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NI Practitioners' Group on Freedom of Information Minutes of a Meeting held in Castle Buildings on Thursday, 5 March 2009 at 10:00am

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| Attendees | Bernard McCaughan | Central FOI team (CFOI), OFMDFM |
| | Brenda Marson | DEL |
| | Charlene McQuillan | DHSSPS |
| | Ciaran Murphy | OFMDFM |
| | David Crabbe | DRD |
| | David Huddleston | PRONI |
| | David Lammey (Chair) | CFOI, OFMDFM |
| | Imelda McConnell | DSD |
| | FOI Information Manager | NIO |
| | John Morgan | DFP |
| | Karen Davidson | CFOI, OFMDFM |
| | Paul McAllister | DCAL |
| | Paul McGrory | DOE |
| | Stephen Perrott | DE |
| | Tom Gwyn | DETI |
| | Una McClements | DARD |

1. Minutes of Previous Meeting

- 1.1 The minutes of the previous meeting, held on 4 December 2008, were agreed.

2. Matters Arising (from previous minutes)

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

Item 2.1.1: There have been no further developments regarding the DPA awareness campaign.

Item 2.1.3: The DPA e-learning package is now in the process of being 'rolled-out' across all Departments.

Item 2.4.1: Work on the updating of the NICS FOI 'Co-ordination Arrangements' document continues. When the first draft is available it will be circulated to Practitioners for comment.

Item 4.2.1: Departments that had provided feedback on the access to information 'stop-gap' (one-day) training courses were thanked. This feedback had produced only one issue of note - that the FOI course should last longer. This is now the case as the new bespoke course lasts one and a half days.

Item 8.5.1: The dates of the 2009 FOIPG meetings had been issued for information. Those remaining are: Tuesday, 9 June; Thursday, 3 September; and Thursday, 3 December 2009.

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3. Model Publication Scheme

3.1 The Head of CFI reported on his 26 February meeting with the Assistant Information Commissioner for Northern Ireland.

- It had been noted that Departments were populating Schemes as best they could but there were outstanding issues, especially around financial information.
- It had also been noted that Departments would welcome early informal contact about any ICO issues/queries. ICO had advised that it was planning a series of road-shows west of the Bann to publicise Publication Schemes. ICO had also advised that it would soon begin investigating complaints against a number of Departments.
- The Assistant Information Commissioner (NI) had been invited to attend Practitioners' Group meetings regularly to provide updates.
- The current Information Commissioner (Richard Thomas) was set to retire in June 2009. Christopher Graham (currently Director General of the Advertising Standards Authority) has been selected as the preferred candidate to succeed him.

3.2 It was also reported that following a recent meeting with the ICO, Ministry of Justice had advised that Model Publication Scheme monitoring would begin on 1 April 2009, and that the ICO will approach Departments if there is an obvious breach of the Definition Document or in response to a complaint.

3.3 The DFP representative updated colleagues on outstanding Definition Document issues referred to his Department. He advised that, in the main, they concerned Central Finance Group which was seeking Treasury guidance and, once that was received, he would report back. **Action: DFP representative to report.**

3.4 A discussion took place on the proactive publication of hospitality information and the use of templates to facilitate standardisation. The DFP representative was asked to circulate the standard template used within DFP. OFMDFM's representative then offered to circulate a link to the OFMDFM web page containing hospitality information. **Actions: DFP and OFMDFM representatives to provide their respective templates. OFMDFM's template was provided in March and DFP's in May.**

3.5 Departments were advised that they should review their redaction practices to ensure that it was not possible to tamper with redactions made to documents. The OFMDFM representative agreed to circulate information about OFMDFM's redaction method. **Action: The information was circulated on 9 March.**

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4. Review of '30-Year Rule'

- 4.1 The (Dacre) Report on the Review of the '30-year rule' was discussed. It was thought likely that the 15-year recommendation would prevail but that it was unlikely there would be any legislative changes before the end of this year. Practitioners were advised that PRONI would issue a survey form with a view to obtaining information on records likely to be affected by a reduction of the 30-year rule. It was noted that the Public Records Act (NI) 1923 may need to be amended if the main recommendation is accepted.

5. FOI Tracking and Monitoring System

- 5.1 With regard to the current system, CFI was currently awaiting proposed running costs from Fujitsu for 2009/10. Higher costs were anticipated as extra disk space was required.
- 5.2 CFI was still considering 'next steps' in terms of the replacement of the current system, and would update colleagues in due course.

6. Employment Issues: Sub-Group Update

- 6.1 Practitioners were advised of the ramifications of introducing a new request category. It was explained that the Tracking System's technical make-up limited the scope for change. On balance, Practitioners agreed not to pursue an additional category.
- 6.2 Departments that had forwarded to the sub-group details of requests they had received concerning employment issues were thanked. A sub-group member was soon to meet with Central Personnel Group to discuss the possibility of proactively disclosing employment-related information in the future.
- 6.3 Practitioners were reminded that HR Connect staff should not be responding to FOI requests and that a process had been established for obtaining information from HR Connect. A letter of 6 February 2009 from the NICS HR Connect Service Manager to HR Directors detailing the process would be circulated. **Action: CFI circulated letter on 10 March.**

7. Access to Information Training

- 7.1 Practitioners were advised of CFI's thoughts on suggestions made by Amberhawk Training Ltd regarding the structure and content of the new range of training courses. It was agreed that Amberhawk should be asked to adhere to the specification of requirements provided by Practitioners last year.

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- 7.2 Practitioners were also advised that DOE staff had attended a one-day 'Auditing DPA' training course on 20 February. The DOE representative provided feedback on the course. He indicated that the course content was not solely of interest to auditors.
- 7.3 ICO had been offered the opportunity to send a member of its staff to the various access to information training courses for evaluation purposes. Practitioners could also make use of the same arrangement at no cost.
- 7.4 The DEL representative believed it would be helpful to ascertain the level of interest in Information Systems Examinations Board (ISEB) courses. CFI agreed to canvas Departments. **Action: CFI issued e-mail seeking expressions of interest on 2 April.**

8. Whitehall update

- 8.1 Practitioners discussed the UK government's first use of the 'Ministerial veto', and noted some of the comments made in the debate that followed Jack Straw's ministerial statement.
- 8.2 The Head of CFI team advised on his meeting of 17 February with the FOI Policy Officers of the devolved administrations and a representative from the Ministry of Justice. He highlighted the following points:
- Section 5 – consideration of the issue of extended coverage continues.
 - Section 10 – Freedom of Information (Time for Compliance with Request) Regulations 2009 - extending the time limit for answering requests from 20 to 60 days during the summer holidays - are to come into force on 26 June. The regulations will bring NI schools into line with schools in England and Wales.
 - Section 46 (Records Management) Code will probably change in light of the outcome of the 30-year rule review report, but The National Archives (UK) has decided to issue the revised draft Code now. CFI will forward to Practitioners a copy of the revised Code. **Action: CFI circulated on 10 March.**
 - Section 75 commissioning letter is to be issued later this year or early next year.
 - Changes to FOI Reporting (in terms of statistical coverage and frequency of publication) were not anticipated in the near future.
 - His imminent attendance at the FOI seminar being run by the Committee on Standards in Public Life.

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9. Any Other Business

9.1 Quarter 4, 2008 Performance Report

9.1.1 Quarter 4, 2008 statistics had been collated and the Report drafted. CFI is awaiting Ministry of Justice figures in order to include comparisons.

9.1.2 Quarterly Reports would be sent to Practitioners following submission to Ministers and senior officials. **Action: CFI circulated Q4 results to Practitioners on 24 April.**

9.2 FOI Annual Report 2008

9.2.1 Practitioners were advised that annual FOI figures would be collected shortly.

9.3 Round Robin Requests

9.3.1 It was agreed that a 'central' RecordsNI container - accessible to all Departments - should be set up to allow Departments to place their respective responses to round robin requests in it. The aim is to share good practice and encourage consistency of response. **Action: CFI submitted a request for a new container to OFMDFM's Information Management Unit on 30 April.**

Meeting concluded 12:45pm.