

NI Practitioners' Group on Freedom of Information (FOIPG)

Minutes of a Meeting held in Castle Buildings on

Thursday, 2 June 2011 at 10:00am

Attendees

Brenda Marson, Departmental Information Manager (DIM)	DEL
Charlene McQuillan, DIM	DHSSPS
David Crabbe, DIM	DRD
David Huddleston	PRONI
Sandra Dorrian, DIM	DCAL
Information Manager	DOJ
Imelda McConnell, DIM	DSD
Karen McCready, Deputy DIM	DFP
Linda Donaldson	DCAL
Michael Reid	DARD
Paul McGrory, Deputy DIM	DOE
Willie Elliott, Deputy DIM	DE
David Lammey (Chair)	Head of IMCAB, OFMDFM
Bernard McCaughan (Secretary)	IMCAB, OFMDFM

1. Apologies / Welcomes

1.1 Apologies

1.1.1 Tom Gwyn, DIM, DETI.

1.2 Welcomes

1.2.1 David Lammey welcomed attendees to the meeting and noted new arrivals to, and departures from, the Group.

2. Minutes of Previous Meeting

2.1 The minutes of the previous meeting held on 3 March 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:

We keep and use personal information in line with the Data Protection Act 1998. We may, on occasion for business purposes, share this personal information with other Government Departments and public authorities.

- 3.2 Paragraph 3.3 of previous minutes: the UK government's 'Response to the Call for Evidence on the current Data Protection Legislative Framework', the finalised Post-Implementation Review Impact Assessment, and the Equality Review was issued to DIMs for information on 4 March 2011. The Group was advised that proposals from the European Commission are expected later this year. It was also advised of a keynote speech given by the Justice Secretary, Ken Clarke, to the British Chamber of Commerce in Brussels on 26 May 2011, in which the Minister set out the UK's approach to the data protection negotiations.
- 3.3 Paragraph 3.7 of previous minutes: Catherine Vint, ICO, and David Lammy delivered an 'Internal Reviews and ICO Complaints' course on 17 May 2011.
- 3.4 Paragraph 3.13 of previous minutes: John Morgan will contact the volunteers (Sandra Dorrian and Brenda Marson) who had agreed to work with him in establishing a NICS protocol for handling data breaches. It was agreed that John would be asked for an update at the next (FOIPG) meeting. **Action: John Morgan**
- 3.5 Paragraphs 4.1, 4.5, 4.6, and 4.7 of previous minutes relate to Information Commissioner's Office actions. However, the ICO was unable to send any representatives to this meeting. The Assistant Commissioner (NI) has asked that the Group consider how the ICO's role could be extended to maximise the value of its presence at future meetings.
- 3.6 Paragraph 4.8 of previous minutes: David Huddleston advised that PRONI and the ICO had issued a joint letter regarding the disposal of official records. He asked that Departments share the letter with their Arm's Length Bodies. He also advised that departmental disposal schedules had to be approved by PRONI by the end of December 2011.
- 3.7 Paragraph 5.3 of previous minutes: the Group was advised that the issue of updating the Permanent Secretary Group (PSG) was to be covered under the 'Access to Information training' agenda item.
- 3.8 Paragraph 6.2 of previous minutes: the Group had previously been advised that IMCAB would issue the finalised 'NICS FOI Co-ordination Arrangements' document in April, and it was noted that this had been sent to DIMs and their staff on 19 April 2011.
- 3.9 Paragraph 7.4 of previous minutes: the Group was advised that the 'ad hoc reporting' training issue was to be covered under the 'FOI Workflow - Managed Service Issues' agenda item.
- 3.10 Paragraphs 7.6 and 7.7 of previous minutes concern the 'out-of-office' facility, and 'accessing emails marked "private"' issues. IMCAB is to send information on the 'out-of-office' issue to Information Strategy and Innovation Division, DFP, for consideration. The Group was advised that IT Assist had responded in relation to

the subject of emails, including those marked 'private', received in generic email boxes. IT Assist advise that emails should be available to everyone who has access to the mailbox and, if this was not the case, details of those mailboxes should be referred to it to get the access permissions checked and updated.

Action: IMCAB

- 3.11 Paragraph 8.1.1 of previous minutes: a Department had asked for further guidance on 'FOI, Re-use of public sector information and the Open Government Licence'. David Lammey advised that following liaison with The National Archives, detailed guidance was finalised and the standard FOI letter for disclosing information was revised. Both items were issued to Departments on 15 April 2011.
- 3.12 Paragraph 8.7.1 of previous minutes: as regards the impact the establishment and work of an NICS Information Governance Board (IGB) would have on FOIPG, David Lammey advised that the Note of the IGB meeting held on 15 March 2011 states that 'FOI and DPA considerations are implicit in Point 5.1' (of the Terms of Reference).

4. NICS FOI Co-ordination

- 4.1 The impact of 'OFMDFM's savings exercises' on the central FOI team resource was outlined. Reference was also made to feedback from the PSG regarding the handling of round robin requests, which was that there was a greater need for IMCAB pro-activeness, consultation between DIMs, and full consideration of issues.
- 4.2 David Lammey asked the Group if there was still a need for the Central FOI team and how Departmental Information Managers saw FOIPG in future governance structures? It was agreed that there was still a need for a central team to assist with the co-ordination of round robin requests, and cross-departmental legislative business, for example, adding bodies to, and removing bodies from, Schedule 1 of the FOI Act. It was also agreed that there was a continuing need for FOIPG meetings. However, it was noted that the recent draft 'Information Management Strategy Action Plan' may have an impact on current structural arrangements.

5. Scope of Post-Legislative Scrutiny of the FOI Act

- 5.1 IMCAB had sought input (on 23 May 2011) to the Ministry of Justice initiative to scope the structure and content of a Memorandum to the Justice Select Committee, which is to be produced by late autumn. Suggested topics for consideration had been outlined to Departments and responses were sought by 6 June. No responses had been received to date.

6. Access to Information Training

- 6.1 The delivery of the first tranche of Access to Information training, which covered the period November 2010 to February 2011, had been a success. Tranche 2 (May and June 2011) was well underway, with the following courses being delivered:

- 8 x half-day 'Access to Information Foundation' courses (on four dates);
- 1 x 'Handling Requests for Information' course (held in Coleraine); and
- 1 x 'Internal Reviews and ICO Appeals' course.

6.2 Departmental Training Commissioners have been advised of staff attendance at courses to ensure that each individual's training record is updated accordingly. Practitioners were reminded that if any of their Departmental colleagues want to attend future courses, then they should inform Bernard McCaughan.

6.3 A further 'Handling Requests for Information' course; four half-day 'Records and Information Management' courses; and a further half-day 'Access to Information Foundation' course (to be delivered to staff in Orchard House) are planned for delivery during Tranche 2.

6.4 The need for additional volunteers to deliver Practitioner-based training was underlined.

6.5 Brenda Marson and David Lammey will be serving on a CAL Evaluation Panel to consider and short-list tenders for the 'Information Management and Access' sub-category of the Training Services Framework Contract. Both attended a recent briefing for panellists, and are due to meet as a Panel on 7 June 2011.

6.7 PSG had not so far been updated regarding the progress of the Access to Information Practitioner-based approach to training. An appropriate opportunity was awaited.

7. FOI Workflow – Managed Service Issues

7.1 'Ad hoc reporting' training is to be delivered by Steria on 22 and 30 June. Departments were asked earlier in the week to provide the names of attendees. The purpose of the training is to demonstrate to Workflow Administrators how to build reports, and extract performance and management information as and when required.

7.2 The Group agreed a number of recommendations to further enhance the Workflow, and it is content for IMCAB to liaise with IT Assist regarding costs and implementation.

8. Any Other Business

8.1 UK Protection of Freedoms Bill – LCM in relation to FOI provisions

8.1.1 David Lammey advised that he would be seeking the support of the OFMDFM Committee and the agreement of the Executive to bringing forward a Legislative Consent Motion (LCM) to the Assembly in relation to the FOI provisions in the UK Protection of Freedoms Bill. The Bill, which was introduced in the House of

Commons on 11 February 2011, contains two main provisions that require a LCM if they are to extend to here:

(i) Building on the requirement for public authorities to maintain Publication Schemes under the FOI Act, the Bill introduces a right to request datasets;

(ii) It also extends amendments made to the FOI Act by the Constitutional Reform and Governance Act 2010 regarding the reduction of the '30-year rule' to 20 years.

Both matters are of cross-departmental interest. The purpose of the provisions is to extend FOI rights by requiring datasets to be available in a re-usable format; and to reduce the point at which official records are released into the public domain from 30 years to 20 years – that measure to be phased in over ten years.

8.2 ICO Data Sharing Code of Practice – Launch

8.2.2 It was noted that the ICO's Northern Ireland launch of its Data Sharing Code of Practice is to be held in the Linen Hall Library, Belfast, on 28 June 2011.

8.3 Cookie Compliance

8.3.1 The Information Commissioner has set the deadline – **26 May 2012** – for organisations running websites aimed at UK consumers to comply with the new Cookie law. The new law, which is now in force in all EU Member States, requires the consent of users to be obtained before cookies can be stored on their computers. It was also noted that ICO has published guidance on its approach to compliance with the new law.

9. Date of Next Meeting

Thursday, 1 September 2011 at 10am in the Conference Room, Castle Buildings.

Meeting closed at 12:30pm