

# Dealing with requests for information

## Introduction

The Freedom of Information Act comes into force on 1 January 2005 and the laws relating to access to information will change. Public bodies including the Health Protection Agency will be expected to publish routinely information about their activities and can be asked to provide any information that they have not published.

The Freedom of Information Act specifies how requests for information must be handled. Guidance on the HPA website tells members of the public how to request information, however it is possible that you will receive a request directly.

This document aims to define what is meant by information, how to handle any requests that you receive and why the HPA must respond to requests for information.

## The laws that govern access to information

- The Freedom of Information Act covers all information, which does not relate to the environment. It is intended to allow the public access to information on how government bodies make decisions and run services.
- The Environmental Information Regulations gives the public the right to information on matters which may affect the environment.
- The Data Protection Act was designed to prevent misuse of personal information. It states how public bodies and companies should handle personal details.

## What is and what is not information?

Information is defined legally as something which has already been recorded. This could be a publication, document, data, photograph, or email correspondence.

It does not include new advice, analysis, explanation or opinion, ie. you do not have to perform any further work on the information provided.

Requests for advice (such as medical or legal advice) or analysis of data are not covered by the term information. For example, a request for statistics on a particular disease is a request for information, whereas asking how those statistics should influence a patient's treatment is a request for advice.

## Who can ask for information?

Under the laws that govern access to information, anyone can ask for any information. A request may come from a member of the public, a writer, a pressure group, a member of staff or a solicitor. The person making the request is not required to tell you why they want it, what they want it for or

who they are, so requests may also be anonymous. All requests must be treated equally regardless of who is making the request.

### **Recognising an information request**

The first thing to be decided is whether a request is for information. If it is, then the next stage is to decide what type of request it is and who should deal with it.

- **Routine information requests:** some parts of our routine work and the services we provide include giving information. These requests should be handled as part of our normal service. For example, a request for test results from a hospital is part of our normal service, as is providing data to Health Protection Units.
- **Media requests (print and broadcast media):** if the request is from a journalist who asks for information to be used in a media article (such as a newspaper column or television documentary) then the request must be passed to the Press Office. The Press Office provides information for journalists and can provide advice and support to members of staff who have been asked to speak to journalists.
- **Parliamentary requests:** if the request is from a civil servant for a parliamentary question, or from member of the houses of parliament (Commons or Lords), a member of the European Parliament or a researcher working for a political party, then the request should be passed to extension 020 8327 7065 or by email to pqs@hpa.org.uk .
- **Requests that mention the Freedom of Information Act or other information access laws:** you must contact the HPA Freedom of Information Officer to ensure that the request is processed appropriately.
- **Other requests:** if the request is for information that does not form part of our routine service, and is not clearly indicated as being for the media or parliament, then it should be passed to the HPA Freedom of Information Officer. All requests handled by the Freedom of Information Officer are dealt with under the rules of the Freedom of Information Act, Data Protection Act, or the Environmental Information Regulations.

The person making the request is not obliged to tell you who they are or what they want the information for. All they have to supply is their question and a way to send them a reply, such as an email address. Remember that all requests must still be treated equally, so a request coming from an anonymous email address is just as important as an official letter.

### **Difficult requests**

If a request appears vague, the HPA must seek clarification from the person who made the request - we cannot ignore it.

We are not allowed to make an excuse such as 'we can't find it' or 'we don't want to give out that information because it's embarrassing'. The information access laws include strong penalties for non-compliance.

Information records must not be altered or 'covered up'. Anyone found to have deliberately disposed of or altered records which they know are part of an information request can be fined up to £5,000. That's a personal fine, and you will have to pay it, not the HPA.

### **How to refer a request to the HPA Freedom of Information Officer**

- If you have already received the request in writing, please forward it directly and immediately to the HPA Freedom of Information Officer, clearly stating when you received it and any additional information. Contact details for the Freedom of Information Officer are given at the end of this document and are also available on the intranet and website.
- If the request is made by telephone or in person, please ask the person who is making the request to contact the HPA Freedom of Information Officer directly to make their request. Details of how to make a request for information are available on the intranet and website. Please refer requestors to this if they are unsure. A telephone enquiry line is also available.

### **How the HPA Information Governance Officer processes requests**

1. The Information Governance Officer looks at the request and decides which type it belongs to, ie. whether it should be processed under the Freedom of Information Act, Data Protection Act or Environmental Information Regulations.
2. The request is logged and assigned a reference number. An acknowledgement is sent to the requestor within three working days, saying when they can expect a full reply.
3. The Information Governance Officer locates the information requested. Requests may be referred to colleagues with expertise in the relevant subject. When requests are referred, the details of the person making the request will be removed so that the answer is unbiased. The member of staff to whom the request is referred is responsible for returning the information to the Freedom of Information Officer within the time stated. If this is not possible, the expert must contact the Freedom of Information Officer to discuss the situation and agree how to proceed.
4. A full reply must be sent to the requestor within 20 working days under the Freedom of Information Act, and within 40 days for the Environmental Information Regulations and the Data Protection Act. The reply will state: whether or not the HPA has the information, whether it can be released, and it will include all the requested information that we are allowed to

release. Some information cannot be released (see exemptions). If the information requested would require significant extra work to collate or format, the HPA will inform the person making the request of the cost. The work will be undertaken when the person making the request has agreed to cover the cost.

For full details on how requests are processed, see the HPA Information Request Procedure.

## **Exemptions**

### *Absolute exemption*

There are certain types of information, which we are definitely not allowed to release. These are absolute exemptions and they apply in situations where our duty of openness conflicts with other duties, such as patient confidentiality or national security. However the exemption only applies to the actual bits of information which are relevant, not the whole document. For example, it could be acceptable to release statistics about cases of a disease in a particular hospital, if the patients' names were removed and it was not possible to deduce the identity of the patients from the other information provided.

Absolute exemptions include:

- Information that is already available in the public domain. For example, we do not have to provide information that is on the website or published in a book or journal.
- Information that is not yet complete. For example, we cannot release research study findings before the study has finished.
- Information relating to the courts or Houses of Parliament (does this include advice to government departments and agencies?).
- Personal information (unless the requestor is asking for information about themselves).

### *Qualified exemptions*

There are situations where we have to consider the consequences to the public of releasing or not releasing information, before we make a decision. This is called the public interest test. The requests it applies to are called qualified exemptions.

Qualified exemptions include:

- Information intended for future publication
- Information which relates to national security, defence or international relations
- Information which relates to investigations by a public authority
- Health and Safety information
- Commercial information

Any requests which may be covered by an exemption must be passed to the Freedom of Information Officer so that an appropriate examination of the

reasons and reply can be made. The relevant exemption must be specified in our reply to the requestor.

Please don't comment on possible exemptions to anyone making a request, because it is very difficult to judge whether exemptions will apply before going through the proper process. Pass on the request so that it can be dealt with appropriately.

**Further information**

More information about information governance and related issues is available on the HPA intranet and website. If you have any further queries, please contact the Freedom of Information Officer (contact details below).

If you have any comments or suggestions about how we could improve information for staff about dealing with information requests, we would be happy to hear them. Please contact the Freedom of Information Officer.

**Freedom of Information Officer**

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