



Information Requests - Dealing with Public Requests Procedure

Supporting Documents

[UK GDPR](#)

[part ii Data Protection Act 2018](#)

[Freedom of Information Act 2000 \(legislation.gov.uk\)](#)

Abstract

The Procedure gives information about how to handle requests for information. Anyone has a right to request information from a public authority

Policy

[Freedom of Information \(FOI\) – Requests for Information](#)

Procedure

1. Introduction

1.1 The Procedure gives information about how to handle requests for information.

2. Statement

2.1 Anyone has a right to request information from a public authority. We have two separate duties when responding to these requests:

- Tell the applicant if we hold any information falling within the scope of their request; and
- To provide that information.

2.2 This procedure is specifically designed to help you deal with requests for information which you may receive and to understand your responsibilities and the FOI process.

2.3 It is the responsibility of all Surrey Police employees to ensure that requests for information are identified and processed in accordance with [Freedom of Information Act](#) (The Act)) legislation. If you have any doubt, contact the Information Access Team (IAT) for advice. Remember the relevant timescales start when the request is received in the Force, not when it is received by the IAT.

3. Surrey Police Publication Scheme

The organisation already places a lot of information onto the force website under the Publication Scheme. This includes, but is not limited to, various registers, procurement and financial information, policies and procedures, minutes and agendas of meetings and responses to previously asked FOI request.

- 3.1 If the information requested is already in the public domain the requestor can be directed to it, the stipulations being that it is readily accessible, and it fully answers their questions.

4 The Right to Request Information

- 4.1 The right to request information under the Act extends to anyone who wishes to make an enquiry. There is no limitation on who may make an enquiry – the law gives the right to minors and adults alike, and anyone in the world is entitled to request information.

- 4.2 Requestors do not have to disclose why they require the information. They do not need to quote (or even be aware of) their rights under the [Act](#). The only requirement the Act places on a requestor is that they must: -

- Submit it in writing (including electronically and via social media)
- Describe the information they require; and
- Provide the name of the applicant and address for correspondence, for it to be a valid request.

- 4.3 In all cases, the information (or ways the individual can find that information) must be provided within twenty **working** days of receiving a written request. This is a very short response time so, if you are in any doubt as to whether an enquiry may be a Freedom of Information request or you cannot respond from the records available to you, you must contact the IAT **immediately**.

5 Data Protection Rights vs. Freedom of Information

- 5.1 It is important to distinguish between requests for personal information made under the Data Protection Act and those made under the terms of FOIA. Both require statutory responses and guiding someone down the wrong route can cause frustration and anger because it will usually result in the applicant having to re-apply under the correct legislation often leading to a delay in them receiving their information. A separate Subject Access Rights procedure relating to requests made under the [UK GDPR](#) and [part ii Data Protection Act 2018](#) for personal details available.

- 5.2 If an individual is asking for general information about the organisation, its activities, or any other material held in our records, then this is a **Freedom of Information request**. If it is not possible to tell exactly what sort of request is

being made, or a request appears to cover elements of both Acts, such enquiries should **always** be referred in the first instance to the IAT.

6 Business as Usual

- 6.1 There is no intention to stop staff providing information directly in response to a written request where this has always been the case: staff involved in distributing **routine** information should continue to deal with these requests as normal as should individuals with responsibility for corresponding with the public on general issues. In any case business as usual requests should be dealt with expeditiously and if it appears that the information cannot be provided within 20 working days it should be forwarded to the IAT at the earliest opportunity.
- 6.2 Verbal enquiries (e.g. those made over the telephone) do not have the force of law. However, if your department receives such an enquiry and you are unable to answer the query verbally through normal business as usual routes, you should advise the enquirer that they can make the request official by writing or emailing the IAT at FreedomOfInformation@surrey.police.uk.
- 6.3 If the individual is requesting information already in the public domain, we have a duty to “provide a d v i c e and assistance” and inform the individual where that information can be found (such as the Publication Scheme).
- 6.4 If an individual is incapable of submitting a request in writing, then the member of staff receiving t h e request should provide assistance by writing the request down for them. There is a requirement to provide advice and assistance under the Act

7. Recognising an FOI Request

- 7.1 If the request is a “business as usual” request, you should deal with it as above.

You **must** refer a request to the IAT if it fits any of the following criteria:-

- The request states that it is made under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 (EIR"s).
- The request asks for information that, upon consultation with your Department Head / Business Area Lead, you feel should not be disclosed (for example the information may contain personal information about an individual or may reveal operational tactics and procedures)
- The request asks for information that is held outside of your department and you do not know where the information can be found.
- You anticipate that providing the information will exceed the 20-day limit.

Please remember that we owe requestors a general duty of confidentiality – when considering a request and/or passing it to any other member of staff, you

should only provide the personal details of the individual on a need-to-know basis.

7.2 Generally, you should respond directly to any request that can be dealt with simply and completely within your department/team: any other enquiries beyond this should be forwarded to the IAT.

8. Summary

8.1 Please be aware of the implications of the Freedom of Information Act, and make sure that colleagues are also aware that:

- Individuals have a right to ask us to provide them with much of the information held by the organisation, wherever it is held in the organisation.
- Any request in writing is legitimate whoever it is addressed to within the force, as long as it is legible and describes the information required.
- Anything you write or record can potentially be disclosed into the public domain. Therefore, please ensure that the records that you keep are accurate and professional.
- There is no exception for embarrassment.
- If in doubt consult the IAT: Remember we have as little as **twenty working days to respond** so don't delay.
- You should respond to the IAT as soon as possible if asked for information.
- Do not tell people they can request information about themselves under FOI.
- It is the responsibility of all staff to ensure that they have completed the FOI College Learn training, NCALT Log In