

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY SENATOR S.C. FERGUSON
ANSWER TO BE TABLED ON TUESDAY 20TH JUNE 2017**

Question

Will the Chief Minister advise –

- (a) what procedures are used for replying to Freedom of Information requests, particularly in relation to the reviews of answers undertaken by senior staff and to any controls in place regarding access by staff to requests;
- (b) what definitions are used to identify which details, if any, should be redacted from an answer; and
- (c) by whom, if anyone, any such redactions are reviewed?

Answer

- (a) Each department has its own procedure for dealing with requests but the basic procedure is that:
 - i. request is received centrally and checked that it is valid and complete
 - ii. sent to relevant department for information to be collated and response drafted
 - iii. signed off by department. Responses can only be signed off by an assigned senior staff member
 - iv. response is sent to Central FoI Unit (CFU) where it is reviewed and checked for appropriate application of exemptions (if used)

A Freedom of Information – Guidance for Departments document is available to all staff on the MyStates intranet and all departmental procedures comply with this.

The Freedom of Information contact in each department will, necessarily have to ask colleagues who have responsibility for information relevant to a request to provide it, however, the details of the request, including the identity of the requester are not disclosed beyond the restrictions of departmental data sharing agreements.

The guidance for departments is explicit: ‘A cornerstone of the FOI law is that each request and applicant is treated equally and departments should be treating the request as applicant, and motive blind. Only by doing this can we ensure that there is no bias or special treatment of a request.

‘The CFU will only release the name of the requester when asked. However, this information is to be used in accordance with the fair processing statement.’

- (b & c) Redactions are made using the appropriate exemptions. These redactions are then checked by at least one other member of staff to ensure that they have been correctly applied and are then seen by the senior member of staff authorising the response. A final check is then done by the Central Freedom of Information Unit.

Any requester who feels that an exemption has been incorrectly applied can seek an internal review and, if they remain unsatisfied, seek an independent appeal from the Office of the Information Commissioner.