

# Freedom of Information policy

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## Introduction

**1** This document contains the policy of PSAA with respect to freedom of information under the Freedom of Information Act 2000 (FoIA) as amended by the Protection of Freedoms Act 2012. The general right of access to information under section 1 FoIA applies to “public authorities” which include companies which are wholly owned by the public sector as defined in Section 3(1)(b) and 6(2)(b). Public authorities are bodies listed in Schedule 1 or designated by an order of the Secretary of State under section 5, or “publicly-owned” companies. A company is wholly owned by the public sector if, and only if, every member of that company is (i) a relevant public authority or a company wholly owned by the wider public sector, or (ii) a person acting on behalf of a relevant public authority or of a company wholly owned by the wider public sector.

PSAA is wholly owned by the Improvement and Development Agency for Local Government (IDeA), which in turn is wholly owned by the Local Government Association (LGA). This in turn means that IDeA and PSAA are both within scope of FoIA because all of their respective members are companies wholly owned by the public sector (i.e. Local Authorities and Fire and rescue Authorities). PSAA is therefore a publicly owned company and subject to FoIA.

**2** The FoIA provides public access to information held by public authorities. It does this in two ways:

- Public authorities are obliged to publish certain information about their activities
- Members of the public are entitled to request information from public authorities

**3** The FoIA gives two related qualified rights – the right to be told whether the information is held and the right to receive the information, subject to exemptions. The right of access applies regardless of the purpose of the application

**4** The Act covers any recorded information held by a public authority in England, Wales and Northern Ireland and by UK-wide public authorities based in Scotland. Recorded information includes printed documents, computer files, letters, emails, photographs, hand written notes and sound or video recordings.

**5** The Act does not give people access to their own personal data (information about themselves). Individuals wishing to see information about themselves need to make a Subject Access Request under the Data Protection Act 2018.

**6** This policy will also be applied for requests for information in accordance with the Environmental Information Regulations 2004 (EIR2004).

## The Policy

**7** PSAA takes its responsibilities under the FoIA seriously and will carefully consider requests for information and will:

- Respond to requests for information promptly and within 20 working days from the day after the day of receipt. Where we are not able to do so we will inform requesters of the reasons and keep them updated of progress in dealing with their request;
- Maintain a ‘Publication Scheme’ that provides information which is readily accessible without the need for a formal FoIA request;
- Continue to protect the personal data entrusted to us, by disclosing it only in accordance with the Data Protection Act 2018;

- Consult with third parties before disclosing information that could affect their rights and interests. However, we reserve the right to take the final decision on disclosure;
- Reserve the right to make reasonable charge for information requests in line with the FoIA Fees Regulations or other applicable regulations, including charging for requests made under the Data Protection Act 2018;
- Where we are not minded to disclose information where exemption(s) apply seek to explain the exemption and how we are applying it;
- Provide an internal review process for requesters; and
- Ensure that all staff are aware of their obligations under the Act to make information available.

**8** PSAA is a small organisation which may mean that, on occasions, the capacity to respond to all information requests within the timeframes stipulated in paragraph 7 may not be possible. If delays are likely to occur, the requester will be notified and provided with an indication of response times.

## **Making a request for information**

**9** To be valid under the FoIA, requests:

- Must be in writing;
- Must clearly describe the information being sought;
- Can be made by an individual or an organisation;
- Can be made by letter, or email;
- Must be legible; and
- Must contain the name of the applicant and a return address.

**10** To be valid under the FoIA requests do not:

- Have to be written in a special form;
- Need to mention the FoIA; or
- Need to refer to “Freedom of Information”.

**11** When making your request you should include:

- Your preferred correspondence details e.g. name, email or postal address
- A clear description of the information you are requesting in as much detail as possible. If we need to clarify your request it may take longer to provide the information to you

**12** PSAA has a duty to provide advice and assistance to applicants under Section 16 of the FoIA so far as it would be reasonable to expect PSAA to do so. PSAA must advise whether it holds the information, and must normally supply it within 20 working days. However, if your request is unclear and we need further details to establish if we hold the information, we may ask you for

clarification. The time limit will stop and will not restart until we receive the additional detail from you.

**13** If you wish to request information which is not already published on our website through our Publication Scheme, please email [generalenquiries@psaa.co.uk](mailto:generalenquiries@psaa.co.uk) or write to us at:

PSAA  
18 Smith Square  
London SW1P 3HZ

**14** Any information we supply to you under FoIA should be for your personal use. We retain copyright to all information we disclose.

## Fees

**15** Section 9 of the FoIA allows PSAA to charge a fee for providing information in response to a request. The fee is determined in accordance with the Fees Regulations. The Fee Regulations set out what charges are permissible for information requests. These charges are currently defined as two elements, prescribed costs and disbursements.

**16** Under section 12 of the FoIA, PSAA does not have to comply with a request for information if the cost of compliance exceeds the 'Appropriate Limit', this is the limit for the estimated or calculated prescribed costs. The regulations define an 'Appropriate Limit', and for non-central Government it is currently £450.

**17** PSAA must still confirm or deny whether it holds the information requested unless the cost of this alone would exceed the appropriate limit.

**18** PSAA can only take into account the costs it reasonably expects to incur in:

- Determining whether it holds the information requested;
- Locating the information, or document containing the information;
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it.

**19** The cost will be calculated at £25 per hour per person, regardless of the actual cost or rate of pay. The calculation of the appropriate limit of £450 is equivalent to about 2.5 days of one person's time charged at the £25 per hour rate.

**20** In considering total costs likely to exceed the appropriate limit, PSAA can aggregate the costs of repeat requests for information from the same applicant/group which are received within a 60 working day period.

**21** Where a reasonable estimate is made that the appropriate limit of £450 for the costs of preparation would be exceeded then PSAA will either:

- Refuse to comply with the request; and/or
- Issue a fees notice to the applicant for the estimated amount.

**22** Where appropriate the applicant may be asked whether they would like to reframe their request so that it does not exceed the appropriate limit of £450, in these circumstances the

applicant will have the choice of amending the request or alternatively paying the preparation fees.

**23** Where the limit is exceeded, there is no requirement for PSAA to undertake work up to the limit. PSAA can also include the costs of Disbursement as a separate fee.

## Requests for review

**24** If you have not received the information you asked for, or if some of it has been withheld, PSAA has a procedure for reviewing FOI requests.

**25** You must put your request for review in writing within 40 working days of receiving PSAA's response, giving the reasons for your review request. You can either email [generalenquiries@psaa.co.uk](mailto:generalenquiries@psaa.co.uk) or write to PSAA at the address in paragraph 13.

## Appealing to the Information Commissioner's Office

**26** If you are not happy with the way your request has been handled or your review response you may appeal to:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow Cheshire  
SK9 5AF Tel: 01625 545745 or 0303 123 1113  
e-mail: [casework@ico.org.uk](mailto:casework@ico.org.uk)  
website: <https://ico.org.uk/>

**27** Further information about your rights under the FoIA is available from the website of the Information Commissioner's Office. [http://ico.org.uk/for\\_the\\_public](http://ico.org.uk/for_the_public)