

**NI Practitioners' Group on Freedom of Information
Minutes of a Meeting held in Castle Buildings on
Tuesday, 9 June 2009 at 10:00am**

Attendees	Bernard McCaughan	CFOI, OFMDFM
	Brenda Marson	DEL
	Charlene McQuillan	DHSSPS
	Ciaran Murphy	OFMDFM
	Dave Brittain	DOE
	David Crabbe	DRD
	David Huddleston	PRONI
	David Lammey (Chair)	Head of CFOI, OFMDFM
	Edel Cosgrove (minute-taker)	CFOI, OFMDFM
	Imelda McConnell	DSD
	Joanne McPadden*	Centre for Applied Learning (CAL)
	John Morgan	DFP
	Michael Reid	DARD
	Paddy Byrne*	CAL
	Sandra Dorrian	DCAL
	Tom Gwyn	DETI
	Willie Elliott	DE
Apologies	FOI Information Manager	NIO

* Attended Item 3 only

1. Minutes of Previous Meeting

1.1 The minutes of the previous meeting, held on 5 March 2009, were agreed.

2. Matters Arising (from previous minutes)

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

2.1.1 Item 2.1.1: DRD and DCAL representatives advised that their Departments had experienced 'streaming' problems with the Data Protection e-learning package, and the DOE representative advised that his Department had decided not to use it. DOE and DRD representatives also advised that they would be making use of the Information Commissioner's Data Protection DVD, 'The Lights are on ...' within their Departments.

2.1.2 Item 2.1.2: Head of Central FOI team advised that he was currently considering revisions to the Northern Ireland Civil Service (NICS) FOI 'Co-ordination Arrangements' document. **Action: Head of CFOI to complete review and circulate to Practitioners.**

2.1.3 Item 2.2: With respect to the Publication Scheme Definition Document, the DFP representative reported that his Department was still awaiting Treasury guidance regarding the proactive disclosure of financial information. **Action: DFP issued e-mail 5/08/09 giving Departments an update.**

2.1.4 Item 3.1: PRONI representative reported that approximately 31,000 Departmental records were likely to be affected by a reduction of the 30-year rule to 15 years. A figure for the wider public sector bodies, egs, local authorities and Non-Departmental Public Bodies, was not yet available.

2.1.5 Item 3.2: Head of CFI reported that the Public Records Act (NI), 1923 Act would have to be amended if the recommended reduction to 15 years was agreed by the UK government. PRONI representative stated that an 'Order in Council' would be the preferred legislative route, if an amendment to the Act was to be proceeded with.

2.1.6 Item 4.1: Regarding the replacement of the current Tracking System, the Head of CFI said he would issue a programme for the Scoping Workshop (17 June 2007) to Practitioners scheduled to attend and copy it to the others. **Action: Workshop programme issued by email 15/06/09.**

2.1.7 Item 4.2: Head of CFI then advised that a Tracking and Monitoring System Development Workshop had been planned for 23 June, and that Information Managers had provided the names of Departmental representatives. He also advised that that booking could be used if any matters considered at the Scoping Workshop were left undecided or incomplete. **Action: CFI to keep Practitioners informed of developments by issuing notes of workshop events.**

2.1.8 Item 5.1: DRD representative confirmed that the Employment sub-group had not yet met with Central Personnel Group (CPG) to discuss the possibility of proactively disclosing employment-related information in the future. **Action: DRD representative to report.**

2.1.9 Item 5.2: DFP representative confirmed that the Contract Manager, HR Connect, had been told not to process any FOI requests and to forward them to the relevant Department. If there were doubts over which Department the requests were for, then they should be raised with the CPG Manager.

2.1.10 Item 8.1: Head of CFI confirmed that work on the FOI Annual Report 2008 was underway.

2.1.11 Item 8.2: CFI representative confirmed that a new 'RecordsNI' container for responses to round robin requests had been set up. He informed Practitioners that users can view but not place documents in it and, as this was the case, Departments should forward responses they wish to share to CFI, which would place them in the container. **Action: CFI representative to report.**

3. Access to Information Training

- 3.1 Paddy Byrne, CAL, briefed the Group regarding ongoing access to information training issues.
- 3.2 CAL representative assured Practitioners that CAL had addressed relevant issues with the external provider and with Central Procurement Division (CPD) DFP. He confirmed that CAL would be attending a meeting with the external provider on Thursday, 18 June 2009 to address the current difficulties. Head of CFOI asked if there could be Practitioner representation at the meeting. CAL representative said he would check the position and advise. **Action: CAL representative to advise.**
- 3.3 Head of CFOI asked the CAL representative to offer advice to Departments that were considering the use of training providers outside the scope of the current training contract. CAL representative informed the Group that the framework provides external providers with exclusive rights to provide generic training to NICS Departments therefore Departments are obliged to source their training through CAL, unless it is 'line of business' training which is beyond CAL's remit. He advised that Departments could potentially be exposed to legal action.
- 3.4 An open discussion followed and a number of points were made:
- 3.4.1 DOE representative was of the view that, as in the past, new members of staff should have comprehensive induction training upon arrival in NICS. This should include training on records management, FOI, EIR, DPA and the use of TRIM. Unfortunately, the demise of departmental training units means that such training cannot be provided in-house, and it was highly unlikely that such a package could be delivered by a single external training provider, as they would not possess the necessary expertise.
- 3.4.2 DRD representative informed Practitioners of a recent audit report within his Department which concluded that staff were not receiving sufficient training in how to comply with access to information legislation. He stated that data protection and data security were high profile issues; that staff training was essential to combat mistakes that had attracted widespread media attention; and that senior management could not afford to ignore the difficulties being encountered under the current training contract.
- 3.4.3 Head of CFOI said that while he would prefer that Departments carried out their own access to information training, he did not believe that such an option was sustainable.
- 3.4.4 OFMDFM representative regretted that the previous contract had been superseded, as it had supplied Departments' needs effectively, and that the Practitioners or CFOI had not been consulted before entering into a new contract.
- 3.5 CAL representatives thanked the Group for the invitation to speak and assured Practitioners that CAL would manage the contractual arrangements with the external provider and CPD.

4. **Data Protection: 'Royston House incident'**

- 4.1 DFP representative informed Practitioners that 951 staff were contacted individually after the break-in at Royston House. He confirmed that the laptops which were stolen held personal information, including staff bank account details, national insurance numbers, and pay and pension details. Police are currently investigating the crime. DFP is preparing a detailed report on the incident and is consulting with the Cabinet Office. He then highlighted the possibility of identity fraud and suggested that Practitioners should advise Departmental staff accordingly.

5. **Publication of Board (and sub-committee) Papers**

- 5.1 DRD representative asked colleagues if their Departments published the papers of sub-committees of Departmental Boards (e.g. Audit Committee). He confirmed that DRD had been publishing such papers. The responses demonstrated that practice differed across the Departments. Head of CFI advised that if Departments were not publishing such papers, then they should document the reason(s) why not, in case their position was challenged by the Information Commissioner's Office (ICO).

6. **Security Policy Framework and Overseas FOI Legislation**

- 6.1 Head of CFI asked Practitioners if their Departments sent information to any of their business offices (other than the NI Bureau, Washington, and the Office of the Northern Ireland Executive, Brussels) that were located outside Northern Ireland? Practitioners said that they were unsure and would report back accordingly. **Action: All Practitioners to advise.**
- 6.2 Head of CFI also asked if Practitioners were aware of any issues around the transfer of information to foreign countries? He said he would be investigating this matter over the coming weeks and would be in touch with the other devolved administrations to make comparisons with their approach. **Action: Head of CFI to investigate.**

7. **Whitehall Update**

- 7.1 Head of CFI informed Practitioners of two events that he would be attending: FOI Policy Officers' meeting, 10 June 2009; and 'FOI Live 2009' conference, 11 June 2009. He also advised Practitioners that the Keeper of the Records (DCAL Minister) should be receiving a formal consultation letter from Jack Straw regarding the publication of the revised Code of Practice on the Management of Records under the FOI Act s.46(5).
- 7.2 Practitioners were further advised that new regulations have been introduced that concern the time for compliance (for processing requests over the summer holidays) for schools. DE is to issue a note to schools, and to seek ICO input. **Action: DE issued a note by e-mail to schools on 25/06/09.**

8. ICO update

- 8.1** Head of CFI advised Practitioners that the Head of the ICO's Northern Ireland office and a colleague had been invited to today's meeting but had been unable to fulfil this engagement for 'personal reasons'.
- 8.2** Practitioners indicated that they would welcome an explanation from the ICO when it re-opens cases that were formerly closed.
- 8.3** Head of CFI reminded Practitioners of his update on Data Protection developments, issued on 28 May 2009.

9. Re-use of Public Sector Information

- 9.1** Head of CFI advised Practitioners that the Office of Public Sector Information had offered to come to Belfast to provide an update on developments concerning the re-use of Public Sector Information. Practitioners appreciated the offer but did not wish to take it up at the moment.
- 9.2** Head of CFI then advised Practitioners of his recent personal appointment, as the Northern Ireland representative on the Advisory Panel on Public Sector Information.

Meeting concluded at 1:00pm.