



**Comisiynydd Pobl Hŷn Cymru**  
**Older People's Commissioner for Wales**

# **ACCESS TO INFORMATION POLICY**

Version	5.0
Review Date	September 2022
Reviewed	September 2021
Responsible Manager	Chief Operating Officer

## **Introduction**

This policy sets out the approach of the Older People's Commissioner (the Commissioner) to the Freedom of Information Act (FOIA) and related legislation.

## **Approach to openness**

The Commissioner recognises that there is a public interest in access to official information.

The Commissioner seeks to maximise transparency in the way we work as an organisation to enable better public understanding of how she carries out her functions, whilst respecting the privacy of individuals who approach us. The policy is 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.

## **Meeting obligations under FOIA and related legislation**

The Commissioner 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 as possible, unless it is covered by a restriction under the legislation
- Respond promptly
- Provide information in the form requested
- Be transparent about charges and only charge where necessary
- Investigate and provide timely and considered responses to complaints about the handling of requests for information

## **Providing advice and assistance**

The Commissioner will, as far as is reasonable, provide advice and assistance to those seeking access to information held.

Advice on how to make a request can be found on the website [www.olderpeoplewales.com](http://www.olderpeoplewales.com) under 'Policies' which will direct you to our 'Freedom of Information' policy.

Where a person is unable, for example due to a disability, to put their FOIA 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.

Information about the different types of information the Commissioner routinely publishes is available on the website [www.olderpeoplewales.com](http://www.olderpeoplewales.com)

## **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 balances greater openness on the one hand and the need to protect information where disclosure would cause harm or would be contrary to the public interest on the other. 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 promptly**

Requests for information will be responded to promptly and in any case 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 procedure**

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 write to:

Complaints Manager  
Older People's Commissioner for Wales  
Cambrian Building  
Mount Stuart Square  
Cardiff  
CF10 5FL  
Or email: [ask@olderpeoplewales.com](mailto:ask@olderpeoplewales.com)

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 the reasons why. If you are still dissatisfied you may refer your complaint to the Information Commissioner's Office. The Information Commissioner's contact details are:

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](mailto:wales@ico.org.uk)

Further details can be found at [www.ico.gov.uk](http://www.ico.gov.uk)

