Freedom of Information: Handling a request

Responding appropriately to requests for information under access to Information legislation, consistently across the organisation, is an essential skill for Welsh Government civil servants.

By following the standard processes set out here you can protect our limited resources whilst meeting what is required of you under the legislation. A guide to the '6 Rs' is available on this page.

# Freedom of Information requests and coronavirus

We are making citizens aware that the Welsh Government is facing unprecedented challenges during the coronavirus (COVID-19) pandemic.

We know that resources, both finances and people, are being diverted away from many of our usual activities to deal with the pandemic that will undoubtedly impact on our ability to comply with the normal requirements for information rights work. As a result we should make it clear to the public that delays maybe experienced when we are providing information rights requests during the pandemic.

The Information Commissioner's Office have issued an article entitled "FOI and the coronavirus: a measured approach" that details the approach they are taking during this time.

# Allocation of requests

If you receive a request direct that cannot be routinely met contact the Information Rights Unit (IRU) immediately so they can log the request. It is important to do this as soon as possible as the time limit for responding starts on the day a request is received by the Welsh Government, not when it's logged by IRU.

Once logged, the IRU will allocate the request to the appropriate Deputy Director to manage. In the majority of cases the Deputy Director will delegate administration of the request to a Lead Official in their division.

# Next steps

The resources in this section are designed to guide and support you step by step through the handling process. You can also find contact details for expert advice on managing your response.

# Assess the request

Making a full, objective assessment of the request for information you have received is a critical part of the early handling process.

To help you asses the request, there are 6 questions you should answer by the end of day three. Remember, only consider information we hold.

Refer to the Full Guide for advice on how to answer these questions and what to do next:

1. Is the request clear and unambiguous?
2. Is the applicant seeking information about him or herself?
3. Has the information been requested before?
4. Do we hold the information?
5. Does the request exceed the 'appropriate limit'?
6. Can the request be regarded as vexatious?

# Assign 'Corporate sensitivity' rating

When assessing the request you will also need to assign a low, medium or high sensitivity rating. Your Deputy Director and Key Individual can assist you in assigning your request.

# Appropriate limits and exemptions

In order to protect our limited resources, the Freedom of Information Act allows the Welsh Government to refuse a request if complying with that request would exceed an 'appropriate limit'. This limit is set at £600, which equates 24 hours of work to comply with the request.

# Do a cost estimate exercise

If you believe a request will exceed the appropriate limit, you need to undertake a costing exercise in order to inform any decision. Contact your Key individual or IRU early if you think that the appropriate limit could be exceeded. They will ask to see your cost estimate and how you arrived at the estimate. This information will also need to be provided to the requester.

If you have decided to proceed to gathering the information captured by a request, you must consider whether the information engages one or more of the exemptions in place under the FOI legislation.

# Exemptions

The Freedom of Information Act contains a number of exemptions which allow us to withhold information from being released, where, in most cases, the release of that information can be shown to result in harm.

A full list of these exemptions is provided in the Full Guide. Advice on the use of exemptions should be obtained from your Key individual or IRU as early as possible.

# Disclosure

If you plan to release a document, preparation will sometimes involve an editing process known as redaction. This process removes information being withheld from a document under an exemption. You may also need to remove some of the information in a document if it not caught by the request. The Full Guide provides detailed advice on redaction.

# Proactive publication

An essential part of developing, implementing and evaluating our policies and services is to consider whether related information could be published on our website for the benefit of the public and the organisation.

Proactively publishing information when appropriate has the potential to stem the need for individuals to make formal requests for recorded information, and in turn, for us to expend resources releasing information reactively.