

BACK ON TRACK

Helping Injured Veterans

Registered Charity Number 1169764

FREEDOM OF INFORMATION POLICY & PROCEDURE

Reviewed by: Trustees

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1. Revision

1.1 This document will be reviewed biennially.

2. Distribution

2.1 The charity secretary shall retain a hard copy of this procedure and distribute controlled copies as required. Electronic copies of this procedure shall be available via the charity devices and on the Back On Track website.

3. Implementation

3.1 The requirements of this procedure are mandatory and apply from receipt of this document.

4. Purpose

4.1 The Back On Track charity is committed to the Freedom of Information Act 2000 which came into force on 1 January 2005. The charity is committed to the principles of accountability and the general right of access to information, subject to legal exemptions. The policy outlines our framework for managing requests.

4.2 Under the Freedom of Information Act 2000, any person has a legal right to ask for access to information held by the charity. They are entitled to be told whether the charity holds the information, and to receive a copy, subject to certain exemptions.

4.3 The charity has a Retention Schedule (see retention policy). It is an offence to wilfully conceal damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

4.5 All charity staff and trustees need to be aware of the process for dealing with requests. Requests must be made in writing, (which can include email), and should include the enquirer's name and correspondence address, and state what information they require. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an enquiry. There is a time limit of 20 days for responding to the request.

5. Scope

5.1 The Back On Track Trustees are responsible for ensuring compliance with charity Policies and Procedures.

5.2 Requests for personal data are still covered by the Data Protection Act 2018. Individuals can request to see what information the charity holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

6. Associated Documents

- Back On Track Data Protection Policy
- Back On Track Data Retention policy
- Back On Track Complaints Procedure

7. Obligations and duties

7.1 The charity recognises the duty to provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.

7.2 The charity recognises the duty to tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the procedures.

8. Dealing with requests

8.1 We will respond to all requests in accordance with established procedures. We will ensure that charity staff/trustees are aware of the procedures.

9. Exemptions

9.1 Certain information is subject to either absolute or qualified exemptions.

9.2 When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

9.3 We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 7 years from the date of the request.

10. Public Interest test

10.1 Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied

11. Charging

11.1 We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

12. Responsibilities

12.1 The charity has delegated the day-to-day responsibility for compliance with the Freedom of Information Act to the charity DPO. A member of charity staff has been nominated to co-ordinate enquiries and to be a point of reference for advice and training.

13. Complaints

13.1 Any comments or complaints will be dealt with through the respective charity's normal complaints procedure.

13.2 If, on investigation, the charity's original decision is upheld, then the charity has a duty to inform the complainant of their right to appeal to the Information Commissioner's Office.

13.3 Appeals should be made in writing to the Information Commissioner's (ICO's) Office at:

Freedom of Information Complaints Resolution, Information Commissioner's Officer Wycliffe House,
Water Lane, Wilmslow, Cheshire SK9