the processing of all requests for information under the legislation, ensuring that suitable responses are provided to all requests received under the legislation. The Assurance Team also oversee the publication of information via the OPCC Publication Scheme.

### **All OPCC Employees and Volunteers:**

All OPCC staff and volunteers should be aware of the Act and their legal obligations under the Act. They should ensure that if they are asked for information by the Assurance Team, to furnish a request for information under the legislation, that the information is provided promptly and in line with the deadlines set. Where it is anticipated that it will exceed 18 hours to locate and retrieve the information requested a time estimate should be provided.

All OPCC staff will familiarise themselves with the processes they are required to follow should they receive a request for information either under the Act or Regulations, bearing in mind that requests under the Regulations can be made verbally. They will ensure prompt action due to the timescales set within the legislation to process requests for information.

**Section 16** of the Act states that it is the duty of the OPCC to provide advice and assistance to any person who has made, or intends to make, a FOI request. All staff will ensure compliance with this requirement.

All staff should be aware that **Section 77** of the Act makes it a criminal offence to alter, deface, block, erase, destroy or conceal any record with the intention of preventing disclosure.

Where information is also required as part of the Publication Scheme, the staff responsible will provide information to the agreed standards and timescales.

OPCC staff who deal with third party organisations (e.g. contractors) should ensure that the third party organisations are aware of the Act and Regulations and their implications with respect to any information held by the OPCC. For example, contractors should be informed that any tender documents they supply to the OPCC may be released into the public domain if a request is received under the Act or the Regulations.

## 12. Requests

Requests for information under the Act and Regulation can be submitted via the OPCC website.

- Website: <https://www.dyfedpowys-pcc.org.uk/en/contact-us/access-to-information-we-hold/>
- For FOI/EIR enquiries: [foi.opcc@dyfed-powys.police.uk](mailto:foi.opcc@dyfed-powys.police.uk)

## 13. Take Action and Review

This policy is owned by the Head of Assurance. The review process will be conducted by the Data Protection Officer at least every two years to ensure the continued effectiveness of the policy, and taking into account any changes to legislation, national guidance, ICO guidance etc.

The effectiveness of the policy will be monitored on a regular basis over and above the two year review period and any major concerns will be escalated as appropriate. Promotion of the policy will occur via internal staff training and public website publication.

The Internal Review process or the ICO investigation process may highlight issues with this policy and associated guidance. If this is the case relevant action will be taken.

The Data Protection Officer will work closely with representatives from the relevant departments across OPCC to address any issue identified, and ensure that lessons are learned.

Issues of non-compliance will be escalated to the Head of Assurance and the Chief Executive depending on severity.

### 3.

#### **APPENDIX 1: Definitions**

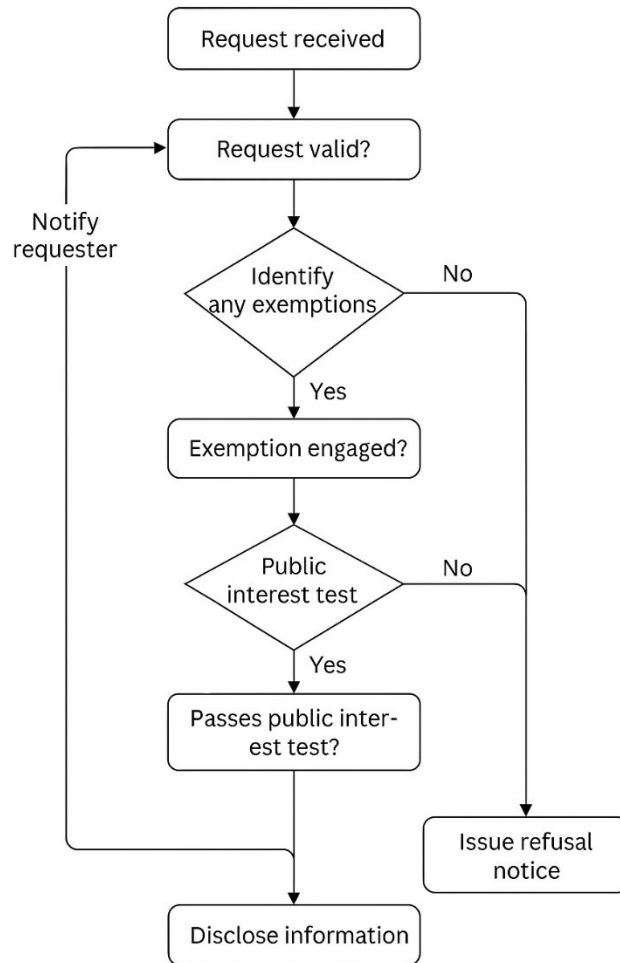
- **The Act:** Refers to the Freedom of Information Act 2000
- **The Regulations:** Refers to the Environmental Information Regulations 2004
- **OPCC:** Refers to the Office of the Police and Crime Commissioner for Dyfed Powys
- **FOI:** A Freedom of Information request made under the Act
- **EIR:** A request made under the Environmental Information Regulations
- **Requester:** The individual, organisation, or company submitting a request for information to the OPCC.
- **DPO:** Data Protection Officer, responsible for overseeing data protection and privacy compliance.
- **Business Manager:** The OPCC staff member responsible for processing FOI/EIR requests and publication scheme maintenance.

#### **APPENDIX 2: FOI Request Process Flowchart**



## FOI Request Process Flowchart

(adapted from ICO Flowchart)



## Flowchart Explanation

**1. Request Received:** The OPCC receives a Freedom of Information (FOI) request from a requester.

**2. Request Valid?:** This checks if the request meets the basic legal criteria (e.g. in writing, with a name and correspondence address). **If not valid**, the requester is notified and advised what's needed to make it valid. **If valid:** Proceed to the next step.

**3. Identify Any Exemptions:** The OPCC checks whether any exemptions (e.g. national security, personal data, commercial sensitivity) may apply to the requested information.

**4. Exemption Engaged?:** This step determines whether the exemption is actually applicable and legally valid. **If not engaged**, information will be disclosed. **If engaged**, proceed to assess whether the exemption is absolute or qualified.

**5. Public Interest Test (for Qualified Exemptions):** If a qualified exemption is engaged, the OPCC must assess whether the public interest favour disclosure or withholding, and consider factors like transparency versus harm or confidentiality.

**6. Passes Public Interest Test?:** If the public interest favours disclosure, the information is disclosed. If the public interest favours non-disclosure, a refusal notice is issued.