



# FREEDOM OF INFORMATION

## **Executive Summary:**

The purpose of this policy is to ensure the Force complies with the legal requirements of the FOI Act and that a culture of openness and transparency exists within West Midlands Police. This Policy describes the roles and responsibilities of all WMP personnel in achieving this aim.

## **Authorised Professional Practice (APP):**

(\*delete as appropriate)

- This policy has been checked against APP. West Midlands Police has adopted the APP provisions, with supplementary information contained herein, which reflects local practice and the needs of the communities served by West Midlands Police.

Those provisions are shown in the links below and can be accessed via the home page of the APP website

[APP CONTENT](#)

## **Policy Statements:**

- West Midlands Police (WMP) has a legal obligation to comply with the [Freedom of Information \(FOI\) Act](#).
- All WMP employees must be aware of the FOI Act and their legal obligations under the Act.
- The Act provides significant rights of access to all WMP information and applies to any information held of any age. This includes information held before 2000 as the Act is retrospective.
- All recorded information is liable to disclosure, including information provided by third parties, data held in personal email accounts, text messages and written notes etc.
- All information, documentation or record held by WMP, or by contractors/third parties on behalf of WMP, is covered by the Act.
- Officers and staff must record and store information in line with the [Records Management Policy](#).
- The Act refers to information that is recorded at the time of receipt of a request.
- Every WMP employee has a duty to assist a requester making a request for information; this includes providing advice and helping requesters to make a valid FOI request.
- Any request for information which makes reference to the FOI Act must be forwarded to the FOI Unit as soon as it is received. This is regardless of the nature of the information requested.
- Requests for an applicant's personal information are Subject Access Requests (SAR), and not FOI. Applicants must not be directed to make a FOI request in this circumstance.
- 'Business as usual' (BAU) requests (e.g. force to force requests, insurance company requests) will be dealt with by the appropriate business area and not forwarded to the FOI Unit.
- Requesters must not be directed to make a FOI request if existing procedures are in place and/or where the force charges a fee for information.

- Third party organisations (e.g. contractors) must be advised of the Act and its implications with respect to any information held by WMP. This is carried out by the Procurement Department using existing procedures.  
(e.g. documents they supply may be released into the public domain if a FOI request is received).
- There is no obligation to supply opinions or to comment on events unless those opinions or comments are already recorded.
- When requested to supply information, a thorough search must be made and retrieval of relevant material is completed
- Information requested in relation to a FOI request must be provided to the FOI officer in its entirety if requested
- Retrieved information must be checked for accuracy before returning to FOI Officer
- Requested information must be sent to the FOI Officer in a completed, useable/disclosable format. Clearly indicating the response to each question submitted.
- Relevant raw data/documents must be attached, if requested, to facilitate the FOI Officer interrogating further where necessary.
- FOI Officers may request quality assurance of the final disclosure draft to verify accuracy of the information/data supplied and confirm approval of release on behalf of the business area.
- Only a FOI Officer can make decisions on disclosure of information under the FOI Act. Requested information must be provided because they cannot make a decision on information that they have not seen.
- Information requested under the FOI Act can only be legally withheld by virtue of an exemption/s.
- Only an FOI Officer can apply an exemption/s. There is no provision within the Act for any other individual to prevent disclosure irrespective of rank/role/status.
- The FOI Officer must be informed of any identified risks to the force resulting from disclosure of the information, including any issues/concerns/harm that must be considered.
- Information must not be deleted or amended after a FOI request has been received in order to avoid complying with the request
- It is [a criminal offence](#) to:
  - Withhold information
  - Alter, deface, block, erase or destroy information
  - Conceal any record with the intention of preventing disclosure.
- It is a legal requirement to respond to FOI requests therefore it is a force wide responsibility to have adequate resources to research and supply information to the FOI unit for FOI requests.
- The Act is regulated by the Information Commissioners Office (ICO) who enforces public authorities to comply with the Act, including prosecution where appropriate.

**Definitions/Acronyms:****WMP – West Midlands Police****FOI – Freedom of Information****Publication Instructions:***(\*delete as appropriate)*

- Suitable for publication to public

**Policy Ref: OTHER/3****Version: 1.0****Date: 05/06/2021****Review Date: 05/06/2022****Policy Author: Rebecca Williams*****Any enquiries in relation to this policy should be made directly with the policy contact shown above.*****Force Executive Approval:****CHIEF CONSTABLE**



### Monitoring and Review

Version	Date Reviewed	No change / Minor Changes / Major Changes ( <i>detail</i> )	Amended / Agreed by	New review date