



# STANDARD OPERATING PROCEDURES:

## OFFICE OF THE BEDFORDSHIRE POLICE AND CRIME COMMISSIONER

<b>Title</b>	Freedom of Information Policy
<b>Area of Compliance</b>	Compliance
<b>Version No.</b>	3.0
<b>Senior Lead</b>	Head of Governance and Transparency
<b>Author</b>	Compliance

### 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
20/09/2020				20/09/2021
24/09/2021				24/09/2022
17/10/2022	2.0	Change of OPCC logo, added Bedfordshire Victim Care Services (BVCS) to policy		24/09/2023
27/09/2023	2.0	No change		27/09/2024
20/08/2024	3.0	Removal of BVCS from policy		20/08/2025

### POLICY STATEMENT

The Office of the Police and Crime Commissioner (OPCC) 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.

## **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, 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, will be supplied with that information within 20 working days.

## **Background**

The aim of this policy is to ensure that the OPCC meets the appropriate governance standards for public services.

## **Affected Persons**

This procedure will apply to all staff working within the OPCC), whether employed full-time or part-time, fixed term, permanent, seconded or on a temporary basis.

## **Policy**

The application of the FOIA is the responsibility of the Compliance Officer within the OPCC. They have 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 police's 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.

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.

A request for information may be received anywhere in the organisation. It must be made in writing (for example letter, email, online form, social media). It does not have to mention the Act by name.

The request should be forwarded to 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 (PIT)**

The decision on whether information is or is not disclosed will be made in accordance with the Freedom of Information 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 OPCC'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.

### **Responsibilities**

The Office of the Police and Crime Commissioner's performance against the requirements of the FOIA will be monitored by the Head of Governance and Transparency.