

BRITISH TRANSPORT POLICE AUTHORITY

Report to: Stakeholder Relations & Consultation Strategy

Date: 6th April 2009

Subject: BTPA FOI Scheme & proposals for a DPA Statement

Sponsor: Deputy Chief Executive & Clerk

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For: Information & Approval

1. PURPOSE OF PAPER

- 1.1 To present the Authority's draft Freedom of Information (FOI) publication scheme for information and approval.
- 1.2 To recommend to the Committee that the Secretariat also review and refresh the Authority's FOI Policy so that this may also be published on the new BTPA website.
- 1.3 To recommend to the Committee that the Secretariat produce a separate Data Protection Act Statement for the Authority in due course.

2. BACKGROUND

- 2.1 The Freedom of Information act 2000 (FOIA) fully came into force early in 2005 and relates to improving access to official information. The Act gives general right of access to a range of information held by public authorities, including police authorities, and sets out specific arrangements for increasing transparency around the information held by individual bodies and the processes for responding to requests for this information.
- 2.2 Section 19 of the Act further requires public bodies to produce (or adopt) an approved FOI Publication Scheme which sets out the various categories of information held by a public body, how this information can be requested and any charges made for providing this information.
- 2.3 Since 2005 public bodies (including BTPA) have typically developed their own schemes which were then approved by the ICO; however on January 1st 2009 Information Commissioner's Office published a 'Model Publication Scheme' and supporting sector specific guidance in order to achieve a degree of consistency in approach. This Model Publication

Scheme must be adopted and all public bodies are assumed to have done so unless an amended scheme has been developed and subsequently approved by the Information Commissioner.

3. DRAFT SCHEME

- 3.1 The Secretariat has now reviewed the ICO's Model Publication Scheme and the sector specific guidance and compared this with the information currently held by the Authority and is confident that the model scheme can be adopted by BTPA without the need for modification.
- 3.2 The Secretariat has used the approved Model Publication Scheme (and ICO definitions document for police authorities) to develop a draft FOI Publication Scheme for the Authority which is attached to this paper at Appendix A.
- 3.3 In reviewing the information currently held by the authority it has been useful to consider the extent to which we make available the information we hold and how we might decide to do this in the future. Appendix B to this paper sets out our current position against the sector specific guidance and how we may wish to proceed.
- 3.4 As the Authority has not reviewed its FOI policy for some time it may also be timely to review and refresh this document to ensure that it is still accurate and complements the new Publication Scheme.

4. PROPOSALS FOR A DATA PROTECTION ACT STATEMENT

- 4.1 Separate legislation exists for the management and release of personal data. The Data Protection Act (DPA) 1998 governs the use and management of personal data and while this legislation interacts with the FOIA 2000 the basic rule is that information to which the DPA applies will be exempt from disclosure under the FOIA¹.
- 4.2 While the Authority has written internal guidance on handling requests for personal data, it is recommended that a separate public facing BTPA DPA policy, or at least a distinct section within the refreshed FOI policy, is developed.

5. FOR DECISION

- 5.1 Members are asked to note and approve the draft BTPA Publication Scheme as attached at Appendix A; also to note the supporting information presented at Appendix B. It is recommended that this document then forms a discreet section of the Authority's revised website

¹ The Law Society (2008) Freedom of Information handbook (2nd edition), p 15.

with links to the relevant documents/sources of information the Authority intends to publish.

- 5.2 Members are also asked to approve a review and refreshment of the current BTPA FOI policy; this is not likely to involve significant changes to the current document but will involve carrying out an initial equality impact assessment (IEIA). As such it is recommended that the revised policy and IEIA be brought back to the next meeting of the Committee for information and approval.
- 5.3 Members are also asked to approve the recommendation that the Secretariat develop a separate DPA Statement/Policy in due course.