

**NI Practitioners' Group on Freedom of Information  
Minutes of a Meeting held in Castle Buildings on  
Thursday, 3 December 2009 at 10:00am**

**Attendees**

Bernard McCaughan	CFOI, OFMDFM
Brenda Marson, Departmental Information Manager (DIM)	DEL
Colin McWhirter, DIM	DARD
David Huddleston	PRONI
David Lammey (Chair)	Head of CFOI, OFMDFM
Donal Shearer	DRD
Graham Smith, Deputy Information Commissioner*	ICO
Karen McCready	DFP
Lynne Davison, DIM	OFMDFM
Nicola Adams*	OFMDFM
Norah McCorry	OFMDFM
Patricia Smyth	DSO, DFP
Philip Palmer	DOE
Sandra Dorrian	DCAL
Sarah O'Cathain, FOI Team Leader (NI)*	ICO
Willie Elliott	DE

\* Attended Item 3 only.

**Apologies:** Charlene McQuillan, DIM, DHSSPS; Renee O'Cleary, DETI; and the FOI Information Manager, NIO.

**1. Minutes of Previous Meeting**

**1.1** The minutes of the previous meeting, held on 3 September 2009, were agreed.  
**Action: CFOI team**

**2. Matters Arising (from previous minutes)**

**2.1** Further to matters arising from the previous meeting the following was reported:

**2.1.1** Paragraph 2.1.1: To be dealt with under item 4.

**2.1.2** Paragraph 2.1.4: DRD representative advised that because of work pressures, the Employment sub-group had not met with Central Personnel Group, DFP, to discuss the possibility of proactively disclosing employment-related information in the future.  
**Action: DIM, DRD, to follow up and advise.**

**2.1.3** Paragraph 2.1.6: Regarding the theft of laptops from Royston House, Karen McCready advised that the detailed review of the incident - undertaken in consultation with the Cabinet Office – had been finalised and was to be presented to the DFP Committee this week with the intention of publishing thereafter.

**Action: DFP representative to advise CFOI team of when report is made public.**

**2.1.3** Item 5: The Group was updated in relation to Whitehall developments. This included:

- A note of the meeting dated 13 October 2009 between MoJ and MySociety (what/do/they/know) was circulated to Practitioners for information.
- FOIA section 4 draft Order is due to be laid before Parliament in December 2009. MoJ to issue consultation letter to First Minister and deputy First Minister under FOIA Section 4(7).
- MoJ is planning, early next year, to progress an Order under FOIA Section 75 in accordance with the Government's long-standing commitment to take forward the repeal or amendment of certain prohibitions on disclosure or 'statutory bars'. MoJ seeks a NICS return by Friday 26 March 2010.

**Action: Head of CFOI team to progress with DIMs.**

- The 30-year rule report is unlikely to be issued until 2010 and there will be no legislative amendments to FOIA or Public Records Acts before a General Election.

### **3. ICO Update**

**3.1** Graham Smith, Deputy Information Commissioner and Sarah O'Cathain, FOI Team Leader, (NI) ICO, were welcomed to the meeting. Both discussed various issues with the Group which included:

- Martin Rosenbaum's 'Open Secrets' blog which contains an interview with Christopher Graham on his plans as the new Information Commissioner;
- Backlog of ICO complaints cases;
- Proactive publication of minutes and papers;
- Publication Scheme monitoring – no NI Departments monitored as yet;
- Disclosure Logs – representing good practice;
- Two-tier Information Tribunal structure;
- DPA Section 55 offences;
- Use of scanned signatures;
- DPA audit powers; and

- FOI complaints statistics – post October 2009.

**3.2** It was agreed that the ICO ‘snap-shot’ of complaints – October 2009 would be reviewed by Departments and CFOI would advise the (NI) ICO of ‘differences’.

**Action: CFOI team to progress.**

**3.3** The ICO representatives confirmed that there was no requirement to publish a signature on official electronic correspondence. The Group advised that ICO guidance on the use of scanned signatures would be welcome.

#### **4. Access to Information Training**

**4.1** CFOI team representative updated the Group on the current state of play with access to information courses. This included:

- Training material for Working with the FOIA; Practical DPA; DPA Principles; and Access to Information: Foundation course was quality assured by CFOI/DIMs in September 2009;
- Material sent to CAL in October 2009 and pilot courses now being scheduled for early next year;
- Records Management course material only recently reviewed and returned to CAL;
- Remaining courses prioritised as follows: Internal Reviews and ICO Appeals; Working with the EIRs; Data Security; Auditing Data Protection; DPA Rights and Exemptions; and DPA: Interaction with other Legislation;
- An ISEB FOI course is being facilitated for Departments in 2010. The course is scheduled for five consecutive days in Northern Ireland, commencing Monday, 22 February with an exam date of 23 April 2010.

**4.2** It was agreed that a training update would be issued to DIMs (cc’d to Training Commissioners) on access to information courses.

**Action: CFOI team to progress.**

#### **5. Replacement NICS FOI Request Tracking and Monitoring System Project**

**5.1** Head of CFOI team briefly discussed the FOI Workflow Progress Report dated 30 October-26 November 2009.

**5.2** The Group was advised that the next Project Board Meeting was scheduled for 15 December 2009.

**5.3** The Group was reminded of the considerable commitment required in the New Year in preparation for the ‘go-live’ of the new system. This included:

- The production of request and report processing test scripts;
- System testing (week commencing 15/02/10 and week commencing 01/03/10);
- ‘Train the Trainer’ training (week commencing 08/03/10);
- Inputting backlog of requests (received January-March 2010) to new System;
- Production of Quarter 4, 2010 statistics for the Quarterly Performance Report; and
- Production of 2009 annual statistics for the Annual Report 2009.

**5.4** The Board Room, Rosepark House has been provisionally booked for system testing and training.

**5.5** CFI will advise Departments of requirements in relation to drafting ‘test scripts’ and testing, and seek names for ‘Train the Trainer’.

**Action: CFI team.**

**5.6** The Head of CFI team advised of Ministerial reporting changes. These are:

- An end to monthly reporting;
- Additional detail in quarterly reporting relating to category of requester, internal reviews (turnaround times) and ICO complaints.

**Action: Head of CFI team to write to DIMs.**

## **6. FOI Requests within Official Correspondence**

**6.1** A discussion took place on recent instances within a Department, where staff had made requests for information within official correspondence causing confusion and delay.

## **7. Respective Roles of FOIPG and IWG**

**7.1** A short discussion took place on the respective roles of FOIPG and the Inter-Departmental Working Group (IWG) and the demands on the time of Departmental Information Managers and their staff. Some attendees explained that though the TRIM roll-out had been completed a number of projects still remained (for example, a retention and disposal schedule) that merited the continuation of IWG. However, several attendees felt that IWG meetings lasted too long and thought that in the interests of efficient information governance the Groups be brought together in some way.

**7.2** The Head of CFI team said that he was not in a position to comment fully on the role and work of IWG, and could only underline the fact that this Group (FOIPG) had

a specific remit which might not benefit from the addition of information/records management issues.

## **8. Any Other Business**

### **8.1 DPA, Section 55**

**8.1.1** DRD representative advised that his Department's response to the proposals contained in the Section 55 consultation had been generally supported by DRD's Regional Committee.

### **8.2 Records Management Conference**

**8.2.1** PRONI representative advised that PRONI would be facilitating a records management conference in March 2010. Exact date to be finalised.

### **8.3 FOIPG Meeting Dates 2010**

**8.3.1** The following dates were agreed for 2010 (all Thursdays): 4 March; 3 June; 2 September; and 2 December.

## **9. Date of Next Meeting**

**9.1** The next meeting is scheduled to be held on Thursday, 4 March 2010 in the Conference Room (E4.02) Castle Buildings at 10.00 am.

**Action: CFOI team to book room.**

Meeting concluded at 12.20 pm.