

NI Practitioners' Group on Freedom of Information (FOIPG)

Minutes of a Meeting held in Castle Buildings on

Thursday, 1 September 2011 at 10:00am

Attendees

Bernard McCaughan (Secretary)	IMCAB, OFMDFM
Brenda Marson, Departmental Information Manager (DIM)	DEL
Jeff Burns, Deputy DIM	DHSSPS
David Crabbe, DIM	DRD
David Huddleston, Head of Records Management	PRONI
David Lammey (Chair)	Head of IMCAB, OFMDFM
Gary McManus, DIM	OFMDFM
Tom Clyde, DIM	DOJ
Tom Gwyn, DIM	DETI
Imelda McConnell, DIM	DSD
John Morgan, DIM	DFP
Linda Donaldson	DCAL
David Craig, DIM	DARD
Paul McGrory, Deputy DIM	DOE
Ken Macdonald, Assistant Commissioner	ICO
Nigel Treanor	ICO

1. Apologies / Welcomes

1.1 Apologies

1.1.1 Veronica Bintley, DIM, DE.

1.2 Welcomes

1.2.1 David Lammey welcomed attendees to the meeting. New arrivals to the Group were noted.

2. Minutes of Previous Meeting

2.1 The minutes of the previous meeting held on 2 June 2011 were agreed, and will be placed on the OFMDFM website for public access. **Action: IMCAB**

3. Matters Arising from Previous Meeting

3.1 Paragraph 3.1 of previous minutes: a draft form of words was agreed for inclusion in Departments' on-line access to information request forms for the purpose of facilitating the occasional sharing of requesters' details for business reasons.

OFMDFM advised that the Department was also considering adding the line to the bottom of their standard FOI acknowledgement letter. **Action: IMCAB**

3.2 Paragraph 3.4 of the previous minutes: the data security breach management protocol issue is to be covered later in the meeting.

3.3 Paragraphs 3.10 of previous minutes: the 'out-of-office' facility issue is to be passed to Information Strategy and Innovation Division, DFP, for consideration.

Action: IMCAB

4. ICO update

4.1 Ken Macdonald, Assistant Commissioner, and Nigel Treanor from the Information Commissioner's Office were welcomed to the meeting.

4.2 The ICO representatives provided an update on the following matters:

- 'Lines to take' on ICO's approach to certain types of complaints are now available on its website;
- Revisions to the ICO website;
- An announcement ICO would make later in September 2011 in relation to publication schemes;
- A review of ICO casework procedures, which may result in an additional burden on public authorities initially. There was some discussion around the conciliation role played by the ICO, and also its views on the application of exemptions by public authorities late on in the appeals process;
- A FOI handbook similar to the ICO publication 'The Guide to Data Protection: How much do I need to know about data protection'? ICO is to advise if the Handbook will cover EIRs. **Action: ICO**
- Two recent cases: one a vexatious case (Duke v Information Commissioner & University of Salford), and a section 41 (information provided in confidence) case (Anderson v Information Commissioner), which was heard at the (NI) High Court.

4.3 Practitioners advised that ICO's role at the meeting could be enhanced through detailed discussion of casework issues of general concern, and the provision of a session on the new casework procedures referred to above. The ICO representatives confirmed that they would be willing to give a presentation to FOIPG on the new casework procedures.

4.4 The ICO was advised that Practitioners felt it would be useful for the Information Commissioner or his deputy to meet with the Information Governance Board (IGB).

5. NICS FOI Co-ordination

5.1 David Lammey advised that there had been significant developments since the last meeting in relation to an overall Access to Information Central Team. A Central Team has been established within the Department of Finance and Personnel with responsibility for data protection within the Northern Ireland Civil Service (NICS).

The new role will presumably encompass the provision of casework advice and policy development. IGB is to consider the merging of the existing Central FOI Team (based in OFMDFM), and the aforementioned Data Protection Team. The aim is to establish one central point for Departmental Information Managers and their staff. It was underlined that any new overarching NICS Central Team should be resourced with staff with the requisite skills and experience.

- 5.2 There was discussion around the handling of recent round-robin FOI requests. Feedback from the Permanent Secretary Group emphasised the need for all Practitioners to identify and alert other Departments to round-robin requests, and to check how other Departments were handling them, with a view to achieving consistency wherever possible.

6. Data Security Breach Management

- 6.1 John Morgan advised on findings from an ICO data protection audit of DFP conducted in February 2011. He also advised that three Practitioners were to collaborate on a draft NICS breach management protocol; they would consider the ICO's breach management guidance. An update is to be provided at the next meeting. **Action: John Morgan**

7. Whitehall update

7.1 UK Protection of Freedoms Bill

- 7.1.1 The Group was advised of developments in relation to the FOI provisions in the UK Protection of Freedoms Bill – a Legislative Consent Motion was to be brought forward to the Assembly. A date is to be scheduled for the debate in the Assembly, and it is likely that it will be later this month. The motion is to be introduced by Junior Minister Bell.

7.2 Consultation on Data Policy for a Public Data Corporation

- 7.2.1 The Group was updated on the 'Consultation on Data Policy for a Public Data Corporation'. Progress has already been made toward the establishment of a Public Data Corporation (PDC) by bringing under single departmental sponsorship, three organisations that may potentially form part of a PDC: HM Registry, Met Office, and Ordnance Survey. The consultation was launched on 4 August 2011 and the deadline for responses is 27 October 2011. The consultation explores questions concerning key aspects of data policy – charging, licensing, and the regulation of public sector information produced by a PDC for re-use. Responses will enable the UK Government to reflect on an appropriate policy framework before consideration of the business case, and decisions on membership and structure of a PDC are taken in the autumn.
- 7.2.2 The consultation is of cross-departmental interest, and it will be drawn to the attention of all Permanent Secretaries. In turn, Departments are expected to draw the consultation to the attention of relevant arm's length bodies. **Action: IMCAB**

7.3 'Making Open Data Real': A Public Consultation

7.3.1 The Group was advised that the 'Consultation on Data Policy for a Public Data Corporation' should be read in conjunction with the consultation on 'Making Open Data Real'. In that consultation, the UK Government outlined its 'Transparency and Open Data Strategy' approach, which aims to establish a culture of openness and transparency throughout the public service. The proposed approach is fundamentally about creating both 'pull' (a right to data), and 'push' (a presumption of publication). The deadline for responses is also 27 October 2011.

7.4 FOI Act Section 5 Order

7.4.1 The Ministry of Justice plans to lay a Section 5 Order to designate the Association of Chief Police Officers, the Financial Ombudsman Service, and the Universities and Colleges Admissions Service as public authorities. The Order will specifically refer to the College of Agriculture, Food and Rural Enterprise (CAFRE), as it is not covered by virtue of paragraph 55 of Schedule 1 of the FOI Act, which covers educational bodies. CAFRE is part of the Department of Agriculture and Rural Development.

7.5 EU Directive on Data Protection

7.5.1 The Group was advised that there were no further significant developments to report on the progress of a new EU Directive on data protection.

8. Access to Information Training

8.1 David Lammey and David Crabbe served on a Centre for Applied Learning (CAL) Evaluation Panel to consider and short-list tenders for the 'Information Management and Access' sub-category of the Training Services Framework Contract. The panel evaluation did not produce a successful tender.

8.2 CAL would be approached with a view to finding out whether external training could be sourced directly by Departments until a successful tender is identified.

Action: IMCAB

8.3 IMCAB had received participant feedback in relation to Practitioner-based training during Tranche 3 (1 May to 30 June 2011). It was positive with no themes or areas of concern, and is to be shared with the Practitioner-trainers concerned.

Action: IMCAB

8.4 It was agreed that a CAL trainer (EO1) should attend an 'Access to Information Foundation Course' and a 'Handling Requests for Information Course', with a view to assisting in their future delivery. This is in keeping with CAL's aim of bringing access to information training delivery fully 'in-house'.

Action: IMCAB

8.5 Tranche 4 (September to December 2011) of Practitioner-based training is due to commence later in the month. The schedule is as follows:

- **Access to Information Foundation Course:**
 - 19 and 28 September;
- **An Introduction to Records and Information Management:**
 - 5 October, 19 October, and 17 November; and
- **Handling Requests for Information:**
 - 12 October, 21 October, and 9 November.

9. Any Other Business

9.1 FOI Workflow – Managed Services Issues

- 9.1.1** Steria is still considering the scope and price of the FOI Workflow revisions approved at the FOIPG meeting held on 2 June 2011. An update will be provided at the next meeting. **Action: IMCAB**
- 9.1.2** It was noted that the new Central Data Protection Team (DFP) may consider developing the workflow functions for the recording and monitoring of subject access requests.

9.2 NICS FOI Annual Report 2010

- 9.2.1** Following the submission of annual statistics by Departments and Departmental Information Managers' confirmation that the information contained in the draft Report was correct, ministerial clearance is awaited. **Action: IMCAB**

10. Date of Next Meeting

- 10.1** Thursday, 13 December 2011 at 10:00 am in the Conference Room (E4:18), Castle Buildings.

Meeting closed at 12:30pm