



**STANDARD OPERATING PROCEDURES:
OFFICE OF THE BEDFORDSHIRE POLICE AND CRIME COMMISSIONER**

Title	Freedom of Information Policy
Area of Compliance	Compliance
Version No.	1.0
Senior Lead	Chief Executive
Author	Compliance
PCC Authorised	21/05/2018

Revision History

Date	Revision	Change	Section	Review Date
November 2015	1.0	New Document		November 2016
November 2016				November 2017
November 2017				November 2018
21/05/2018				21/05/2019
21/05/2019				21/05/2020
20/09/2019				20/09/2020

POLICY STATEMENT

The Office of the Police and Crime Commissioner is fully committed to complying with the Freedom of Information Act 2000 (FOIA) and its principles of openness and accountability of public authorities. The intention of this policy is to provide a framework for ensuring compliance with the provisions of the FOIA, in particular that:

- A growing proportion of information about the Office of the Police and Crime Commissioner is promoted to the public through the Publication Scheme;
- Information not available through the Publication Scheme is readily available on request, unless an exemption applies;
- Where reasonably practicable, information will be provided in a medium preferable to the applicant. When it is not reasonably practical we will notify the applicant of the reasons why.
- All requests for information are dealt with in a timely manner;
- Exemptions under the Act, and associated harm public interest tests, are applied appropriately;
- A fair and efficient internal appeal system is administered.

1. **Purpose**

The FOIA gives a general right of access to all types of recorded information held by the Office of the Police and Crime Commissioner for Bedfordshire (OPCC), sets out exemptions from that right and places a number of obligations on the OPCC. Any person who makes a request to the OPCC for information will be informed whether the information is held, and, subject to exemptions, be supplied with that information within 20 working days.

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Bedfordshire Police HQ | Woburn Road | Kempston | Bedfordshire | MK43 9AX

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2. Background

The Police and Crime Commissioner's Police and Crime Plan makes a commitment to openness and transparency. The aim of this policy is to ensure the Commissioner's Office meets the appropriate governance standards for public services.

3. Affected persons

This procedure will apply to all staff working in the Office Police & Crime Commissioner (OPCC) whether employed full-time or part-time, fixed term, permanent, seconded or on a temporary basis.

4. Strategic Risk Register

The Freedom of Information Policy will be monitored within the Strategic Risk Register to ensure full adherence to the policy at all times.

5. Policy

The application of the FOIA is the responsibility of the Compliance Officer within the Office Police and Crime Commissioner's (OPCC). She has a responsibility to ensure the following:

- that FOIA requests are addressed in a timely and accurate manner;
- that records are maintained in such a manner to ensure easy, appropriate and timely retrieval of information.

The right of individuals to request information will be balanced against the need of the OPCC to support the Police to protect the public and effectively and safely carry out operations and the core functions of law enforcement. Therefore information that could compromise the Forces effectiveness will not be released.

The identity of the requester will be protected unless there is an operational need or it is unavoidable due to the nature of the request.

Information requested and disclosed relating to the Police and Crime Commissioner, and members of the OPCC will be in accordance with transparency legislation, limited to their role in the organisation and within the constraints of the exemption to be applied under Section 40 of the FOIA.

The supply of information through normal business processes will be unaffected by the requirements of the Act.

No member of staff will initiate a request for information under the FOIA in the name of the Office of the Police and Crime Commissioner to another public authority without the written permission of the Chief Executive.

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Financial Implications - The Freedom of Information Act 2000 allows for specific fees to be charged where the cost of compliance communication within the Act exceeds the appropriate limit. The Office of the Police and Crime Commissioner reserves the right to levy such fees.

Effective record management will support the provision of information under the Act. The OPCC will manage its records in line with its [Records and Retention and Disposal Policy](#).

In the application of this policy the OPCC will not discriminate against any persons regardless of sex, race, colour, language, religion, political, or other opinion, national or social origin, association with national minority, property, birth, or other status as defined under Article 14, European Convention Human Rights (ECHR) and the Equality Act 2010.

Procedures and Guidance

In processing FOI requests, in addition to local procedures, the OPCC will have regard to the Association of Chief Police Officers FOI Manual of Guidance and where appropriate, will seek advice from the ACRO Central Referral Unit.

The OPCC's Publication Scheme is available on the website or on request. The Publication Scheme specifies:

- What information the OPCC will make routinely available to the public as a matter of course
- How it does so
- Whether or not this information will be made available free of charge or require the payment of a fee

The Compliance Officer is responsible for the maintenance and updating of the Publication Scheme.

Requests for information - Information not already available through the Publication Scheme will be accessible through an FOI request, subject to the provisions of the Act.

The FOIA establishes three related rights:

1. The right to be told whether the information exists
2. The right to receive the information (subject to the provisions of the Act)
3. The right of internal and external appeal on any aspect of the way the request has been dealt with.

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A request for information may be received anywhere in the organisation. It must be made in a permanent form (e.g. in writing, or fax or email). It does not have to mention the Act by name.

The request should be forwarded to the Business and Compliance Manager/Chief Executive and in their absence the Compliance Officer as soon as it is received so that the 20-day limit for responding to requests can be met.

Third Party information - In accordance with the section 45 Code of Practice and the ACPO FOI manual of guidance the Office of the Police and Crime Commissioner will consult with third parties wherever possible when their information or interests may be involved in disclosure of information.

Decision-making and the public interest test

The decision on whether information is or is not disclosed will be made in accordance with the Act and with reference to the ACPO manual of guidance. Where necessary, specialist advice will be sought. A harm test and a public interest test must be applied if a qualified exemption is being considered.

Any person who is not satisfied with the way a request has been dealt with may appeal. The Office of the Police and Crime Commissioner's appeals process is independent of any person who has been involved in the FOI process to that point.

Appeals - Any person who is not satisfied with the way a request has been dealt with may appeal. The Office of the Police and Crime Commissioner's appeals process is independent of any person who has been involved in the FOI process to that point. If you are dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

6.0 Responsibilities

The Office of the Police and Crime Commissioner's performance against the requirements of the FOIA will be monitored by Chief Executive.

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