



# **FREEDOM OF INFORMATION**

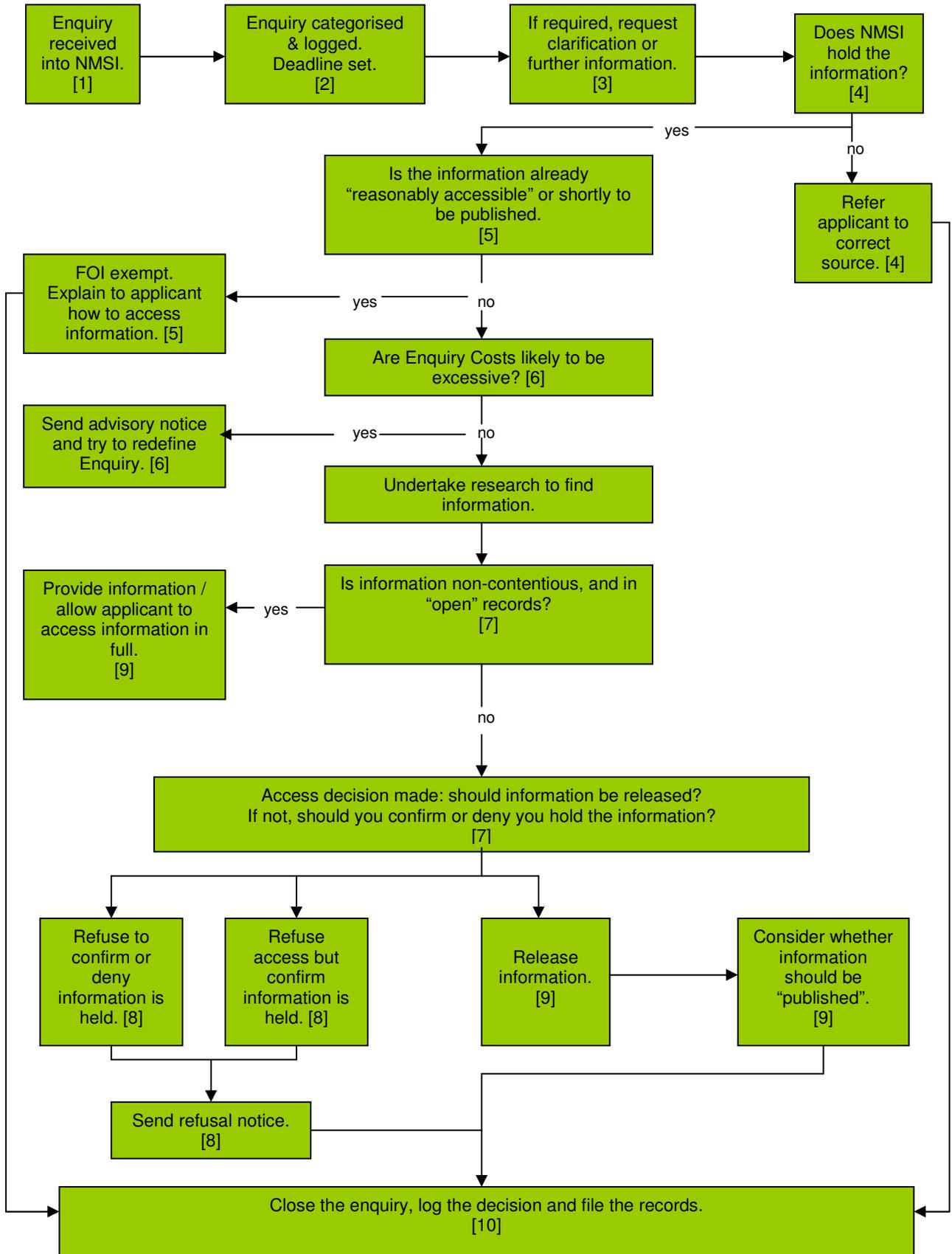
## **ENQUIRY PROCESS**

### **POLICY.**

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# FOI Enquiry Workflow.



# The Enquiry Process

## Introduction

**Key Points:** NMSI must ensure that procedures are in place to make it as easy as possible for members of the public to make Freedom of Information (FOI) request enquiries and for us to manage them.

The Freedom of Information Act (FOIA) sets out a duty to provide advice and assistance to enquirers and potential enquirers. We have a duty to state whether we hold the information and to provide it in the manner requested. The s45 Code of Practice sets out in detail exactly how we can meet this requirement. Complying with the Code of Practice means we are, by definition, providing advice and assistance.

In order to comply:

- NMSI has published procedures for submitting requests for information on the web & intranet.
- The procedures include email, fax and postal addresses to which applicants may direct requests for information (or for assistance) through each museum's website and the NMSI corporate website.
- The procedures are detailed in the NMSI Publication Scheme which can be found on the NMSI corporate website.
- These procedures include information as to NMSI's usual procedure where it does not hold the information requested.
- Staff working in contact with the public should bear in mind that not everyone will be aware of the Act and they will need to draw the implications of the legislation to the attention of potential applicants who appear unaware of them.

In addition, we are setting up a number of '**Information Aids**' to help with requests:

- FOI enquiry management system providing database tracking and monitoring system.
- FAQs on the NMSI website (or resources in the publication scheme) to answer popular enquiries.

Further help and advice can be sought from the following FOI Team personnel.

Museum	Position	Name
NMSI	FOI Specialist	Emma Yates
Science Museum & Wroughton	FOI Specialist	Rory Cook
NRM & NMeM	FOI Specialist	Sarah Norville

**If at any point in the Enquiry Process you require any assistance -  
Consult your FOI Specialist without delay.**

## 1. Receiving the enquiry

Enquiry  
received  
into NMSI.

### Key Points:

- Freedom of Information requests must be dealt with promptly and no later than 20 working days from the day of receipt.
- All enquiries should be passed to your local FOI Specialist **upon receipt** with a copy of the original enquiry and a note of the day on which the enquiry is received.

- **What is a “working day”?**

A working day for NMSI is defined as being Monday – Friday from 9am to 5pm (excluding public holidays). Any request arriving after 5pm is counted as “received” at 9am the next working day. Enquiries received at the weekend will be counted as being received on the next working day following the weekend (i.e. the first non-bank holiday or non-weekend day).

- **When does the FOI clock start ticking?**

On the first working day after the enquiry is received into the office.

Even if the office is completely closed on Mondays, if post comes into the office it counts as being “received” on Monday, and the clock starts ticking.

- **Date-stamping the post.**

It is important to obtain evidence of the working day the request is received. This should be done by date stamping the post upon receipt. Each department is responsible for establishing a protocol to do this (it is good practice for every individual to date stamp his or her post). Emails and Faxes will have transmission dates already on them. The enquiry should then be forwarded to your local FOI specialist without delay.

- **Phone calls.**

FOI enquiries DO need to be in a written form. However, an enquiry over the phone should not be ignored as we have a duty to provide assistance to potential FOI enquirers. Not everyone will be aware of the Act or stipulations made under it.

Appropriate assistance might include:

- Providing the enquirer with the appropriate methods of making a written request – i.e. by email or letter.
- Advising the enquirer that another person or agency (such as a Citizens’ Advice Bureau) may be able to assist them with the application, or make the application on their behalf;
- Offering to write down the enquiry for them.

If an enquiry has been written down by staff on behalf of the enquirer, it needs to be checked over by the applicant to verify the request. This can be done by reading the enquiry back to them and getting oral approval. If the enquirer is on site they should sign the request. If it is a complex enquiry we may need to send the written enquiry by post or email to the enquirer to approve.

- **Enquiries transferred within NMSI.**

It is in everyone’s interest to ensure that the FOI Specialists are able to obtain the appropriate information to fulfil the request from the correct NMSI department as soon as possible. Please provide all possible assistance to your FOI specialist in order to ensure that they gain access to the information requested so that a response can be sent prior to the expiry of the FOIA deadline.

**If in doubt, Consult your FOI Specialist without delay.**

## 2. Categorising and logging the enquiry

Enquiry categorised  
& logged.  
Deadline set.

### Key Points:

- It is important that the FOI Specialists have sight of the enquiry upon receipt so that they are able to apply the correct deadline for response. You need to be able to identify FOI requests. If in doubt ask your FOI Specialist for assistance.
- Enquiries should be logged by the FOI Specialists in order to keep track of how they are dealt with and so ensure deadlines are met.

- **What kind of request is it?**

Some requests fall under different legislation and so have different deadlines.

Request	Format	Legislation	Deadline
Information about <b>the Applicant</b> (or someone authorised to act on their behalf).	Must be written	Data Protection Act	40 <u>calendar</u> days
Information about <b>someone else</b> (a “third party”)	Must be written	Freedom of Information	20 <u>working</u> days
Information about the <b>environment</b> or human interaction with the environment (land, landscape, soil, water, air, atmosphere, flora and fauna; emissions, pollution and smog; sewers and drainage; cultural sites; the food chain, pesticides; policies, and any plans and agreements affecting any of the above).	Can be oral or written	Environmental Information Regulations	20 <u>working</u> days
Any other written information that may be found in the <b>archives, collections</b> documents or in our own <b>corporate records</b> .	Must be written	Freedom of Information	20 <u>working</u> days
<b>General advice</b> e.g. opening hours, how to get to the museum, brochures, anything that can be answered immediately from memory.	Any	None	None (but World Class Customer Services service level agreements should be in place)

- **Aim to reply as soon as you can.**

The Code of Practice states that we are required to comply with all requests for information promptly **and we should not delay responding until the end of the 20 working day period if the information could reasonably have been provided earlier.**

- **What makes it a valid FOI request?**

The enquiry needs to be in writing, give a contact address (this can be email), a contact name, and a description of the information requested. Enquiries received by email, or any other legible format capable of being used for subsequent reference, count as “written”.

If the request is unclear because it does not describe the information requested, it is not a valid FOI request. If it is clear but there is not enough information in the enquiry to supply the information requested, it is an FOI request but we are not obliged to provide the information requested until we receive the extra information necessary from the enquirer. Whilst further information from the enquirer is awaited the 20 working days clock is paused and it resumes again once the information has been received.

▪ **What if the request falls under more than one piece of legislation?**

It is possible that one enquiry could contain several different requests, which fall under different pieces of legislation (e.g. a Data Protection request, an FOI request and a request which does not fall under any legislation). In this case, each piece of *information* should be dealt with in whichever way the relevant legislation requires. However the request should be logged as one request but highlighted as having multiple questions.

As always, the earliest possible response should be sent and as a matter of NMSI policy the shortest statutory deadline should be adhered to for the entire request.

▪ **Why log it?**

When the enquiry is received, it should be logged into the enquiry management system (or the database log). This is not actually required by the Act but is sensible as it enables enquiries to be tracked and referred to again in future. It will provide essential information in case of complaints, and allows statistical analysis for future planning and reporting. It will also provide an audit trail should the Information Commissioner's Office (ICO) request further information on the handling of a request.

▪ **Who logs it and when?**

The request should be categorised and logged ideally on the day of receipt. Each Museum's FOI Specialist will manage their own requests, but they will be tracked and monitored through a central NMSI database and enquiry management system.

Enquiry management and logging is entirely managed by the FOI Specialists within the Corporate Information and Enquiries team. This ensures compliance across all sites and a consistency of approach to compliance. They handle the request and all correspondence between the organisation and the enquirer and liaise with the appropriate departments to collate information.

▪ **What needs to be logged?**

- Unique reference number for the enquiry.
- Date enquiry received.
- Name, contact address of enquirer.
- Description of the enquiry.
- Format, whether post, email, fax, a form, or phone.
- The type of enquiry, e.g. FOI, DPA, EIR, a mixture of legislation, or none.
- Link between the logging / registering of the enquiry itself and the related correspondence.
- Name of person logging it.
- Where it is being held or sent, or who is dealing with it.

▪ **What if the request is vexatious or repeated?**

There is provision in the Act to ensure we do not have to deal with requests that are "vexatious" or "repeated". However, there is no precise definition in the Act and so we rely on the ICO's Guidance in this area.

The key issue is whether the request is likely to cause unjustified distress, disruption or irritation.

The following will be considered by the Corporate Information and Enquiries team when determining whether to regard an enquiry as vexatious:

- Can the request fairly be seen as obsessive?
- Is the request harassing to NMSI or causing distress to staff?
- Would complying with the request impose a significant burden in terms of expense and distraction?
- Is the request designed to cause disruption or annoyance?
- Does the request lack any serious purpose or value?

In cases such as these, NMSI is **not** obliged to answer the request, nor to confirm or deny whether the information is held. It will be necessary for NMSI to reply with a refusal notice. All refusal notices must be done through the FOI Specialist at each museum (see page 3).

▪ **Requests that seem to be part of an organised campaign**

It is very difficult to distinguish between a campaign request and a popular request. Their style and content will be an indicator. Unless they are considered to be “vexatious”, NMSI is obliged to answer them and to be as open as possible.

However, NMSI is not obliged to comply with a request for information if it estimates that the cost of complying with the request would exceed the ‘appropriate limit’ (set out in the FOIA). In addition, where two or more requests for information are made to NMSI –

- a) by one person, or
- b) by different persons who appear to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

Consider, in cases where this is breached, whether the information could be disclosed in a more cost effective manner i.e. website with link sent to each enquirer.

**If in doubt, Consult your FOI Specialist without delay.**

### 3. Requesting clarification or further information

If required, request clarification or further information.

#### Key Points:

- To be valid the request should explain clearly what information is required. If it does not, it is not a valid FOI request and we can request clarification from the enquirer.
- We may also reasonably require further information from the enquirer in order to answer the request. We are not obliged to answer the enquiry until the extra information is received and the clock is paused while the additional information is awaited.
- This can happen at any stage in the enquiry, not just at the beginning.

- **I don't understand what they are asking.**

If we are not able to understand what the enquirer is asking then it is not a valid FOI request. The FOI Specialist will need to ask for further clarification.

However – the enquirer does **not** have to give the reason why they want it or what they are going to do with it. We should not ask this question.

Instead it is better to ask questions like “what exactly do you need to know?” or “what precisely do you want to find out?”

- **We need more information to be able to find it**

If we understand the enquiry, but need more information in order to identify and locate it, we can go back to the enquirer for more details or to re-scope their question. This is usually because the question is too general.

It is important that the applicant is contacted as soon as possible, preferably by telephone, fax or email.

We have a duty to provide appropriate assistance in this, for example:

- Provide an outline of the different kinds of information that might meet the terms of the request.
- Provide access to detailed catalogues and indexes.
- Provide a general response to the request setting out options for further information, which could be provided on request.

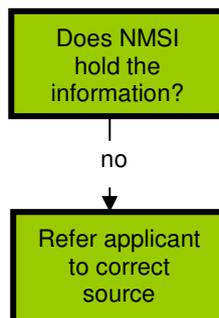
If, following the provision of assistance, the applicant still fails to describe the information requested in a way that would enable us to identify and locate it; NMSI is not expected to seek further clarification. We should disclose any information relating to the application that has been successfully identified and found for which it does not wish to claim an exemption. We should also explain why the request cannot be taken any further and provide details of NMSI's complaints procedure.

- **Requesting clarification.**

For logging purposes the FOI specialist dealing with the request will:

- Determine whether the request is clear at the outset and, if necessary, immediately request clarification. Where further information is needed, then the enquiry will be logged but the clock will not be started until clarification has been received.
  - However, if we are not able to request clarification on the first day the enquiry is received, the clock must Start and Stop again on the day that we do.

#### 4. Is the information likely to be held by NMSI?



##### Key Points:

- An initial check should be done to determine whether it is likely or not that NMSI holds the information.
- If not, the enquirer should be referred to the most likely correct source.

##### ▪ **Is the information likely to be held by NMSI?**

In most cases this is usually quite clear. However, there will be some requests that could take some time to determine. In order to hasten this process the FOI Specialist will:

- Work with other departments to identify the appropriate information; and
- Will consult the enquiry database to see if similar enquiries have been answered before.

The enquiry should be logged upon receipt and then the check carried out. The outcome of the check must be recorded in the enquiry management system. Bear in mind that the enquiry could be subject to a complaint later.

##### ▪ **Referring enquirer to the correct source.**

If NMSI does not hold the information, the enquirer should be referred to the correct source of the information, if at all possible.

Any response, which does not provide the information sought, technically counts as a 'refusal'.

A referral letter should include:

- The fact we don't hold the information;
- A detailed explanation of the sources checked;
- Complaints rights and procedures; and
- Any help and advice concerning referral that we can offer.

If we hold some of the information but not others, then we can provide the information that we do hold and redirect the enquirer for the information that we don't hold.

##### ▪ **Sensitive Information.**

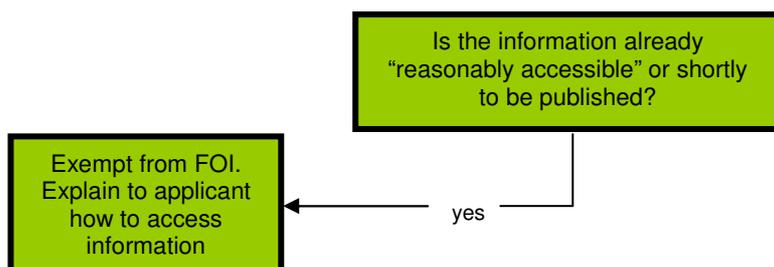
There are certain types of information that are so sensitive that if asked, we would refuse to confirm or deny that the information is held. It is important to be consistent in our response. The same form of words must be used for all enquiries about sensitive information whether we hold it or not, as we could inadvertently give away the fact we hold it.

For example: If a request is made to see information concerning objects donated by person x, but those donations were made on condition of anonymity with recourse to legal action; then to refuse by saying 'you cannot see these file' under exemption 41, implies they exist and that person x has made donations.

**All decisions on sensitive information must be made in conjunction with the FOI Specialists.**

**If in doubt, Consult.**

## 5. Is the information already reasonably accessible or shortly to be published?



### Key Points:

- Need to consider whether the information requested is already reasonably accessible to the applicant.
- If so, the enquirer should be directed and helped to access the information.

### ▪ Is the information “reasonably accessible” (s.21 FOIA)?

Under the FOIA, the public’s ‘right to know’ is subject to exemptions. One such exemption is the exemption from the duty to provide information on request when that information is reasonably accessible to the applicant by other means.

This covers:

- Information that is listed by class in the NMSI Publication Scheme. The scheme itself states how the information can be accessed and is published on the website. Be aware that the Publication Scheme does not always link to the document itself. In some cases it only links to a means of requesting it and is therefore not ‘reasonably accessible’.
- Information that is published already.
- Information that is already provided through existing museum services.
- Information may still be reasonably accessible even if, there is a charge for it. If it is in the publication scheme and the scheme indicates that a charge may be made.
- If you are obliged to make the information available under other legislation then it counts as “reasonably accessible”.

However:

- Information cannot be called “reasonably accessible” purely because it is available upon request (unless it is in the publication scheme).
- Do need to consider access issues concerning Travelling and Mobility, Language, Disability, and Non-Electronic access. If any of these are found to affect an applicant’s ability to access the information, we should take account of it when handling the request.

### ▪ Is the information shortly to be published (s.22 FOIA)?

Consider whether:

- The information is held by NMSI with a view to its publication, by NMSI or any other person, at some future date (whether determined or not);
- The information was already held with a view to such publication at the time when the request for information was made; and
- It is reasonable in all the circumstances that the information should be withheld from disclosure until the date of publication.

Publication will often be publication in accordance with NMSI’s publication scheme.

If the enquiry is subject to any of these exemptions, then you don’t have to deal with the enquiry under FOI rules. A response should be sent explaining where and how the applicant can access the information and whether a charge applies. Complaints information and appeal rights should also be sent.

- **Unfit records.**

This applies to those records deemed to be too fragile to be accessed.

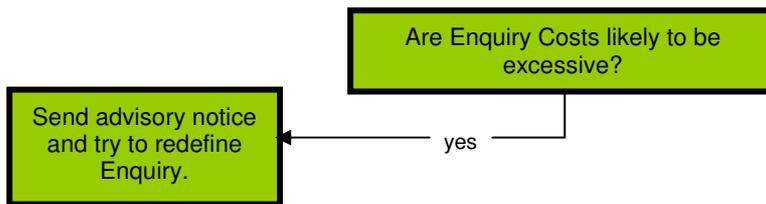
The FOIA does not consider this a valid reason for refusing access to the information. The following strategies should be considered when dealing with such requests:

- Allow the records to be seen under close supervision and with the use of preservation equipment (gloves, foam blocks etc).
- Consult a conservator for advice.
- If the record is so fragile that it cannot be used at all, try to let the requester see the state of the records so that they can understand the reason why access is not possible.
- Provide the information in a transcription or summary.
- Make a copy or a photograph/digital image of the information.

Remember that FOI relates to information as opposed to the record itself.

We must ensure that we can demonstrate a willingness to be as helpful as possible, without endangering the record itself.

## 6. Enquiry Costs.



### Key Points:

- NMSI does not charge for answering FOI Enquiries.
- However, the FOIA does set a cost limit on research time and provision expenses.
- If the cost of complying would exceed this cost limit, you are not obliged to comply with the request, but should try to reframe the enquiry and assist the enquirer in any way possible.

### ▪ **Charges.**

NMSI will not normally make any charge for the provision of information or responding to requests. A lot of material listed in the Publication Scheme is free of charge and available on the website or from NMSI as detailed in the Scheme.

However, the FOIA provides that public authorities are not required to comply with expensive requests. If it would cost more than £450 to respond to an FOI request (using an hourly rate of £25 per person per hour), then we are able to refuse the request.

Complying with requests, which would cost more than this ceiling, is discretionary. The £450 limit covers the time taken to find, sort, edit or redact material. It does not cover the time taken to consider whether an exemption applies and the public interest test.

Requests for information that has not been published, is not immediately available or listed in the Publication Scheme, may be subject to a fee if they exceed this cost limit. Existing electronic information may be available free of charge, however.

For requests, which would cost less than the ceiling, no standard fee may be charged, but you can charge the full costs of disbursements (photocopying, printing and posting). This we will do only in exceptional circumstances.

### ▪ **Estimating the cost of enquiries.**

Fees charged must be justifiable and appropriate. They will be determined on a case-by-case basis and only applied to very large or complex enquiries. In which case the hourly rate of £25/hour will be used. If a fee is required the enquiry will be answered within 20 days from receipt of the fee.

### ▪ **Enquiries that exceed the 'Appropriate' limit.**

If we estimate the total cost of answering the enquiry will exceed the cost limit then we don't have to comply with the request.

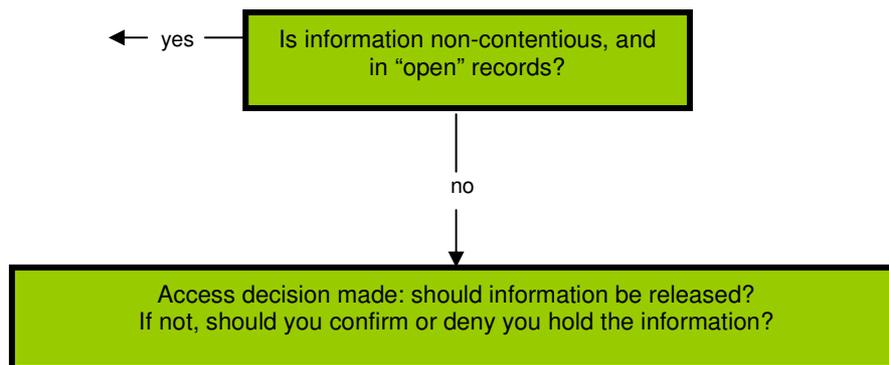
However we should still provide advice and assistance. The CIE team will contact the enquirer (in writing) explaining:

- that the cost limit is being claimed;
- whether or not we hold the information;
- how the enquirer may reformat their request to bring down the cost;
- what is available free of charge;
- what the charge would be if the enquirer wished to continue with enquiry in its present form; and
- (if appropriate) extending an invitation to the enquirer to access the materials personally.

If enquirers dispute the cost limit, they can appeal via a three-stage process in the same way as other complaints: 1) NMSI complaints procedure; 2) request decision from Information Commissioner, and finally, 3) appeal to Information Tribunal.

If an applicant should send in a fee with their enquiry, it should be returned explaining that no charge applies and explaining the procedure for making a donation to the museum.

## 7. Access decision made.



### Key Points:

- Remember that FOI relates to information, not records.
- All records are now automatically open, unless otherwise stated.
- Does the Creating Authority need to be consulted?
- Exemptions can only be applied and upheld against appeal, in strictly limited circumstances.

- **Information, not records.**

One record might contain some bits of information that fall under various different exemptions and other elements of information that fall under no exemptions. So even though the whole record might not be open to the public, an enquirer could still legitimately be given certain information from it. In this case redacting, or providing a summary or transcript could protect the exempt information.

- **Could exemptions be applied?**

Exemptions should only be considered by the CIE team and will only be applied if there is a very good case.

There are two types of exemption: absolute and qualified. The only difference is that qualified exemptions require a public interest test to be made. See *FOI Guideline 6 & 7*.

Consultation must take place. Ideally in writing so that a record is kept of the consultation process as it may be needed as evidence if the decision is challenged. The 20 working day deadline can be extended for public interest decisions. However, remember that if you are going to refuse to confirm or deny that the information is held, the 20 working day deadline should be met so that you don't inadvertently give away that the information is held. The same applies to the refusal notice – the CIE team will make no distinction in the wording between the letter used to "deny & refuse" and the letter used to "confirm & refuse".

Consistency of decision-making is important. Look to previous cases and use the Database of past enquiries for help. Record the decisions in a retrievable form.

- **Shared and sensitive information.**

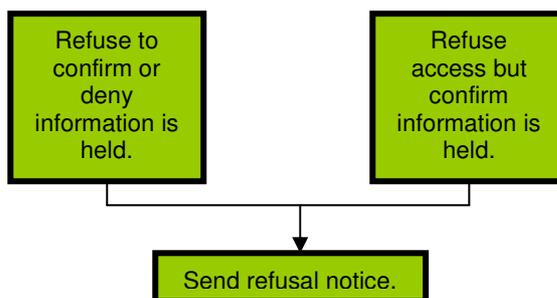
Where information is shared between the DCMS and NMSI, the body that shares the information will make it clear at the time it is shared whether the information is considered to be sensitive and whether it might be subject to an exemption.

If a subsequent request is made to disclose this information then both parties will consult with each other before disclosure. Details of the request must be passed on within 3 working days and full details of what it is proposed to disclose within 10 days. Consultation and a decision should be completed at least 5 working days before the 20 working day deadline.

Similar referral should be taken with all Central Government Departments.

**If in doubt, Consult.**

## 8. Refusing a request.



### Key Points:

- When refusing access to information, you must give a written “refusal notice”.
- The refusal notice must contain certain information.
- A Complaints procedure should be in place.
- A stock letter or stock paragraphs should be used.

### ▪ Refusal notices.

When refusing a request, the CIE team must inform the applicant in writing. This is technically known as a “Refusal Notice”.

If an exemption applies, the refusal must contain the following information, unless the information is such that we must refuse to confirm or deny it is held:

- A statement that the information is exempt.
- Exactly which exemption(s) are being applied.
- An explanation of why the exemption applies.

In all cases, the refusal notice should also contain:

- details of NMSI’s Complaints handling procedures;
- details of the applicant’s right to apply to the information Commissioner for a decision; and
- confirmation that the request has been dealt with in accordance with the Act.

You can also include any advice and assistance you see fit.

### ▪ Refusal because cost limit exceeded or vexatious.

If the reason for refusal is that the cost limit would be exceeded or the request is vexatious, the refusal notice should explain this.

There are several reasons why a request for information may be refused. Below is a summary of how the CIE team will handle refusals:

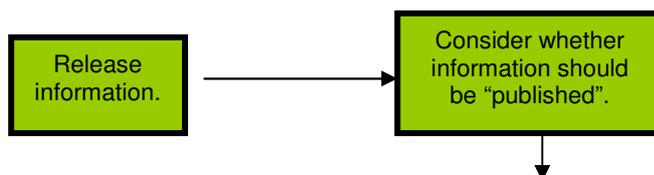
	Reason why refusing request	Action	Notes
1	The information is not held by the organisation	Advise the applicant of the appropriate source.	This is called a “negative response”.
2	Vexatious or repeated requests (unless a reasonable interval has elapsed)	Issue a FOI Vexatious/Repeated Refusal Notice stating that relying on the exemption s14 (1) (if vexatious) or s14 (2) (if repeated). If we have already issued a refusal notice in relation to a previous request and it would be unreasonable to serve another notice in relation to the current request, no response is required, but the decision should be documented.	We are not required to provide advice and assistance in relation to vexatious requests.

	<b>Reason why refusing request</b>	<b>Action</b>	<b>Notes</b>
3	The cost of locating and retrieving the information exceeds the limit.	Issue FOI Advise Cost Limit reached stating the fact that the cost of locating and retrieving the information would exceed the limit. Explain the basis of the calculation. We must provide this notice within 20 working days.	We should provide "advice and assistance" to the applicant in re-scoping the request.
4	The aggregated costs of two or more similar requests exceed the limit.	Issue FOI Aggregate Costs exceed limits notice stating that the cost of locating the information would exceed the limit. We must provide this notice within 20 working days.	This applies where two or more requests are made by one person, or by different people who appear to be acting together (i.e. an organised campaign).
5	The information is already available through the publication scheme with a direct link to the document.	Reply to applicant explaining how to access the information.	
6	The information is exempt from the requirement to confirm or deny whether the information is held.	Issue FOI Refusal Notice stating that NMSI does not have to confirm or deny by virtue of an exemption, and state why exemption applies. We are not required to say why the exemption applies, if to do so would mean revealing the exempt information. Careful wording will be needed if refusing to confirm or deny information is held so as not to reveal it is, in fact, held.	
7	The information is exempt from the requirement to disclose information.	Issue FOI Request - Refusal Notice saying NMSI does not have to disclose the information by virtue of an exemption, specify the relevant exemption, and state why the exemption applies. We are not required to say why the exemption applies, if to do so would mean revealing the exempt information. Where the exemption is subject to a public interest test, state in the refusal notice if the decision has not yet been made and give an estimate of date by which you expect the decision to have been made.	Unless the exemption actually prohibits disclosure (e.g. a statute bar), NMSI could exercise its discretion and choose to disclose the information.

	<b>Reason why refusing request</b>	<b>Action</b>	<b>Notes</b>
	The exemption has been subject to a public interest test and the decision has been taken not to disclose.	<ul style="list-style-type: none"> <li>a) It would not be in the public interest to disclose the information: give reasons for this decision in the refusal notice or in a separate 'public interest' refusal notice within a reasonable time. Bear in mind whether giving the reasons would reveal the exempt information.</li> <li>b) It would not be in the public interest to disclose fact that the information is held: give reasons for this decision in the refusal notice or in the separate 'public interest' refusal notice within a reasonable time. Consider whether giving the reasons would reveal the exempt information.</li> </ul>	This refusal notice may be issued outside the 20 day limit, but we should aim to stay within 20 days.

**If in doubt, Consult.**

## 9. Providing the Information.



### Key Points:

- Try to accommodate the applicant's preferences for how they wish to access the information.
- If a record contains some exempt information, make sure it is protected.
- If information has been provided to one enquirer, consider whether it should be opened to all, by publishing – it would need to be released again to a later enquirer.

### ▪ **Communicating the information.**

We should try to accommodate applicant's wishes as to how they wish to access the information. This could be in one of the following ways:

- a copy of the information in permanent form or in another form acceptable to the applicant;
- an opportunity to inspect the record containing the information; or
- A digest or summary of the information.

We can consider the cost implications when deciding whether a particular request is reasonable and also whether it is reasonably practicable to comply with any preference. If we cannot fully accommodate an applicant we must notify them of our reasons.

Remember that we are not obliged to create new information to answer an enquiry. For example, if someone asks how many times a certain topic was discussed in a particular meeting you would not be obliged to trawl through the minutes yourself to find out. What you could do instead is allow the enquirer access to the minutes to calculate the answer themselves.

### ▪ **Protecting information that is exempt.**

If information is being released from a record that contains information that remains closed (as it is covered by an appropriate exemption) it will be necessary to take steps to protect the closed information.

This can be achieved by:

- transcribing the relevant sections;
- providing a photocopy of the open information, blanking or cutting out anything that is not to be released. Make sure any blanking by pen is not visible against light. It is sensible to send a photocopy of this (as this removes any ability to read beneath the marker pen) and keep a copy for the record; or
- allowing the enquirer to see the original document, but binding/taping up the "closed" pages and ensuring that they are supervised very closely by a member of the CIE team.

### ▪ **Should information be "published"?**

If the request is a popular one, or you think it is of wider interest, we should consider publishing it through the Publication Scheme on the website, or developing a set of FAQs.

It could save considerable time as all further requests can be directed to the webpage.

**If in doubt, Consult.**

## 10. Enquiry closed, access decisions recorded.

Close the enquiry, log the decision and file the records.

### Key Points:

- It is important to record what happened (including any evidence for the use of exemptions) in case there is a complaint.
- The record can be used again for similar enquiries in the future.

- **Record the outcome.**

Once the enquiry is completed, the FOI Specialist dealing with the request will make sure that a full record is made of the enquiry. Please ensure that you provide all relevant information to them to ensure we have a full suite of evidence should a complaint arise.

It should hold all documentation relating to the enquiry:

- correspondence;
- the enquiry information provided;
- decisions made concerning access and communication of the information (with full documentation – your FOI Specialist will be able to advise on this).

- **Retention of the Record.**

How long should records of FOI enquiries be retained?

FOI Enquiry records should be filed together and kept for 2 years. As long as the record is fully captured electronically on the Enquiry Management System or Call Log, there is no need to keep a paper copy. If for any reason a paper copy has to be kept, please ensure it is placed on file and stored centrally in a registered file managed by the CIE team.

## 11. Complaints/Appeals.

### Key Points:

- NMSI does have a complaints procedure – see Complaints Form in Appendix.
- The Complaints procedure is publicised in the Publication Scheme and on the NMSI website.
- The applicant's rights of complaint should be included in refusal notices and other FOI-related correspondence.
- If the complaint cannot be resolved, the applicant should be provided with contact details for the Information Commissioner.

Applicants may be unhappy with the treatment they have received if, for example:

- their enquiry was not dealt with within the 20 working days timescale;
- they did not receive all of the information requested;
- they feel that exemptions have been wrongly applied; and
- they feel that a fee has been wrongly charged.

In which case they are entitled to appeal against the way NMSI handled their enquiry.

If an applicant wishes to complain, they should follow a three-step complaints procedure.

1. NMSI's internal complaints procedure.
2. Information Commissioner.
3. Information Tribunal.

#### ▪ **What should the Complaints procedure entail?**

- Advice to applicants that they have a right to complain under the Act, and the three-step procedure it provides for.
- Contact details on who to address a complaint to within NMSI, as well as those of the Information Commissioner and Tribunal should it be needed.
- NMSI's procedure should be a "fair and impartial means of dealing with handling problems and reviewing decisions". It should provide a prompt response.
- Where possible, the complaint should be handled by a senior person who was not a party to the original decision.

#### ▪ **Publicise complaints procedure**

The applicant's rights of complaint should be included in refusal notices and other FOI-related correspondence. It should explain how to make a complaint and inform the applicant of the right to complain to the Information Commissioner if they are not satisfied.

#### ▪ **Dissatisfaction.**

Any written reply expressing dissatisfaction with NMSI's response to a valid FOI request should be treated as a complaint.

If it cannot be resolved, we should explain how applicants could contact the Information Commissioner, who may investigate the matter at his discretion.

#### ▪ **Managing Complaints.**

- Complaints must be acknowledged and complainants should be informed of the target date for determining the complaint.
- Target times should be reasonable and defensible.
- If it becomes apparent that the target time will not be met, the complainant should be informed, an explanation given, and a new target set.
- Records should be kept of all complaints and their outcome. Complaints should be monitored and procedures periodically reviewed.

#### ▪ **Outcome of complaints.**

- Where the outcome of a complaint is that information should be disclosed which was previously withheld, the information in question should be disclosed as soon as practicable and the applicant should be informed how soon this will be.

- Where the outcome of a complaint is that the NMSI procedures have not been properly followed, an apology should be sent to the applicant. Appropriate steps should then be taken to prevent similar errors occurring in future.
- Where the outcome of a complaint is that an initial decision to withhold information is upheld, or is otherwise in NMSI's favour, the applicant should be informed with an explanation.

▪ **What if the applicant is still unhappy?**

Where the original request decision is upheld, the applicant must be made aware of their rights to appeal to the Information Commissioners Office if they are still unhappy. Full contact details should be given.

The Information Commissioner will consider a complaint and issue a decision notice. If he feels NMSI are in breach of the Act, the notice will specify the steps that must be taken by NMSI in order to comply and the timescale for compliance.

If still unhappy the applicants' final recourse is to appeal to the Information Tribunal who hears appeals against notices issued by the Commissioner.



# Freedom of Information Enquiry Form.



The Freedom of Information Act 2000 gives you the right of access to all types of recorded information held by NMSI and imposes obligations on us to disclose that information, subject to a range of exemptions. The Act also requires us to prepare a publication scheme which sets out the classes of information the NMSI publishes or intends to publish; the manner in which it will be published, and whether it is available free of charge. Its aim is to provide the information you are most likely to want to see.

If after consulting the [NMSI Publication Scheme](#) you are unable to find the information you want, you can submit a Freedom of Information Enquiry using this form.

Name	
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Address	
---------	--

Tel:		Fax:	
------	--	------	--

Email	
-------	--

Enquiry	Please give as much as much detail as possible to enable museum staff to identify the information sought.
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Preferred method of contact	Letter	Email	Fax
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To which Museum should Enquiry be sent?	Science Museum	Wroughton	National Railway Museum	National Museum Photography, Film & TV	Don't know
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The information will be sent to you in writing using your preferred method of contact. If you require the information in a different format please specify here.
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If you have difficulty in identifying the precise information you require, museum staff will be happy to advise. Please contact the Records Manager for any of the NMSI museums for initial advice or email [foi@nmsi.ac.uk](mailto:foi@nmsi.ac.uk). Enquiries for Wroughton should be made to the Records Manager for the Science Museum London.

The Act states Freedom of Information requests should be made in writing – post, email or fax.

Once complete this Enquiry Form can be submitted by:

Email to: [foi@nmsi.ac.uk](mailto:foi@nmsi.ac.uk)

(Please state in the Subject field which Museum you are directing your enquiry to).

Or by Post / Fax to the relevant NMSI Museum below:

Freedom of Information Request,  
**Science Museum**  
Exhibition Road  
London SW7 2DD

Tel: +44(0) 870 870 4771

Fax: +44(0) 20 7942 4142

Freedom of Information Request,  
**National Railway Museum**  
Leeman Road  
York YO2 4XJ

Tel: +44(0) 1904 686 242

Fax: +44(0) 1904 686 233

Freedom of Information Request,  
**National Museum of Photography Film & Television**  
Bradford  
West Yorkshire BD1 1NQ

Tel: +44(0) 1274 20 20 30

Fax: +44(0) 1274 723155

**Science Museum Wroughton**  
Wroughton Airfield  
Swindon  
Wiltshire SN4 9NS

In general, the NMSI will respond to requests within 20 working days from receipt of the request. If we find we do not hold the information you require, we will notify you as soon as possible, and endeavour to give you the contact details of the authority that might.

Enquiries made by telephone do not fall within the FOI Act, nevertheless if you have difficulty making a written request, please contact us using one of the telephone numbers above, and we will help you submit your enquiry.

**Data Protection.**

The information you supply will be sent to NMSI Freedom of Information Team. It will only be used to process Freedom of Information enquiries for information as outlined above. Any personal details you supply will be treated in the strictest confidence and will be used in direct relation to work required to carry out your request.



## FOI Enquiry Complaint Form



If you are dissatisfied with the response you have had from the NMSI in respect of a request for information you may invoke the appeals and complaints procedure. The NMSI undertakes to review any complaint and provide explanation, apology and where appropriate the information sought. You must make any complaint within a twelve-month period after the event which gives rise to the complaint.

Name					
Address					
Tel:		Fax:			
Email					
FOI Case Number					
Nature of Complaint					
Preferred method of contact	Letter	Email	Fax		
Which Museum answered your FOI Enquiry?	Science Museum	Wroughton	National Railway Museum	National Museum Photography, Film & TV	Don't know

The outcome of your *Complaint Review* will be sent to you in writing using your preferred method of contact. If you require the information in a different format please specify here.

If you have any difficulty with this form, museum staff will be happy to advise. Please contact the Records Manager for any of the NMSI museums for initial advice or email [foi@nmsi.ac.uk](mailto:foi@nmsi.ac.uk). Complaints for Wroughton should be made to the Records Manager for the Science Museum London.

Once complete this FOI Complaints Form can be submitted by:

Email to: [foi@nmsi.ac.uk](mailto:foi@nmsi.ac.uk)

(Please state in the Subject field which Museum you are directing your complaint to).

Or by Post / Fax to the NMSI Museum below:

Freedom of Information Complaint,

Records Manager,

**Science Museum**

Exhibition Road

London SW7 2DD

Tel: +44(0) 870 870 4771

Fax: +44(0) 20 7942 4142

Freedom of Information Complaint,

Records Manager,

**National Railway Museum**

Leeman Road

York YO2 4XJ

Tel: +44(0) 1904 686 242

Fax: +44(0) 1904 686 233

Freedom of Information Complaint,

**National Museum of Photography Film & Television**

Bradford

West Yorkshire BD1 1NQ

Tel: +44(0) 1274 20 20 30

Fax: +44(0) 1274 723155

The NMSI will acknowledge your complaint by return of post and indicate how long the review is expected to take.

**Appeal to the Trustees**

If the internal appeal results in the decision to withhold the information being upheld, you may then refer your complaint to the Chairman of the Board of Trustees via the Committee Manager. Please address your complaint to the Committee Manager, Science Museum, Exhibition Road London SW7 2DD

**Information Commissioner**

If after appeal to the Chairman of the Board of Trustees you are dissatisfied, you may seek an independent review from the Information Commissioner.

Requests for a review by the Information Commissioner should be made in writing directly to:

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Tel: 01625 545700

Fax: 01625 545510

**Data Protection.**

The information you supply will be sent to NMSI Freedom of Information Team. It will only be used to process Freedom of Information enquiries for information as outlined above. Any personal details you supply will be treated in the strictest confidence and will be used in direct relation to work required to carry out your request.