

D R A F T

**NI Practitioners' Group on Freedom of Information
Minutes of a Meeting held in Castle Buildings on
Thursday, 4 December 2008 at 10:00am**

Attendees: Aubrey McCrory*	ICO
Bernard McCaughan	Central FOI (CFOI), OFMDFM
Brenda Marson	DEL
Charlene McQuillan	DHSSPS
Ciaran Murphy	OFMDFM
David Crabbe	DRD
David Lammey (Chair)	CFOI, OFMDFM
Graham Jackson	PRONI
Imelda McConnell	DSD
John Morgan	DFP
Sandra Dorrian	DCAL
Stephen Perrott	DE
Tom Gwyn	DETI
Una McClements	DARD

Attendance: *Attended item 3 only.

Apologies: FOI Information Manager, NIO; Dave Brittain, DOE; Alan MacDonald, DE; David Huddleston, PRONI; and Patricia Smyth; Departmental Solicitor's Office, DFP.

1. Minutes of Previous Meeting

The minutes of the previous meeting, held on 17 September 2008, were agreed.

2. Matters Arising (from previous minutes)

2.1 Data Protection Review (item 2.1 of previous minutes)

- 2.1.1** The Head of CFOI team advised that subject to Delivery and Innovation Division, DFP, securing the necessary resources and transferring them to OFMDFM, CFOI would lead an awareness campaign with DFP in the next financial year.
- 2.1.2** He also advised that the Permanent Secretaries' Group discussed the Chief Information Officer's advance briefing on the Data Protection Review 2008 - Re-assessment Exercise at its meeting last Friday.
- 2.1.3** Practitioners were advised that work on the DPA e-learning product had been completed but some technical issues around dissemination remain. However, its 'roll-out' has begun in DFP.
- 2.1.4** There was a short discussion about how guidance concerning the protection of sensitive information (not just personal information) might be disseminated within the framework of a DPA awareness campaign.

D R A F T

2.2 Access to Information Training (item 2.2 of previous minutes)

2.2.1 To be covered at item 4 of the agenda.

2.3 Handling of Personnel-Type Requests (item 2.3 of previous minutes)

2.3.1 To be covered at item 5 of the agenda.

2.4 NICS FOI 'Co-ordination Arrangements' document and Reporting (item 4 of previous minutes)

2.4.1 CFOI has begun revising the 'Co-ordination Arrangements' document, which Departments will be consulted on in due course. Current arrangements for producing various FOI reports are under review but no changes have been agreed to date.

2.5 NICS FOI Tracking Request and Monitoring System (item 5 of previous minutes)

2.5.1 The Head of CFOI team noted that on 3 November 2008 an NIO officer had demonstrated a TRIM workflow process for tracking FOI requests to representatives from the NI Departments.

2.5.2 He also advised that a representative from a computing firm had offered to deliver a demonstration of its Case Management System, and to 'mock up' NICS FOI processes and procedures to see if it was possible to configure the system to manage FOI requests for NI Departments. The Group decided not to take up the offer at this point in time.

2.5.3 He then asked for input from Practitioners that also attended Inter-Departmental Working Group (IWG) meetings regarding its discussions about the replacement of the current tracking system. It was reported that IWG had discussed the 'Sharepoint' product, which facilitates a variety of business processes.

2.5.4 A discussion then took place on the need for a holistic approach to processing information requests of one kind or another, which would include FOI tracking. It was agreed that the issue needed to be highlighted at a very senior level. It was agreed that it would be helpful if the scope of the issue was mapped out on paper. Imelda McConnell agreed to make a start to the drafting of a scoping document while CFOI considered replacement options.

2.5.5 The Head of CFOI team concluded discussion on this item by thanking Departments for transferring the necessary funds to enable payment of the running costs of the current tracking system.

2.6 Whitehall Updates (item 6 of previous minutes)

2.6.1 To be covered at item 7 of the agenda.

3. ICO Update

3.1 Presentation by Assistant Information Commissioner

3.1.1 Aubrey McCrory, Assistant Information Commissioner (NI), made a number of comments:

- The NI Regional Office is in the process of finalising its 2009/2010 business plan and key areas were outlined;
- NI has the lowest recorded levels of individuals' awareness of DPA and FOI rights within the UK. ICO is planning to address this weakness by organising a series of 'roadshows' across the province next year;
- In February/March 2009 ICO would start monitoring the new model publication schemes.
- ICO is revising its handling of complaints/casework procedures to achieve robust closure of cases.
- There is a backlog of approximately 40 (NI) cases. ICO hope that many of them will be opened before the end of this financial year. Departments should gather requested information promptly when the ICO case worker makes contact. ICO will supply relevant information to Departments that have cases pending against them.

3.1.2 Practitioners outlined their frustrations regarding requesters that sought access to 'documents' as opposed to 'information' – the public quite often misunderstood the nature of their FOI rights. The ICO's Requesters' Charter was helpful but needed to go further. There was also some discussion around the use of pseudonyms by requesters. It was noted that the Scottish ICO had produced some guidance on this issue and that ICO was publishing guidance shortly.

3.1.3 Aubrey concluded his update by advising:

- That procedures had been put in place to take enforcement notification prosecutions forward in NI;
- That there were a number of enforcement issues in NI where action was likely to be taken in the near future; and,
- That he would provide further details of an electronic redaction issue involving a central government department.

4. Access to Information Training

4.1 Access to Information Training Developments

- 4.1.1** The Head of CFOI team advised that would there be a delay in rolling out the new courses due to an issue around design costs, therefore he would explore with the Centre for Applied Learning (CAL) the possibility of arranging additional 'stop-gap' courses.
- 4.1.2** He then thanked Departments for submitting their training priority preferences, and advised that he would review them after the meeting and write to Steve Hare, CAL Director.

4.2 Course Attendance and Feedback

- 4.2.1** Practitioners would be provided with the names of Departmental staff that had attended the recent 'stop-gap' courses, in order to obtain feedback over and above that recorded on the CAL evaluation sheets. Such feedback may help inform the content and delivery of future courses.

5. Employment Issues Sub-group

5.1 Employment Issues Sub-group Update

- 5.1.1** The DRD representative gave an update on behalf of the sub-group. He advised that Central Personnel Group (CPG), DFP, had clarified the role of HR Connect in relation to FOI. It was made clear that HR Connect is not a public authority. A single point of contact within each Departmental HR was being established to act as a channel for HR-related FOI requests.
- 5.1.2** Practitioners were asked to advise the sub-group about information being asked for by staff. This would assist in the sub-group's consideration of the type of information that might be suitable for proactive disclosure.
- 5.1.3** The sub-group recommended that Departments apply an additional requester category - covering requests from staff about employment issues - which would enable Departments to monitor the volume of requests, and identify any emerging trends.
- 5.1.4** The sub-group intended approaching CPG about the use of the section 22 exemption (information intended for future publication) when FOI requests are submitted in the aftermath of competitions.

6. Model Publication Scheme

6.1 Types of Information – Areas of Concern

6.1.1 It was agreed that CFOI team should seek feedback from Departments regarding the types of information that are causing concern, and should facilitate a further workshop in mid-January, with the aim of sharing good practice, and agreeing a consistent approach to proactive disclosure.

6.1.2 The Head of CFOI team reported on his discussions with the Ministry of Justice (MoJ) about proactive disclosure issues. He understood that the Treasury is considering how the obligations to publish financial information in the scheme interact with financial transparency standards.

6.1.3 It was also noted that MoJ in conjunction with the Cabinet Office is consulting the ICO on how far the requirement for Government Departments to publish expenses information for Ministers, senior staff and Board members can be harmonised with current practice in collecting and publishing this information.

6.1.4 In concluding this item, the Head of CFOI team advised Departments that if they decide that any information falling within the scope of the Definition Document can be legitimately withheld from publication, they should record their reason for withholding the information and be prepared to justify their decision to the Information Commissioner.

6.2 Proactive Publication

6.2.1 On a related issue the Head of CFOI team advised that he would be writing to Departments regarding the proactive publication of (a) FOIPG agendas and minutes, (b) NICS 'Co-ordination Arrangements' document, and (c) NICS FOI Fees Guidance.

7. Whitehall Update

7.1 Whitehall Update by Head of CFOI

7.1.1 The Head of CFOI team delivered the update:

- Section 4 – NICS return was sent to MoJ on 21 November 2008.
- Section 5 – CFOI team had asked for Departmental returns to be returned to it by close of play today. MoJ has consciously delayed publishing the Government's response to the Section 5 consultation document in order to assess the implications of the '30-year rule' recommendations.
- '30-year rule' review – an announcement in the New Year looks likely. The probable outcomes: (a) reduction to 20 or 15 yrs; (b) extended period of implementation to accommodate resourcing issues. Ministers would need to

D R A F T

discuss handling of the report; and reach a view on the implications of the key recommendations once the Dacre Committee had reported.

- Section 10 – Time for compliance regulations bringing NI schools into line with those in England and Wales should be through in time for the summer 2009 holidays.

8. Any Other Business

8.1 CFOI and Departmental returns

- 8.1.1** The Head of CFOI team reminded Practitioners that he headed up a very small business unit that needed to make best use of its time for the benefit of all Departments, and asked them to provide returns on time, so that the chasing up of late returns was kept to a minimum.

8.2 Quarter 3 2008 Performance Figures

- 8.2.1** Performance figures for the NICS in Quarter 3 had dipped below the 90% mark regarding timeliness of response. A positive response was expected from Departments in the next quarter.

8.3 FOI Tracking System Figures

- 8.3.1** Practitioners were advised of discrepancies between request figures being reported for quarterly publication purposes and request figures recorded on the FOI Tracking System. Each Practitioner was given details pertaining to their Department for management information purposes.

8.4 FOIPG Meeting Dates - 2009

- 8.4.1** CFOI will shortly issue dates for quarterly meetings in 2009.

Meeting concluded 12:50pm.