

Access to Information Policy

The **Freedom of Information Act (FOIA)** gives a public right of access to information held by public bodies and the Commissioner is committed to transparency and openness in the way we work as an organisation to enable better public understanding of why and how she carries out her functions, whilst respecting the privacy of individuals who approach us. We wish to be as open as possible and to supply the information asked for, unless there are legitimate reasons not to do so.

In addition to meeting the requirements of the FOIA and related legislation the Commissioner is committed to the use of clear, plain language and producing accessible, easy to read documents.

Personal information is protected by the principles of the Data Protection Act (DPA) and from 25 May 2018 the General Data Protection Regulation (GDPR) brings some significant changes to the ways in which we handle personal information.

The ICO website gives further information about GDPR - <https://ico.org.uk>

How to make a request for information under the FOIA general right of access

Requests for information should:

- Be made in writing (including email) to the address below
- Include your name and address (this may be an email address)
- Describe clearly the information you require.
- Specify how you would like to receive the information (e.g. by email or post)
- Be as specific as possible in your request e.g. provide date ranges
- Before you send your request it may be helpful to check our Publication Scheme to see whether the information you want is already available,

Office of the Future Generations Commissioner for Wales
Market Chambers
5-7 St Mary's Street
Cardiff CF10 1AT
Email: contactus@futuregenerations.wales

How we will handle your request for information

When we receive a request for information we will first make an assessment whether the information is held by us.

There are some important differences that will affect how we handle your request:

- Information held by the Commissioner is subject to the Freedom of Information Act (FOIA). Some information may already be available (on our website or through a previous request).

- Environmental Information Regulations (EIRs) relate to certain categories of information relating to the environment. Requests for environmental information do not need to be in writing, but for clarity this may be advisable.
- If you are asking for personal information about yourself this will be dealt with as a **Subject Access Request** (SAR). We would need to confirm your identity and may require payment of a fee (see Making a Subject Access Request below).

Our obligations

We will as far as is reasonable and practicable:

- Provide those seeking information with advice and assistance.
- Consult relevant third parties regarding requests
- Provide as much information unless it is covered by a legal restriction
- Respond quickly and provide information within proscribed timescales
- Provide information in the form requested
- Investigate and provide timely and considered responses to complaints about the handling of requests for information

Providing advice and assistance

We will as far as is reasonable and practicable, provide advice and assistance to those seeking access to information held. We may need to contact you to clarify aspects of your request or to direct you to another organisation that may hold the information you are seeking.

Where a person is unable, for example due to a disability, to put their request in writing, a written note will be made of any request made by telephone and this will be confirmed with the person making the request. At this point the request is considered a written request.

Consulting third parties

If the information requested involves information provided to us by a third party, it will usually be necessary to consult with all those concerned to help to ensure that their rights are properly considered. The decision of whether or not to disclose the information will remain the Commissioner's decision.

Providing information unless an exclusion applies

The access to information legislation aims to balance requests for greater openness with the need to protect information where disclosure would cause harm or would be contrary to the public interest. The legislation recognises that it is not appropriate for all the information the Commissioner holds to be made public. Therefore, certain information is excluded from disclosure under the legislation, subject to the public interest test where applicable. Such exemptions include where the information requested was obtained by the Commissioner in the discharge of any of her

functions; personal information; and information obtained in confidence.

Other reasons for refusing your request

The Commissioner may also refuse your request for information if:

- The estimated cost of complying would exceed the set limit of £450;
- Having sought to clarify your request, the information you want cannot be identified;
- The primary purpose of your request is to cause harm or annoyance and not to obtain information;
- Similar information has already been given to you recently
- The reason for withholding requested information from you will always be explained.

Responding quickly

We will acknowledge your request within five working days and respond to your request promptly within 20 working days. This time limit may be extended in specific circumstances. A working day means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday.

Where the time period for a response needs to be extended, for example to consider the public interest test, the Commissioner will write to you explaining why and giving a new deadline.

If a note of a request made by telephone has been prepared by staff on behalf of the requester, the 20 working days take effect from when the person making the request has confirmed it.

Transferring requests

The Commissioner cannot provide information that is not held. If another public authority holds the information you will be advised that the information is not held by us and either suggest that the request be made to the authority that is likely to hold it; or, if appropriate and with your approval, transfer the request directly.

Providing information in the preferred form

Requestors will generally be provided information in either English or Welsh, and in either electronic form or paper, according to their preference. The Commissioner will produce documents in English and Welsh in accordance with the Commissioner's Welsh Language Scheme, and will also make large print, braille and audio tape copies of items available on request where practicable.

Charging for information

The Commissioner will not charge for information other than to recover the cost of photocopying, printing and postage where this exceeds £10.

A further exception is where the cost of providing the information is estimated to exceed £450, as defined by the regulations under the Act. Where this applies, the

cost will be calculated in accordance with those regulations, and you will be advised of the amount you would need to pay.

Where the estimated costs exceed the £450 limit in relation to your request, assistance can be provided to narrow down the scope of your request to bring it within the cost limit.

Complaints

Whilst the Commissioner will supply the information you request wherever possible, certain information held is exempt from disclosure. If your request for information is refused you will receive a written explanation with reasons for the decision. If you are dissatisfied with the response or the way in which your request was dealt with you should contact:

Director of Finance and Corporate Governance
Office of the Future Generations Commissioner for Wales
Market Chambers
5-7 St Mary's Street
Cardiff CF10 1AT
Email: contactus@futuregenerations.wales

The Commissioner aims to give you a full reply to your complaint within 20 working days. If there is a good reason why this is not possible you will receive a letter informing you of the reasons why. If you are still dissatisfied you may refer your complaint to the Information Commissioner's Office:

Information Commissioner's Office – Wales
2nd Floor, Churchill House
Churchill Way
Cardiff, CF10 2HH
Telephone: 029 2067 8400
Fax: 029 2067 8399
Email: wales@ico.org.uk

Further information can be found at www.ico.org.uk

Making a Subject Access Request

You have the right to request a copy of the information that we hold about you (for example records of any correspondence you have sent us).

If you would like a copy of some or all of your personal information please put your request in writing to the address or email provided below. Please include your name and address and any other information to help identify you and the information you need.

We will require proof of your identity (for example a copy of a utility bill) to start processing your request.

We will provide you with a response within 20 days of receiving all the necessary information to help us find your records.

We want to make sure that your personal information is accurate and up to date. You may ask us to correct or remove information you think is inaccurate.

Please contact us:

Data Protection Officer (DPO)
Office of the Future Generations Commissioner for Wales
Market Chambers
5-7 St Mary's Street
Cardiff CF10 1AT
Email: contactus@futuregenerations.wales

Useful information

Additional information regarding the Future Generations Commissioner for Wales and her office can be found on our website and in our Publication Scheme.