



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Access to Information Policy and Legislative Framework



Title:	Access to Information Policy
Version:	3
Directorate/Departmental ownership:	Corporate and Strategic Services
Officer responsible:	Head of Corporate and Strategic Services
Senior Management Team authorised on:	4 September 2023
Policy and Resources Committee authorised on:	11 October 2023
Review date:	September 2026
Location where document is held and referenced:	Policy Register

Work	Date	Version
Created	July 2016	1
Amended	June 2018	2
Amended	September 2023	3

Contents

Detail	Page No
Access to Information Policy	4
Appendices	
A - Legislative Framework	9
B - Procedure for dealing with requests (inc Flowchart)	12
C – Flow Chart for Dealing with Freedom of Information and Environmental Information Regulations Requests	20
D - Guidance on Data Protection Requests (Subject Access Requests)	22
E - Guidance on Requests to view or download CCTV footage	24
F - Templates	26
Glossary	32



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Access to Information Policy

1. Introduction

The public has a general right of access to the information held by Fermanagh and Omagh District Council, and the Council must release information on request, unless a relevant exemption/exception applies.

Procedures have been developed to ensure that the Council can respond appropriately to information requests under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the Data Protection Act 2018, and any other legislation that provides a right of access to information.

This Policy and associated guidance sets out the framework within which Fermanagh and Omagh District Council will promote a culture of good practice around the management of Access to Information (ATI) requests to ensure compliance with our statutory functions and legislative requirements.

2. Aims

The aims of this Policy are to:

- Promote greater openness and increased transparency of decision-making;
- Build the trust and confidence of the public and stakeholders; and
- Provide clarity on the way in which the Council will meet its duties under access to information legislations, guidance and best practice.

3. Commitment to Openness and Transparency

Fermanagh and Omagh District Council is committed to promoting and developing a culture of openness, transparency and accountability and will:

- Routinely publish information through the Council website and favour prompt disclosure wherever possible;
- Where information is not made available, explain clearly why and apply any exemptions/exceptions from disclosure consistently and in accordance with legislation;
- Deal with complaints in a positive and fair manner; and
- Operate a fair and efficient appeal system.

Requests for information are purpose blind, that is, staff should not attempt to judge why the request is being made and then collate the information based on that judgement. The response must be replied to with the aim of being transparent, applying exemptions only where they are justifiable. Anybody can make a request for any recorded information which they think the Council may hold in any format.

4. Who does this Policy apply to?

The obligations contained in this Policy apply equally to:

- All Council employees, including agency workers (where they are employed by FODC);
- Partners and other third parties, including contractors, volunteers, agencies, and any other organisation(s) that processes information on behalf of the Council or the Council processes information on behalf of them; and
- Those working for the Policing and Community Safety Partnership (who are Council employees) and for FODC animal welfare staff (who are part of a wider regional group).

5. Responsibilities

To ensure the successful implementation of the Access to Information Policy, clear roles and responsibilities have been identified:

Group or Individual	Role and Responsibilities
Elected Members	<ul style="list-style-type: none"> • Ensure resources are allocated to enable the Council to meet its responsibilities. • Provide the necessary challenge and hold senior staff to account for the Council's performance in information management. • Provide strategic leadership to drive the required culture of openness in the Council where requests are welcomed and valued. • Co-operate with any request that relates to them.
Chief Executive	<ul style="list-style-type: none"> • The Chief Executive has overall responsibility for embedding and applying this policy throughout the Council. • Approve responses when required.
Senior Management Team	<ul style="list-style-type: none"> • Allocate resources to enable the Council to meet its responsibilities. • Promote the aims of this policy throughout the Council. • Approve responses when required. • Consider related issues at SMT meetings.
Heads of Service	<ul style="list-style-type: none"> • Approve all responses for their service area. • Ensure employees are aware of this policy. • Ensure compliance with the policy. • Ensure that employees who have responsibility for processing personal data attend the relevant training.
Access to Information Advisory Panel	<ul style="list-style-type: none"> • Consider complaints/appeals on ATI responses. The Panel consists of the Council's Legal Advisor, the secretariat, and one senior member of staff from each Directorate.
Head of Corporate and Strategic Services, Information Governance Officer and Project Assistant	<ul style="list-style-type: none"> • Inform, advise and train the organisation and its employees about their obligations to comply with the policy and associated legislation. • Monitor compliance with the policy and associated legislation. • Conduct internal audits.

Group or Individual	Role and Responsibilities
All employees, partners and other third parties, including contractors, volunteers, agencies, and any other organisation(s) that process information on behalf of the Council or the Council processes information on behalf of them	<ul style="list-style-type: none"> • Ensure requests for information are dealt with in compliance with this policy and associated legislation. • Act in a way that protects Individuals and the Council from the adverse impacts of a data breach. • Bring matters of concern about non-compliance to the attention of the Head of Corporate and Strategic Services. • Co-operate with any request that relates to them. • Abide by the FOI declaration in RFQ/tender documentation.

6. Implementation

- 6.1 The Council will allocate sufficient resources to ensure the effective operation of the Policy.
- 6.2 The Policy links with the Legislative Framework (Appendix A).
- 6.2 The Policy is also supplemented by specific guidance:
- Procedure for dealing with requests – Appendix B
 - Flow Chart for Dealing with Freedom of Information and Environmental Information Regulations requests – Appendix C
 - Guidance on Data Protection requests – Appendix D
 - Guidance on Requests to view or download CCTV footage – Appendix E
- 6.4 The Policy and guidance will be available for staff on the StaffHub and on the Council website for the public.

7. Related Legislation and Policies

7.1 Related Legislation

The Council must comply with all statutory UK legislation that has links to the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the Data Protection Act 2018, and any other legislation that provides a right of access to information, these include, but are not limited to:

- Human Rights Act 1998
- Common law Duty of Confidence
- Public Records Act (Northern Ireland) 1923
- Criminal Justice and Immigration Act 2008
- The Privacy and Electronic Communications (EC Directive) Regulations 2003
- Data Protection (Charges and Information) Regulations 2018.
- Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002

- The Local Government Act (Northern Ireland) 2014
- The Local Government Act (Northern Ireland) 1972
- Access to Health Records (Northern Ireland) Order 1993
- Reuse of Public Sector Information Regulations 2005

7.2 Related Policies

This policy should be read in conjunction with the following Council policies:

- Information, Communications and Technology Policy and Procedures for Employees and for Elected Members;
- Disciplinary Policy;
- Data Protection Policy;
- CCTV Protocol and Town Centre CCTV Standard Operating Procedure;
- Records Management Policy and the Records Retention and Disposal Schedule; and
- Safeguarding Policies (for Children and for Adults at Risk)

8. Review

- 8.1 The Access to Information Policy will be formally reviewed every three years.
- 8.2 The Policy will also be subject to routine scrutiny and, from time to time, updates and re-issues will be circulated.
- 8.3 The policy will be reviewed sooner in the event of any one or more of the following:
 - A failure or weakness in the policy is highlighted;
 - Changes in legislative requirements; and
 - Changes in Government/Council or other directives and requirements.

Legislative Framework

1.1 Introduction

When the Council receives an information request, it will consider the nature of the information requested and, if applicable, identify the statutory access regime under which it will respond to that request.

1.2 Freedom of Information Act

The Freedom of Information Act 2000 (FOIA) provides the public with a general right of access to information held by the Council. The Council is obliged to publish certain information about its activities, and when a written request for information is made, the Council must provide a response promptly and no later than 20 working days. If the Council holds the information on any system (including backup systems and off-site storage archives) in any recorded format then the Council must usually provide the requester with the information.

Any information in the possession of, or held on behalf of, the Council is potentially disclosable, provided it is held for the purpose and interest of the Council. The Act does not cover information the Council holds solely on behalf of another person, body or organisation. The Act defines specific exemptions that apply where the Council may not be obliged to release the information.

1.3 Environmental Information Regulations

The Environmental Information Regulations 2004 (EIR) give members of the public the right to access information held by public authorities. The Council must proactively make environmental information available, and if the Council receives a request for information held on any of the environmental areas mentioned below, it is obliged to provide it promptly and no later than 20 working days. There are a number of exceptions to this rule.

Environmental information is any information in written, visual, aural, electronic or any other material form on:

- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
- (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the

elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;

- (d) reports on the implementation of environmental legislation;
- (e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
- (f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

EIR covers both old and new information, and applies to information recorded in any form, including written, visual, audio and electronic. The Council has an obligation to disclose environmental information in our possession which has been produced or received by us, or if it is stored elsewhere, by another person, on our behalf. This definition is wider than that under FOIA.



FOI v EIR

Although both pieces of legislation allow public access to information, there are differences, for example:

FOIA	EIR
<ul style="list-style-type: none"> • Requests must be in writing 	<ul style="list-style-type: none"> • Verbal requests can be accepted
<ul style="list-style-type: none"> • Cost limit applies if responding to a request would take over 18 hours 	<ul style="list-style-type: none"> • No upper/lower cost limit no upper limit means the request can't be refused because it would cost too much (manifestly unreasonable may be used), however no lower cost limit means reasonable charges can be requested
<ul style="list-style-type: none"> • Must respond within 20 working day period 	<ul style="list-style-type: none"> • Should respond within 20 working days, can extend for a further 20 working days if the volume and complexity makes it difficult
<ul style="list-style-type: none"> • 23 Exemptions- absolute exemptions do not require a public interest test, qualified exemptions do 	<ul style="list-style-type: none"> • 14 Exceptions -all require a public interest test (only part of personal data exception requires a public interest test)

1.4 Data Protection Act/General Data Protection Regulation

The Data Protection Act 2018 (DPA) and the UK GDPR 2018 require all organisations which handle personal information to comply with important data protection principles including in relation to privacy and disclosure. They allow people to find out what personal information is held about them by making a Subject Access Request (SAR). This covers information held electronically (including CCTV footage) and in paper records. The Council should respond to a SAR promptly and no later than one calendar month.

The Council is a registered data controller and is required to process data in accordance with the data protection principles.

1.5 Combined Requests

If a request for information comprises a combination of personal information relating to the individual requesting the information or a third party, environmental information or any other information, then the Council will separate out the request and deal with each element separately under the DPA, EIR and FOIA, as appropriate.

Procedure for Dealing with Requests

1. How requests for information will be managed

1.1 All requests for information will be considered and responded to accordingly

When a request for information can be responded to immediately/under normal business, it does not have to be treated as a request under Access to Information legislation, usual procedures should be followed.

Requests for information made under the Access to Information legislation will be co-ordinated by the Corporate and Strategic Services section assisted by the Personal Assistants of each Directorate

Where a request is to be dealt with under the Access to Information legislative framework, the Council must ensure that it is in writing, with a name and postal/email address and a description of the information they are requesting. EIR requests can be made verbally and where this does happen, the Council can put it in writing and process the request as a standard information request.

All requests for an individuals' own personal information, including requests for personal CCTV footage, will be dealt with under the DPA and the requester will be asked to fill in a Subject Access Request form.

If a requester asks for personal information about another person, that information is exempt under both FOIA and EIR if, among other reasons, it will breach one of the data protection principles to release the information.

Requests for viewing or downloading CCTV footage by the PSNI must include a Form 81 which the PSNI provide themselves. The Council also has a form which should be completed by staff and signed by the PSNI on collection of footage.

1.2 All requests for information must be logged

All requests for information must be logged. A unique reference number will be allocated to the request and an acknowledgement will be sent to the requester.

1.3 Requests for personal information will be treated as Subject Access Requests

An individual has the right to find out what personal information is held about them by the Council and this is called a 'Subject Access Request' (SAR). However, the requester does not need to call it a subject access request or make reference to the DPA.

If an individual wishes to make a request to receive information held about them by Fermanagh and Omagh District Council, they will be asked to complete a Subject Access Request form. There are exemptions to the right to receive personal information, including but not limited to, if it includes personal information of a third party, health data, social work data, confidential references.

In order to be valid, a SAR must:

- a) be made in writing,
- b) be supported by proof of identity (e.g. driving licence, passport, birth certificate), in order to prevent unauthorised disclosure; and
- c) be clear about the information required, (the Council reserves the right to seek clarification from the requester in order to locate the information).

The Council will, upon receiving a SAR, log and acknowledge it. The information, once collated, can be sent electronically, by post or collected in person. Under the DPA, the Council must respond within the one calendar month time limit.

1.4 Information held by other authorities

If Fermanagh and Omagh District Council does not hold the information requested (or part of it), but is aware that another public body does, the relevant contact details will be provided to the requestor.

1.5 Vexatious and repeated requests

Section 14(1) of the FOIA states

Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

The Council is not obliged to comply with vexatious or repeated requests for information. Where Officers consider that a request may be vexatious or repeated, Corporate and Strategic Services will work with the service area to make a response.

The Council will follow the ICO advice and guidance on vexatious and repeated requests. Where a request is considered vexatious or repeated, the requester must be provided with written notice of this.

1.6 Exemptions/Exceptions

Some information will be exempt from disclosure and this will differ, depending on whether it is a FOIA request, an EIR request or a DPA request. It is important; therefore, that there is due consideration and agreement about which legal regime the request falls under before applying an exemption/exception.

Under FOIA there are 23 possible exemptions that could be applied. Some exemptions are absolute, meaning you can automatically withhold the information, and some exemptions are qualified meaning they require a public interest test.

There is a presumption under EIR that environmental information must be released. The only available grounds for withholding information are set out in 14 exceptions, all of which are subject to a public interest test (only part of personal data exception requires a public interest test).

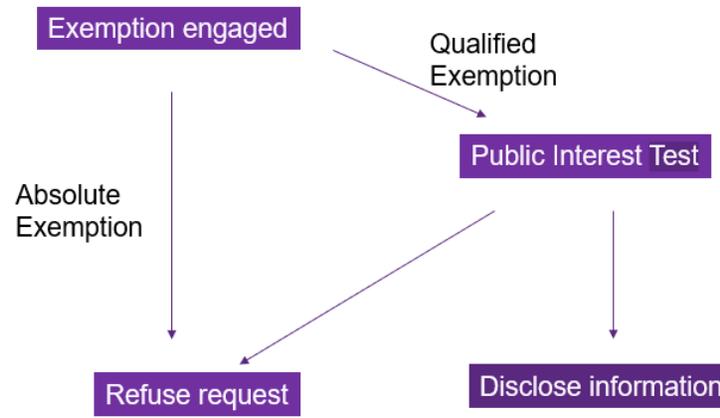
The EIR refer to disclosures that would adversely affect, rather than prejudice, the interest.

In some cases it may not be appropriate to even confirm or deny whether the Council holds certain information, a refusal notice must still be issued.

Further advice can be sought from the Corporate and Strategic Services section.

1.7 Public Interest Test

In the case of qualified exemptions and most exceptions, the Council must apply the public interest test in considering whether or not to disclose the information. The test is whether in all circumstances of the case, the Council considers the public interest in maintaining the exemption outweighs the public interest in disclosing the information.



1.8 Prejudice Test

Under FOIA, there is a prejudice test to be satisfied in the case of many (but not all) qualified exemptions. In order to engage them there must be a likelihood that disclosure would cause prejudice to the interest that the exemption protects. The EIR refer to disclosures that would adversely affect, rather than prejudice, the interest.

1.9 Charging

There is an exemption in relation to FOIA requests, where the cost of compliance by the Council exceeds the 'appropriate limit'. The appropriate limit is currently set at £450. The Council can only include identifying, locating, retrieving and extracting (photocopying/printing) the information at a rate of £25 per hour. So, the £450 limit equates to 18 hours work.

In any instance where the Council engages this exemption, the Council will record why this consideration has been made. When the Council calculates that a request for information will exceed the appropriate limit, the Council will go back to the requester to advise them of this and ask if they would like to narrow down their request in order to bring the scope of the request within the appropriate limit.

There is no statutory equivalent exception under EIR, however reasonable charges can be applied. As per the guidance on the ICO's website, the Council, as a public authority, can charge for supplying environmental information, but any charge must be reasonable and take account of the aim of the Regulations, i.e. everyone's right to access environmental information.

The Council will determine if it is necessary to issue a charge based on:

- the actual costs of the staff time it takes to locate information;
- staff time to put the information in an appropriate format for disclosure; and
- the disbursements (e.g. photocopying, printing and postage costs) in transferring the information to the requester.

This is different to the Freedom of Information Act (FOIA) where disbursements are the only charges permitted unless answering the request exceeds the appropriate cost limit.

FODC's schedule of charges is available on the website. Commercial charges are permitted in limited circumstances.

Any decision to charge a fee should be authorised by the relevant Head of Service or the Head of Corporate and Strategic Services and should be in line with the schedule of charges/fees as made publicly available on the website.

1.10 All redactions will be explained in the response

In some cases information will be required to be 'redacted' or obscured before being disclosed, for example the need to protect the identity of individuals. Redactions will be explained in the response.

1.11 Before sending the response

Staff must double check that the correct documents have been included, and that the information that is released does not contain unnoticed personal data or other sensitive details which was not intended to be disclosed.

This might be a particular issue if releasing an electronic document. Electronic documents often contain extra hidden information or 'metadata' in addition to the visible text of the document. For example, metadata might include the name of the author, or details of earlier draft versions.

In particular, a spreadsheet displaying information as a table will often also contain the original detailed source data, even if this is not immediately visible at first glance.

Staff responsible for answering requests must understand how to use common software formats, and know how to strip out any sensitive metadata or source data (e.g. data hidden behind pivot tables in spreadsheets). Any documents that are shared as part of the response must be in PDF format so as to avoid the problem that unseen information is shared unwittingly.

1.12 Clarification/Fee

If further information is required to respond to the request, clarification can be sought.

If clarification is sought (or a fee requested due to the request exceeding the appropriate limit), the time for compliance stops when the clarification/fee is sought and does not begin until the clarification/fee is received from the requester. If, after **one month**, the clarification/fee is not received, the request will be closed and the requester should be notified.

The Council does not have to comply with repeated or substantially similar requests from the same person other than at regular intervals, i.e. if someone is submitting the same or similar requests repeatedly, the Council can consider not responding but must inform the requester. Further advice can be obtained from the Corporate and Strategic Services section.

1.13 Sign off

All responses must be approved by a Head of Service/Lead Officer before being sent.

Where a Head of Service/Lead Officer has drafted the response, they must get approval from a Director. If their Director is on leave/not available, the delegated Head of Service can approve.

Directors drafting responses must seek approval from the Chief Executive. If the Chief Executive is on leave/not available, the delegated Director can approve.

Where responses require input from service areas within the same Directorate, the Heads of Service must jointly sign off the information from their respective service areas, and the Director approve.

Where responses involve information from more than one Directorate, Heads of Service must jointly sign off the information from their service areas, share this with CSS, who will then seek approval from one of the relevant Directors before sending the response out through the foi@ email account.

Templates for acknowledgement and responses are available in Appendix F.

1.14 Responses

All responses must be shared with the relevant Directorate PA.

2. How the Council will proactively publish information

In its commitment to be more transparent and open, the Council will increasingly publish information on the Council website with a focus on information regularly requested under the FOIA and in accordance with our desire to promote transparency.

The Council has specifically created an Open Data page on the Council website, and staff are encouraged to add to it. Open data is all about 'opening up' non-personal data held by the government and making it freely available. This idea is underpinned by the philosophy that data generated or collected by organisations in the public sector should belong to the taxpayers, wherever financially feasible and where releasing it won't violate any laws or rights to privacy (either for the public or government staff).

Open data is information that:

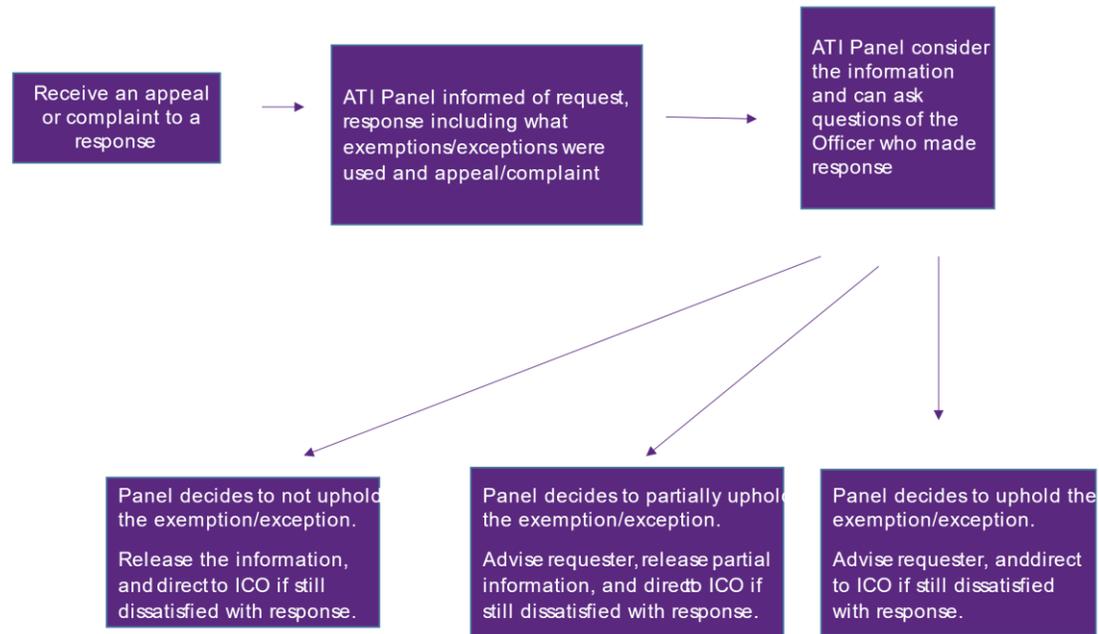
- is free to use for any legal purpose under the Open Government Licence,
- contains no personal data and meets Data Protection Act legislation, and
- is published in a form that makes it easy to manipulate in software like mobile apps.

3. How the Council will address ATI request complaints – The ATI Advisory Panel

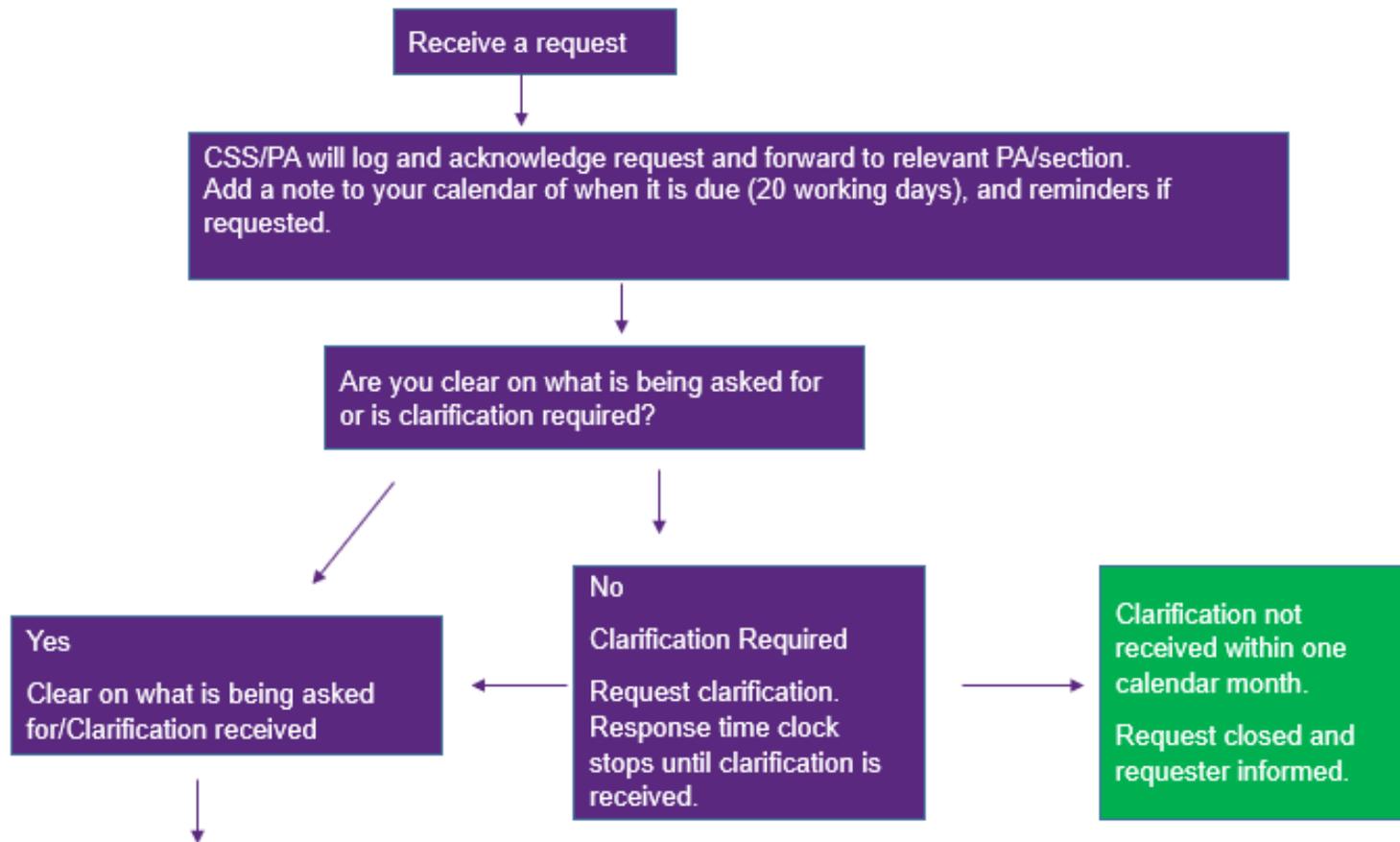
Fermanagh and Omagh District Council is committed to providing excellent services to the public and responds to those dissatisfied with their response as an important part of service delivery.

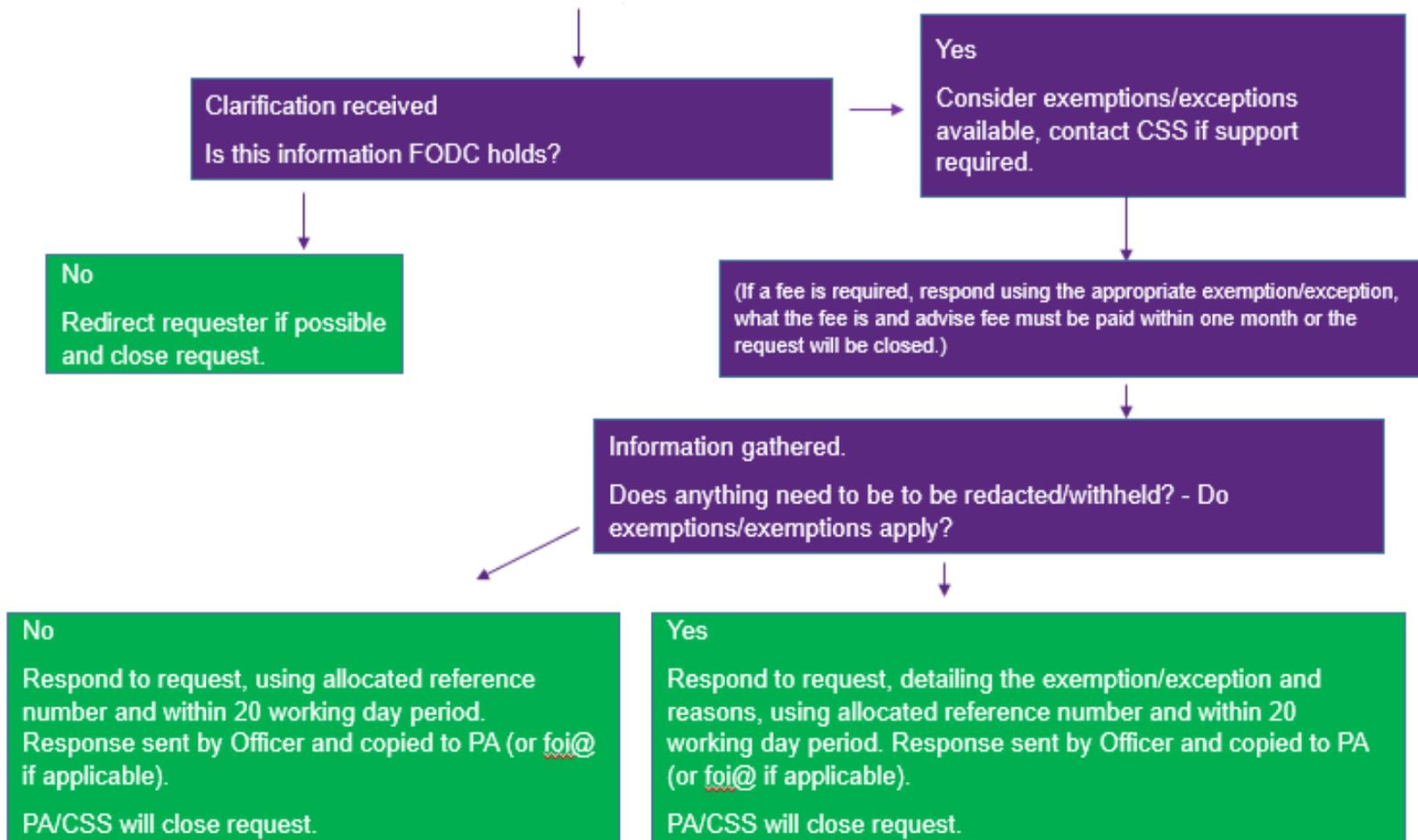
The Council has an internal process through which if an individual is dissatisfied with their response, they can appeal, or make a complaint to the Council's ATI Advisory Panel. The Panel will look at the request and the response, and speak with the applicable section if necessary, before making a decision on whether to uphold the exemption/exception or to disclose the information. The Information Commissioner's Office provides a further stage of appeal, should the complainant not be satisfied with the outcome of the internal investigation.

Appeal/complaint



Flow Chart for Dealing with Freedom of Information and Environmental Information Regulations Requests





Guidance on Data Protection Requests (Subject Access Requests)

1. Introduction

1.1 If it is determined that the information requested is personal, where the applicant is the subject of the information, access to the information will be dealt with as a Subject Access Request under the Data Protection Act 2018/General Data Protection Regulation 2018. Everyone has the right to ask for information which they think the Council may hold on them, how the Council is using the information, who it is being shared with and where the Council got their information from.

2. Guidance for Staff

2.1 There are seven data protection principles established in the UK GDPR:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

2.2 It is essential that full compliance with the Act is addressed and each staff member has a duty to maintain the integrity of the information and the confidence of the public who have an expectation their personal information is in safe hands. Staff must abide by the following obligations:

- Ensure proper care is taken when gathering, using or disclosing any personal data where it is necessary to meet your departmental functions;
- Take all necessary steps to keep personal information secure and only use it for the purposes intended;
- Personal comments and remarks on manual files or electronic records (including emails) must be appropriate and professional;
- Ensure the personal data recorded is accurate, clear and adequate;
- Keep personal data confidential and do not disclose it to any other person unless you are authorised to do so (if in doubt ask your line manager);
- Ensure that paper and electronic information containing personal data is disposed of securely and not removed from council premises without appropriate security measures, or left in an unsecure area;
- Keep system passwords safe, change regularly and do not disclose them to anyone;
- Attend DPA/GDPR Training, which is **mandatory**.

- 2.3 Requests for information under the Data Protection Act 2018 are similar to FOIA requests; anybody can make a request for any recorded information which they think the Council may hold on them.
- 2.4 If it is clear when a request is received that the information being requested is personal to the requester the request should be logged as normal and a SAR form emailed/posted to them.
- 2.5 Council must respond to SARs within one calendar month.
- 2.6 If clarification is requested, the time for compliance stops when the clarification is sought and does not begin until it is received. If, after one month, clarification is not received the request will be closed, the requester will be contacted to let them know.
- 2.7 There are exemptions to disclosing personal information, e.g. if the data is, or is likely to become, part of a criminal investigation; they work along the lines of the data protection principles. For further information, contact the Corporate and Strategic Services section.

3. Responsibilities

- 3.1 All SAR forms should be forwarded to the Corporate and Strategic Services section, who will either allocate the form to the applicable section or will liaise with the applicable sections to gather a response.
- 3.2 Directors and Heads of Service are responsible for ensuring compliance within their own sections.
- 3.3 The Head of Corporate and Strategic Services and Information Management Officer are responsible for dealing with SARs (unless they are from an employee and will then be dealt with by HR), the distribution of information, training to all appropriate staff (with HR) and for compliance with the Data Protection Act.
- 3.4 All staff are responsible for ensuring that any personal data is processed in a lawful manner.

Further information is available in the Data Protection Policy and Procedural Framework.

Guidance on Requests to view or download CCTV footage

1. Introduction

1.1 CCTV systems are installed in Council premises for a number of reasons:

- To increase the safety of staff, customers and the public in and around Council premises,
- To prevent, detect and investigate crime/anti-social behaviour,
- To assist with the apprehension and prosecution of offenders, and
- To assist with insurance claims, health and safety investigations and the overall management and supervision of Council buildings.

Images can be shared lawfully with other organisations for the specific purposes of law enforcement, investigation of incidents/claims or to comply with subject access requests. All disclosures will be in compliance with the Data Protection Act 2018, see Appendix D.

It is important to note that having the equipment is not essential, it is the purpose that is vital, equipment should not be installed or kept just because it can be, it should only be placed where there is a purpose. Article 8 of the Human Rights Act states that everyone has a right to respect for private and family life:

- a) Everyone has the right to respect for their private and family life, their home and their correspondence.
- b) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

2. Guidance for staff

- 2.1 Tampering with or misusing CCTV equipment or images is regarded as misconduct and will lead to an investigation and disciplinary action, which may result in dismissal or criminal prosecution.
- 2.2 Any employee who has involvement with CCTV equipment, in particular the viewing and downloading of images, should be aware that they could be asked to provide a statement and/or attend court by the Public Prosecution Service if a case using Council CCTV images is brought to court.
- 2.3 If you receive a request to view or download CCTV footage you should always contact the Corporate and Strategic Services section first where an assessment of the request will be made. There are exceptions which appropriate staff will be made aware of.
- 2.4 Anyone who has access to/is holding images should ensure they are stored securely.

3 Responsibilities

- 3.1 The Corporate and Strategic Services section has overall responsibility for dealing with requests to view/download CCTV footage.
- 3.2 The Parks, Estates and Property section has overall responsibility for the maintenance of systems/equipment.
- 3.3 Day to day management of the CCTV systems lies with designated managers. Where managers have been given responsibility, ICT should only be contacted for queries and problems with equipment.

Further information is available in the Surveillance Camera Systems Protocol.

Templates

Please contact Corporate and Strategic Services for guidance on exemptions/exceptions, if required.

1. Acknowledgement
2. Request for clarification
3. Extension required
4. Not for Council/no information held
5. Full response given
6. Refusal notice
7. Partial response given
8. Appeal acknowledgement
9. Appeal response

Templates can be merged if required, e.g. if you know you need clarification when acknowledging the request, combine templates 1 & 2.

1. Acknowledgement

Dear

Thank you for your request for information received on xxxx in which you ask (for) **(add request)**.

Your request has been logged as **ATI xxxx/yr** (e.g. ATI 3909/23) and you should receive a response no later than **xxxxx** (20 working days).

Kind regards

2. Request for clarification

Dear

ATI xxxx/yr

Thank you for your request for information received on xxxxx in which you ask (for) **(add request)**.

To help us to deal with your request properly, I would be grateful if you could **clarify (explain how the applicant might clarify their request)**.

Please note, the period to respond is suspended and will resume when we receive clarification and are satisfied that we have sufficient details to identify or locate the information you require.

Kind regards

3. Extension required

Dear

ATI xxxx/yr

I am writing further to our acknowledgement email/letter dated xxxxx about your request for xxxxxxxx.

I regret that we are unable to send you a full response to your request within 20 working days, as required by the Act. This is because xxxxx.

I would like to apologise on behalf of the Council for this delay, but I can assure you that we are dealing with your request and we will send you a full reply as soon as we can. We now aim to send you a full reply by xxxxxxxx.

If you have any questions about the handling of your information request in the meantime, please do not hesitate to contact xxxxxx.

Kind regards

4. Not for Council/no information held

Dear

ATI xxxx/yr

Thank you for your request for information.

Request

XXXX

Response

Fermanagh and Omagh District Council does not hold the information you have requested. (provide an explanation as to why the information is not held/no longer held).

OR

Local Councils in Northern Ireland do not have, e.g., Health/Education/.... under their remit. You should contact xxxxxx who may be able to assist you. (Provide contact details/website of department of health/education, etc. – foi page if can be found)

If you have queries regarding your response or require any clarification, please contact xxxxxx at xxxx@fermanaghomagh.com or phone 0300 303 1777.

If you are dissatisfied with your response you may appeal to the Council's Access to Information Advisory Panel by return email/post within 40 working days from the date of this letter at:

ATI Advisory Panel, Fermanagh and Omagh District Council, 2 Townhall Street, Enniskillen, Co Fermanagh, BT74 7BA, email foi@fermanaghomagh.com or phone 0300 303 1777.

If you remain dissatisfied with the response to your appeal, you may contact the Information Commissioner's Office at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF, email ni@ico.org.uk, phone 0303 123 1113.

Kind regards

5. Full response given

Dear

ATI xxxx/yr

Thank you for your request for information.

Request

XXXXX

Response

XXXXX Can detail response here if short, or add an appendix.

If you have queries regarding your response or require any clarification, please contact xxxxxx at xxxx@fermanaghomagh.com or phone 0300 303 1777.

If you are dissatisfied with your response you may appeal to the Council's Access to Information Advisory Panel by return email/post within 40 working days from the date of this letter at:

ATI Advisory Panel, Fermanagh and Omagh District Council, 2 Townhall Street, Enniskillen, Co Fermanagh, BT74 7BA, email foi@fermanaghomagh.com or phone 0300 303 1777.

If you remain dissatisfied with the response to your appeal, you may contact the Information Commissioner's Office at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF, email ni@ico.org.uk, phone 0303 123 1113.

Kind regards

6. Refusal notice

Dear

ATI xxxx/yr

Thank you for your request for information.

Request

XXXXX

Response

I can confirm that the Council holds the information that you requested.

Considerations, balance, PIT

Accordingly, Officers have applied Section xx of the Freedom of Information Act 2000/Regulation xx of the Environmental Information Regulations 2004 to the information you requested.

If you have queries regarding your response or require any clarification, please contact xxxxxx at xxxx@fermanaghmagh.com or phone 0300 303 1777.

If you are dissatisfied with your response you may appeal to the Council's Access to Information Advisory Panel by return email/post within 40 working days from the date of this letter at:

ATI Advisory Panel, Fermanagh and Omagh District Council, 2 Townhall Street, Enniskillen, Co Fermanagh, BT74 7BA, email foi@fermanaghmagh.com or phone 0300 303 1777.

If you remain dissatisfied with the response to your appeal, you may contact the Information Commissioner's Office at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF, email ni@ico.org.uk, phone 0303 123 1113.

Kind regards

7. Partial response given

Dear

ATI xxxx/yr

Thank you for your request for information.

Request

XXXXX

Response

XXXX

Please note some information has been redacted/a file has been withheld under Section xx of the Freedom of Information Act 2000/Regulation xx of the Environmental Information Regulations 2004.

Considerations, balance, PIT

If you have queries regarding your response or require any clarification, please contact xxxxxx at xxxx@fermanaghomagh.com or phone 0300 303 1777.

If you are dissatisfied with your response you may appeal to the Council's Access to Information Advisory Panel by return email/post within 40 working days from the date of this letter at:

ATI Advisory Panel, Fermanagh and Omagh District Council, 2 Townhall Street, Enniskillen, Co Fermanagh, BT74 7BA, email foi@fermanaghomagh.com or phone 0300 303 1777.

If you remain dissatisfied with the response to your appeal, you may contact the Information Commissioner's Office at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF, email ni@ico.org.uk, phone 0303 123 1113.

Kind regards

8. Appeal acknowledgement

Dear

Your request for an appeal of **ATI xxxx/yr** has been received and passed to the Council's ATI Advisory Panel. You should receive a response no later than xxxxx (20 working days).

Kind regards

9. Appeal response

Dear

ATI xxxx/yr

Request

Appeal

Response

In considering your appeal, the ATI Advisory Panel looked at your initial request, the Council's response and ICO guidance.

Considerations, balance, PIT

Accordingly, the ATI Advisory Panel is upholding the exemption/exception applied under Section xx of the Freedom of Information Act 2000/Regulation xx of the Environmental Information Regulations 2004; no further information will be released to you.

OR

Accordingly, the ATI Advisory Panel is not upholding the exemption/exception applied under Section xx of the Freedom of Information Act 2000/Regulation xx of the Environmental Information Regulations 2004; please find attached the remaining information you requested.

If you have queries regarding your appeal or require any clarification, please contact xxxxxx at xxxx@fermanaghomagh.com or phone 0300 303 1777.

If you remain dissatisfied with the response to your appeal, you may contact the Information Commissioner's Office a:
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF, email ni@ico.org.uk, phone 0303 123 1113.

Kind regards

Glossary

ATI	Access to Information
DPA (2018)	Data Protection Act 2018
UK GDPR	UK General Data Protection Regulation
SAR (DSAR)	(Data) Subject Access Request
FOIA	Freedom of Information Act 2000
EIR	Environmental Information Regulations 2004
FODC	Fermanagh and Omagh District Council