



Public Information and Information Requests Policy Supporting Procedure

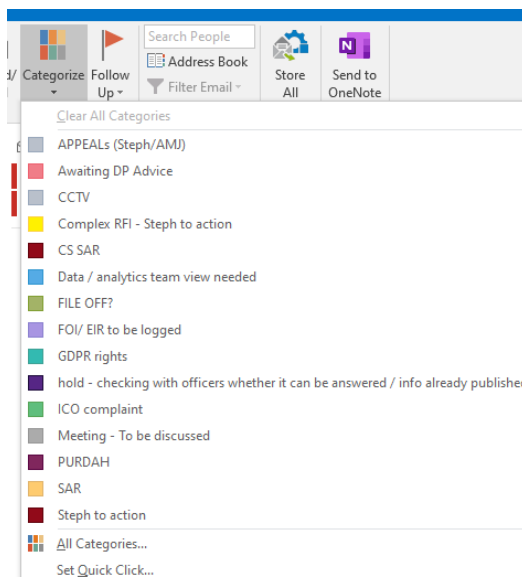
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Summary

1. This procedure sets out how the Information Requests and Records Management Team will operate to ensure compliance with the requirements of the Public Information and Information Requests policy.
2. This procedure covers:
 - Monitoring the FOI email account
 - Triage and consideration of requests to ensure they are valid for Freedom of Information (FoI), Environmental Information Regulations (EIRs) and Subject Access Requests (SARs)
 - The process for logging requests
 - The role of the central team in responding to requests and how this will be delivered
 - How e-discovery (once use of it goes live) and objective admin accounts will be used when searching for information with the scope of valid requests
 - The process for identification and management of complex cases
 - The process for identification and management of vexatious cases
 - CCTV requests
 - Other GDPR rights
 - Coroner requests
 - Requests for internal reviews
 - ICO investigations into FOI and EIR responses
 - Process for closing requests without responding.

Monitoring the FOI email account

3. The Information Request officers will monitor the email inbox including the Junk mail (foi@middlesbrough.gov.uk) on a daily basis and process requests unless they require a steer from the Request for Information Business Partner. The expectation is that most emails will not require input from the FOI BP in order to process them.
4. The team will use the flags available in outlook to manage the account. The full team will meet on a weekly basis which will be the forum to raise issues and concerns, seek views on items and support for requests that are not progressing as they should, identify lessons learnt from FOIs, consider items that could be published to reduce demand, monitor and identify complex cases and potentially vexatious cases.



Triage and consideration of requests to ensure they are valid for Freedom of Information (Fol), Environmental Information Regulations (EIRs) and Subject Access Requests (SARs)

5. It is the role of the team to receive and assess requests for information. Although the Council has a dedicated in box to manage this the FOI Business Partner with support from the Governance and Information Manager who is also responsible for the promotion of the information rights of individuals to ensure that other officers who may receive requests can identify where a request for information may be within the scope of the FOI or EIR process. The Data Protection Officer will conduct similar activities to ensure organisational awareness of information rights available under the Data Protection Act which includes SARs.
6. Once a request is received by the team, the team must assess if it is valid. To be valid:

Process	Characteristics of a valid request	timescales
FOI	<ul style="list-style-type: none"> - Request is in writing - Includes the real name and address (email or postal) of the requester for correspondence (requests using a pseudonym are invalid) - Describe the information requested 	20 working days (first working day after receipt)
EIR	<ul style="list-style-type: none"> - Request can be in writing or verbally - Provide an address (email or postal) for a response as it must be issued in writing 	20 working days, 40 if complex (first working day after receipt)
SAR	<ul style="list-style-type: none"> - Request is in writing or verbally. - The individual is asking for their own personal data (third party requests may also be valid if you are satisfied that they are entitled to act on behalf of the individual) 	One month from the day of receipt
Internal review of an FOI / EIR	<ul style="list-style-type: none"> - Request is received within 40 days of the response being issued. 	20 working days, or 40 working days in exceptional circumstances.

7. Invalid requests should be returned to the requester with advice on why they are invalid.

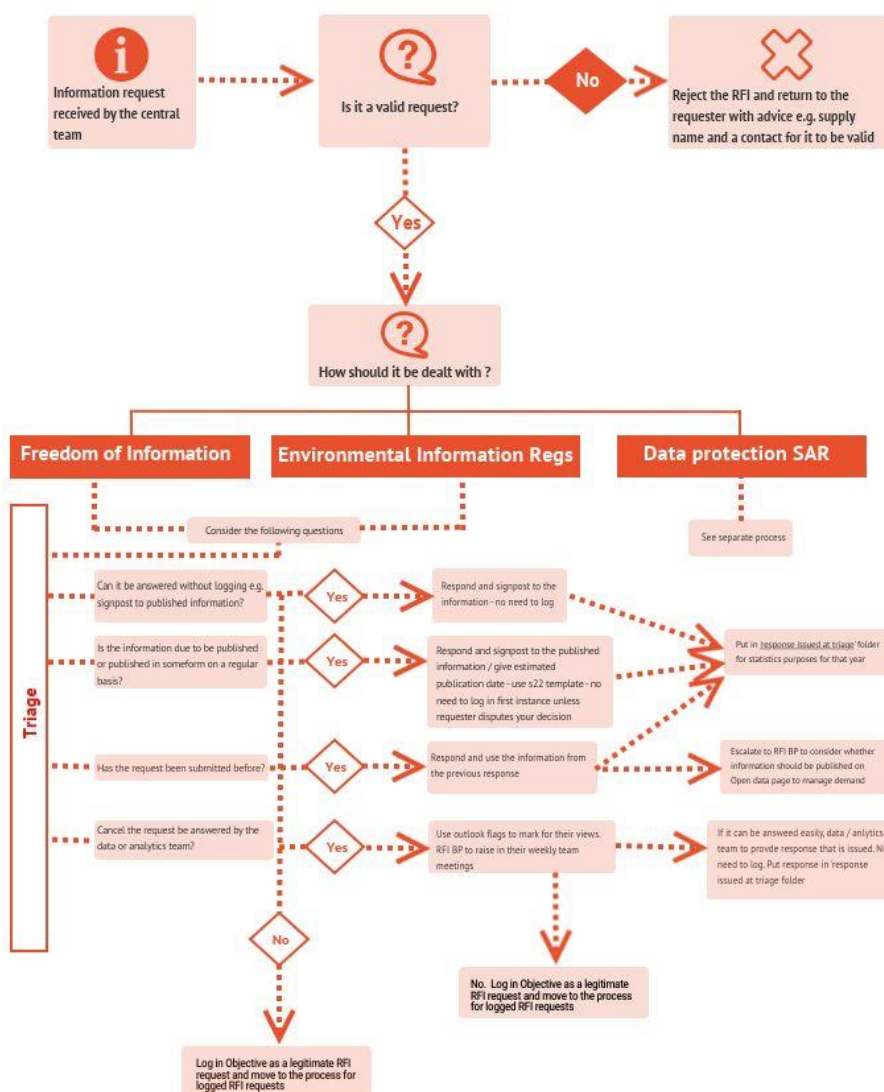
Valid requests

8. As part of determining whether a request is valid, it will also have to be decided which legislation is relevant to the request, FOI, EIR or SAR.

Triage for FOI and EIRs

9. Those requests which are deemed to fall under FOI or EIR should first be triaged to attempt to respond to them without logging them if possible, in order to facilitate a faster response to the requester and align with the ambition that the Council will answer requests for information through the conduct of everyday business where possible. The diagram below sets out the triage process:

How the Central RFI team will manage RFI requests



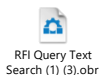
10. Please note, some requests may need to be split in order to be answered where answers are needed from multiple departments. If this is the case,

create another folder and assign by workflow to the separate service areas (see detailed guide for technical sets).

11. Sources of published information will include statutory returns that are published on the government's sites. The Council also has an [open data site](#) on which it publishes data, documents and policies as well as its website. This open data site should be checked for information as part of triage to assess whether the requested information is already in the public domain.

Information Requests Officers will also be expected to identify whether there is demand for new data sets to be added to the site to manage demand. The site is kept up to date by the Information Requests team however, on occasion you may spot that data is missing e.g. data published annually in December is missing the last scheduled data. In that case alert the Information Requests Team who will resolve this. Please email new or updated data sets to foi@middlesbrough.gov.uk

12. Searches of RFIs can be conducted on objective using the search functionality in the system to identify requests for the same information that have been submitted previously, see separate guides on this functionality and the link to the search tool that has been built to undertake this task in Objective.



13. The Data and Analytics team will be a source of support in identifying those RFIs that can be answered by them without sending them to the service. The Data and Analytics team is managed by Victoria Holmes.
14. The general approach when using data from these Data and Analytics teams is to signpost to data already published or planned to be published. These teams should not be asked to generate data sets for different periods for example when data is already published on an annual basis. We should not be creating new data to answer requests. In most cases when information is held in electronic files and can be retrieved and manipulated using query tools or language within the software, that information is held for the purposes of FOIA and the EIR. The use of query tools or languages does not involve the creation of new information. Their use should be viewed simply as the means of retrieving information that already exists electronically.
15. Requests that are closed by the triage process should be placed in the response issued at triage folder for that year. Note, new folders need creating each January for the months ahead.



01. RFI Email
Correspondence.ob

16. The link below is for responses issued during by triage (link needs to be updated each calendar year to take to the correct location).



Response issued at
Triage.obr

The process for logging requests

17. Once a request has been identified as valid, it must be logged in Objective and assigned to the appropriate service area for response. A step-by-step guide for this can be found here.



RFI Workflow User
Guide - IG Team.obr

18. There is a detailed spreadsheet listing all key nominated officers and service area them, that is saved in Objective and will be kept up to date by the RFI BP.



Key Nominated
Officers - Revised list

19. Service groups are set up in Objective with individuals or groups of key nominated officers. These change frequently, it is important that you keep them up to date. The responsibility for any amendments will be actioned / authorised by the RFI BP.



Key Nominated
Officers.obr

20. Occasionally an applicant may request information that we hold on behalf of a third party. Before we can release any information regarding a third party we must write to the third party to see if they have any objections to the council releasing the info. See guidance link below.

21. [FOI RFI iPortal workflow user guide.pdf \(middlesbrough.gov.uk\)](#)

The role of the central team in responding to requests and how this will be delivered

22. The Central Team of Information Requests officers and RFI BP has been established in order to centralise tasks previously completed by business support officers and other nominated officers that sit in service areas.
23. The team will co-ordinate all RFIs, logging and assigning to officers directly where their input is required.

Key Nominated Officers will populate the response letter templates. The team will then review the response and will populate any reasons why it cannot be

supplied prior to emailing the response or printing the letter using Hybrid Mail Service.

24. Where there are requests for information that can be gathered by the team using either the administration function in **Objective, Sharepoint or the e-Discovery** functionality for valid requests, the team will conduct this task, notifying the relevant officer(s) and member(s) first, that the searches will be conducted and the parameters of those searches.

In some instances, service areas conduct their own searches.

25. It will be the responsibility of an appropriate officer in the service, with knowledge of the topics within the scope of the request, to approve releases and to agree the accuracy of redactions that have been made by the team prior to release. The appropriate officer will generally be the owners of the relevant email accounts but this can be delegated if appropriate, however those delegating that function must confirm they are assured that the individual has sufficient information to be able to accurately determine redactions that will be required to ensure compliance with the relevant legislation or regulations.
26. Data held in other systems will have to be provided by the service area where the team do not have access to that data.



RFI Stationery
Templates.obr

How e-discovery will be used when searching for information with the scope of valid requests for RFI

27. As stated above, the central team will conduct preliminary searches for information within the scope of valid requests using appropriate system admin functions if the request covers the 365 environment or Objective. This section sets out the process for using e-discovery which is the tool used to search the Microsoft 365 environment. This tool is powerful and because of the extensive nature of the data that could be captured by this, it must only be used by the Complaints and SARs Manager, Information Requests officers, the RFI BP and wider members of the Records management, Information Requests and Complaints and SAR team once they have had formal approval to do so and that approval has been logged.
28. This only relates to FOI, EIR and SAR requests. Processes for access by the Data Protection officer for other GDPR purposes are outside the scope of this policy. Access for other issues may also be within the scope of the Council's Surveillance Policy also.

Approval process

29. Where it is determined that a request is valid and within the scope of reasonable time limits, the Head of Governance, Policy and Information

or the Governance and Information Manager will be asked to approve the searches and their parameters in their roles as SIRO and Deputy SIRO. This approval will be completed via email and the email placed in the RFI folder or SAR folder by the administering officer for that case so there is a separate audit for each approval. Officers and members will be notified before the search is undertaken as a courtesy.

Extraction process

30. The Information Request Team will undertake and conduct an e-discovery search of the specified email account(s) using the approved search parameters. Data will be gathered and placed within relevant information request within objective. A link will be sent to the individual officer(s) to review and give direction on redaction of the requested information. Once the officer has completed this process, they will inform the Information Requests Team who will then redact the information, compile a response to send to the requester.

The process for identification and management of complex cases

31. On occasion the Council will have to deal with complex requests. In order to ensure these types of requests are managed effectively, once identified, all contacts will be logged in the complex case log. Complex cases may be identified as complex because of one of the following reasons although this list is not exhaustive:

- Numerous contacts from an individual or group of individuals about a similar set of issues
- Requests for information that may involve actual or potential litigation,
- Multiple contacts across a range of access channels including RFIs, SARs, complaints, legal services, members standards, officer complaints process or grievance process etc.

32. Where an Information Requests Officer identifies a potentially complex case, they will identify it to the RFI BP who will contact the leads for the related processes listed below and seek information on whether they also have had contact from the same individuals or from others on the same issues.

33. Contacts for the other corporate governance relevant disciplines who should be contacted where it is likely that they may have also been contacted are, this list is not exhaustive:

- SARs – Complaints and SARs Manager – Claire Roberts
- Complaints – Complaints and SAR Officer – Claire Risker and Michael Hooker
- Litigation – Deputy Monitoring officer – Ann-Marie Wilson and Ann-Marie Johnstone
- Planning objections – Head of Strategic Housing
- Regeneration projects – Sam Gilmore
- Members Standards – Director of Legal and Governance Services - Charlotte Benjamin

- Officer complaints – Head of HR – Nicola Finnegan
- GDPR rights – Data Protection Officer – Michael Brearley
- CCTV – Operational Community Safety Manager – Dale Metcalfe.

34. The RFI BP will decide, in liaison with the Head of Governance, Policy and Information whether to commence a track and arrange appropriate access to ensure leads can enter the relevant details in the complex case log, link below.



Complex Cases.obr

The process for identification and management of vexatious cases

35. In some instances complex cases may need to be considered to be vexatious. The threshold for vexatious RFI requests is very high. If it is felt that a request is becoming vexatious, the ICO guide to dealing with these requests should be referred to [dealing-with-vexatious-requests.pdf \(ico.org.uk\)](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/dealing-with-vexatious-requests/).
36. If there are concerns that a topic could be within the scope of this definition then the first step is to report that to the RFI BP and to commence logging all contacts on that subject in the vexatious log.



Vexatious.obr

Communications plans

37. You may be aware that someone who has contacted the account or phoned, is subject to a communications plan because of poor behaviour. The Council maintains a register of communications plans that are known to the Information Requests team as advised by Legal Services.



Complex Cases and
comms plans.obr

CCTV requests

38. CCTV requests are managed by the CCTV team. Any requests received should be sent to cctv@middlesbrough.gov.uk.

Other GDPR rights

39. The Data Protection team deal with information rights that are exercised by the public. While the Complaints and SARs Manager will complete historic SARs and the Information Requests officers will log valid requests, other GDPR rights will be processed by the Data Protection team. Any requests received in error to the FOI account should be sent to dataprotection@middlesbrough.gov.uk.

Coroner requests

40. Any complaints or questions /requests for the Coroners service need to be sent direct to coroners email address and not logged. The email address is teessidecoroner@middlesbrough.gov.uk
41. Coroners are not subject to the same legislation as MBC as they are governed under HMS.

Electoral Services

42. Similarly, some information held by the service is not subject to MBC where it relates to central government funded elements of election work. Seek guidance from the Head of Democratic Services on whether an RFI is within the scope of MBC to respond before logging.

Requests for internal reviews

43. RFI applicants have the right to complain to us if their request for information is:
 - Denied
 - Partially denied, or
 - If dissatisfied with the response to their request.
44. There is also the right to complain to the Information Commissioners Office (ICO), but they should exhaust the internal review process first.
45. Some applicants may not be complaining but may just be querying information or asking for support to understand a decision. Where practical we will try to resolve queries concerns informally by:
 - Explaining in more detail the grounds for refusal to disclose any or all of the information requested, or
 - Clarifying any exemptions or exceptions being relied on.
46. If an applicant requests an internal review, the following process will be initiated, and a case file with the detail be created in Objective



Creating an Appeal
Against an RFI.obr

47. The following outcomes are possible:
 - The original decision is upheld, or
 - The original decision is reversed in part or in full, or
 - The original decision is in some way modified

48. An applicant should contact us within 40 days of the date of our response letter informing that they request an internal review

There is no statutory deadline for undertaking internal reviews. Guidance published by the ICO states that internal reviews should take no longer than 20 working days in most cases, or 40 in exceptional circumstances. If it isn't possible to provide a response within those timescales a letter notifying the requestor should be issued with anticipated timescales.

49. Internal reviews are processed by the RFI BP as they have not dealt with the original request on behalf of the reviewing officer. They are responsible for reviewing the decision and the information held (if held).

50. As part of the process, the RFI BP will have an initial discussion with the reviewing officer to discuss the following:

- hold meetings with relevant officers who may provide additional information
- consideration on whether the Freedom of Information Act (FOIA) Environmental Information Regulations (EIR) have been applied appropriately and that any exemption / exceptions are correctly applied, including the balance of public interest.
- Consideration as to whether there have been any developments since the original response and any possibility of previous decisions being amended or reversed.

51. A final review meeting will be held between the RFI BP the Governance and Information Manager / Head of Governance, Policy and Information (the two designated reviewing officers) to agree on the final response which will be issued by the RFI BP.

52. Final response is then issued to the requestor, explaining their rights and option to further complain to the ICO including their contact details.

ICO investigations into FOI and EIR responses.

53. Those who are dissatisfied with the outcome of the internal review are entitled to complain to the Information Commissioners Office. The ICO will contact the team through the FOI account and advise that an appeal has been received and that they consider it to be valid.

54. On receipt of the ICO complaint a case file via 'create an appeal against this RFI' workflow (link below) is created in Objective against the RFI case. All the relevant case history relating to the internal review and RFI response should be gathered in this folder using links in preparation for a full response to the ICO.



Creating an ICO
Complaint Investigatic

55. The case is then assigned to the RFI BP, the Governance and Information Manager and The Head of Governance, Policy and Information via the L&G-RFI Appeal/Internal Review service group.
56. Confirmation to the ICO should be made as soon as the complaint is received via an email acknowledgement from the FOI account, this will normally be an action completed by the RFI BP unless they are unavailable in which case an Information Requests officer will complete this task. The ICO complaint email should be forwarded to the of Head of Governance, Policy and Information, Governance and Information Manager. The ICO will then send notification as soon as they assign a case officer.
57. Upon receipt of the complaint detail from the case officer, a meeting is promptly coordinated with RFI BP and the relevant service area involved with the original request. The ICO Case Officer will request responses from us which will be addressed in this meeting. They will also provide the timescales that must be complied with.
58. Responses to the ICO Case Officer are via Sharepoint Connect to the email account specified by them and should be within the timescales. On conclusion to their complaint the Case Officer will provide us with a decision notice which will outline any further actions for us and whether or not the complaint is upheld in any instance or not.
59. Should actions need to be taken these should happen as soon as possible and confirmation back to the ICO that this has taken place.
60. All cases that are sat with the ICO should be entered into the log below so the Council can track and report the volume of these on a monthly basis [this section will be expanded on to include use of those stats in the monthly reporting process once they are established as a process.



Closing down requests

61. Requests will only be closed with the consent of the requester or if closure is approved by the Head of Governance, Policy and Information. A log has been created (insert link here of [all](#) requests that are closed without a response and the reason for that closure.

