The Executive Office
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THE EXECUTIVE OFFICE

Guidance on requesting information from TEO

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Introduction

This guidance outlines the various routes available for requesting information from The Executive Office (TEO). It explains the different legislative frameworks that may apply as well as the TEO publication Scheme

This document is designed to help you identify the most appropriate way to request information and determine which legislation, if any, is relevant to your request. It also provides signposts to further guidance and explains how to submit a request.

TEO Publication Scheme

The TEO publication scheme is available at The Executive Office Publication Scheme | The Executive Office

Is TEO information available in other languages or formats?

The information detailed in our scheme may be available in other languages and / or formats on request, for example, audiotape and large print. Publications which are available in other formats or languages will be noted accordingly.

You can email your request for information to foi@executiveoffice-ni.gov.uk.

When requesting information, please include the following details-

- your name and address.
- the information or documents you would like to access; and
- the way you would like the information sent to you, for example, as hard copy or via e-mail.

Are there any Charges/Fees?

We will indicate if there is a charge for a copy of the publication you request. The following charging policy will apply unless otherwise stated within the scheme.

Publications are free of charge from our website (i.e., there is no charge by us, although the user will have to meet any charges imposed by their internet service provider, personal printing costs, etc).

For those without internet access, a single printed version of the document will be available by post from the Department.

We will let you know at the time of your request the amount to be charged and if payment is required in advance.

Whilst it is intended that the majority of information contained in our Publication Scheme will be posted on our website, there may be certain publications which will only be available by post and for which there may be a charge. Where charges apply, this is clearly identified against the individual documents.

The Department reserves the right to charge for the production of multiple copies of documents, which are otherwise free of charge.

The Department also reserves the right to review its position on charging.

How soon can I get the information?

We will aim to make information available when requested. Most information may be accessed through this website. Some may be made available by email upon request. In some cases, the information may need to be posted and we will endeavour to do this within 5 working days of your request. If the information needs to be viewed at our premises, we will aim to contact you within 5 working days to arrange an appointment at a mutually convenient time.

Is there a Disclosure Log of previous FOI requests?

TEO does not currently publish a disclosure log of FOI requests made and the information provided in response.

Is any information exempt?

Under the Freedom of Information Act, some information may be deemed exempt from disclosure. For example, information may be withheld if its release would compromise the health and safety of staff, where confidential information or personal data about others is included or for reasons of security.

Where this occurs, the material will clearly show where information has been withheld and explain which exemption(s) have been applied, and why.

It should also be noted that information is exempt from the Act if it is reasonably available to the applicant by other means or if it is intended for future publication.

What about access to Historical Records?

Official records deemed of value for permanent preservation are normally transferred when they are 20 years old to the Public Record Office Northern Ireland (PRONI). The practice of releasing records under the '30-year rule' mechanism has been changed as a consequence of the Protection of Freedoms Act 2012, which provides for the gradual reduction of the 'rule' from 30 to 20 years.

What about Copyright?

TEO publications are subject to Crown Copyright, but official information is more readily available under the Open Government Licence (OGL) which is a simple set of terms and conditions that facilitates the re-use of a wide range of public sector information free of charge. When using information, created by the Department, please briefly describe it, and note where it came from (i.e., the source): also note the date on which it was published. You should also include a link to the information you used, if this is on our website, and a link to the licence, under which it was used.

Further information and guidance notes on publishing and copyright is available.

By post.

The National Archives, Kew,

Richmond, Surrey, TW9 4DU

By phone

Please call +44 (0) 20 8876 3444

Website.

The National Archives

What about Equality Screening?

The Department has considered its statutory equality obligations for the Publication Scheme under Section 75 of The Northern Ireland Act 1998. The Equality Commission’s screening criteria have been applied to the Scheme and have shown

that there is no evidence of significant implications on the equality of opportunity duty within the terms of Section 75.

There is therefore no requirement to carry out an equality impact assessment.

I can't find what I am looking for?

If the information you are looking for is not contained within the Scheme, you may make a request for the information under the routes described below.

How up-to-date is information on the Publication Scheme?

Most of the information included in our Scheme will be current. However, for certain classes of information, retrospective information is published.

How long is information kept on the Publication Scheme?

Information will not be available through the publication scheme indefinitely. We are committed to providing the public with as much information as is practically possible. It is important that the information we provide is relevant and up-to-date.

How the Executive Office deals with your personal information?

The personal information (e.g., name, personal email/home postal address) included in your correspondence, which the Executive Office now holds, will be handled in accordance with data protection legislation. It will be kept secure and only shared with relevant officials for the purpose of providing a response. This information will be retained for no longer than is necessary, and in line with the Department's retention and disposal schedule.

Freedom of Information Act 2000 (FOI)

What is the Freedom of Information Act?

The Freedom of Information (FOI) Act 2000 gives you the right to request information from public authorities. On the 1st of January 2005, the Act gave you the right to access information on how the Department works, spends public money, and reaches decisions.

How do I get information about TEO under the FOI Act?

You can find information on the TEO website. If you can't see what you're looking for you can contact using the details provided on Information Management Unit contact us.

Please state your name, address, telephone number and specific details of the information you require.

How long does it take to get information?

Once a request for information is received, we will endeavour to respond promptly, and at any rate, within 20 working days. This time can be extended where we are obliged to consider the public interest.

Is there a cost?

The FOI Act makes provision for public authorities to charge fees in accordance with the Fees Regulations. However, the majority of documents are free of charge from our website. There is no charge by us, although the user will have to meet any charges imposed by their internet service provider, personal printing costs, etc. For those without internet access, a single printed version of the document can be made available from the Information Management Unit..

TEO reserves the right to charge for the production of multiple copies of documents, which are otherwise free of charge. TEO also reserves the right to review its position on charging.

There may be instances where a request for information is so complex that it would exceed the cost threshold. In these circumstances you will be informed of the options

open to you, such as refining your question so that it can be dealt with without charge. In order to help requestors, obtain as much information as possible, we would advise that you adhere to the following main tips below to keep requests within cost limits.

- Avoid the use of terms such as, ’all documents relating to...’.
- Use specific timescales and phrases such as between 14/02/2024 to present day.
- If you are aware of specific titles of documents, then please provide them.
- Avoid excessive timescales which would involve searching huge amounts of paperwork.

What happens if the information I want is not available?

The Department cannot provide information that does not exist or that we do not hold, but we will always endeavour to assist you whenever possible. We will contact you about the relevant information we do hold or may suggest another public authority that might help.

Can I have any information at all?

Whilst the FOI Act is designed to provide access to more information than was previously the case, there are exemptions which limit the right of access.

The exemptions operate in different ways and the following factors are considered:

- the content of the information.
- the effect that disclosure would have.
- the source of the information; and
- the purpose for which the information was recorded.

The FOI Act recognises that the disclosure of certain categories of information may, at the particular time of the request, be harmful to the wider public interest. For example:

- where disclosure might be harmful to an important public interest, such as national security or international relations.
- where disclosure is prohibited by statute; or
- where responding to a request might involve providing personal information about other individuals.

As the FOI Act strikes the balance between different interests, a decision to withhold or release information will itself require a careful balancing act. Access to information legislation is about providing the framework within which decisions can be made on where the balance of public interest lies on the release or withholding of information on a case-by- case basis.

What if I am refused information?

We will tell you if information is being withheld and why. If you are unhappy with our decision, you have the right to request an internal review. This request should be in writing to:

- Director of Corporate Services, Room A5.15, Castle Buildings, Stormont Estate, Belfast, BT4 3SR
- Email - foi@executiveoffice-ni.gov.uk

If you are not satisfied with the internal review, you may appeal to the Information Commissioner. The Information Commissioner will expect that an internal review will have been carried out prior to appeal.

It is important to remember that there are other times when the Department will not be expected to provide answers to your requests; this is when a request is vexatious or repeated.

The request is vexatious

Occasionally, a minority of requesters sometimes abuse their rights under the Freedom of Information Act, this in turn threatens the credibility of the freedom of information system and diverts resources away from more deserving requests and, more importantly, the general functions of the Department. In these cases, the Department can refuse to comply with a request. When this is the case, we do not have to comply with any part of the request, or even confirm or deny whether we hold the information. When assessing whether a request is vexatious, the Act permits the Department to take into account the context and history of a request, including the identity of the requester and any previous contact with them. The decision to refuse a request often follows a long series of requests and correspondence.

The key question which the Department asks is whether the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation to the business area answering.

The request is repeated

The Department can also refuse requests if the requestor repeatedly asks the same question without allowing enough time for any of the information or the situation it is regarding to change.

How do I find out more?

More information is available from office of the Information Commissioner.

Can I Re-use Information?

The supply of information under the Freedom of Information Act (FOIA) does not give the recipient the automatic right to re-use it in any way that would infringe copyright. The Open Government Licence (OGL) is a simple set of terms and conditions that facilitates the re-use of a wide range of public sector information free of charge. For further details on how the OGL works go to the National Archives.

The United Kingdom General Data Protection Regulation (UK GDPR)

The Regulation provides a right of access to information held about the data subject by both public and private organisations unless an exemption applies, the means to make sure it's correct and the right to withdraw consent (if applicable).

TEO's Data Protection Statement of Policy.

The Executive Office (TEO) is fully committed to ensuring personal data is managed in accordance with the UK GDPR and its six principles. Our purpose for holding personal information, and a general description of the categories of people and organisations to which we may disclose it, is set out in the Information Commissioner's Data Protection Register.

How do I request Personal Data that I believe TEO holds on me?

The UK GDPR does not specify how to make a valid request. Therefore, if you would like a permanent copy of the data which you believe TEO holds on you, then we suggest that you submit a Subject Access Request to the Data Protection Officer either by phoning: Telephone number: 028 90 52 6123 or writing to the address below:

- David Moore, Data Protection Officer, Information Management Unit, TEO, E5.07 Castle Buildings Belfast, BT4 3SR
- By Email to: DPO@executiveoffice-ni.gov.uk

To help us locate your information, it would be helpful if you could provide as much information as possible as to the specific areas of our business where we might hold your personal data. It would also assist our search if you could specify the type of personal data, you are seeking when you supplied your data to TEO and for what purpose it was supplied. The UK GDPR provides that, in most circumstances, a fee is not chargeable.

You will need to provide a copy of adequate identification before your request is processed, for example:

- Passport
- Driving Licence

- Identity Card

Once this has been validated, we will provide a response within one calendar month.

The Environmental Information Regulations 2004 (EIR)

The Environmental Information Regulations 2004 provide public access to environmental information held by public authorities.

The Regulations do this in two ways:

- public authorities must make environmental information available proactively for example through their publication scheme;
- members of the public are entitled to request environmental information from public authorities.

When is information covered by the Environmental Information Regulations?

The Regulations cover any recorded information the Department holds that falls within the definition of 'environmental information'. It is not limited to official documents, it can cover, for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings.

Unlike the Freedom of Information Act, the Regulations do not explicitly exclude information that the Department holds solely on behalf of another person or body. The Regulations say that any information that is in the Department's possession that it has produced or received is considered to be 'held'. That said information merely stored for someone else would not be considered as being held.

The Regulations do not cover information that is in someone's head. If a member of the public asks for information, the Department only has to provide information it already has in recorded form. The Department does not have to create new information or find out the answer to a question.

How do I make an EIR request?

If you wish to make a request for environmental information which you feel the Department may hold you can send an e-mail to foi@executiveoffice-ni.gov.uk.