



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive



Ambulance Administration
Guideline
Processing Freedom of Information (FOI) Requests

National Ambulance Service (NAS)
(All Divisions)

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1.0 POLICY

- 1.1 This National Ambulance Service (NAS) is committed to ensuring effective guidelines are in place so as to ensure that all Freedom of Information (FOI) requests are processed in compliance with relevant legislation

2.0 PURPOSE

- 2.1 To provide National Ambulance Service staff and in particular, Ambulance Service Freedom of Information Decision Makers with guidance and assistance in dealing with requests under the Freedom of Information Act 1997 & 2003

3.0 SCOPE

- 3.1 The Freedom of Information Acts are the governing legislation for requests by individuals to access or amend information held on file.
- 3.2 This guideline applies to all FOI requests received by the National Ambulance Service.

4.1 LEGISLATION/OTHER RELATED POLICIES

- A. Freedom of Information Act 1997
- B. Freedom of Information Act 2003

5.0 GLOSSARY OF TERMS AND DEFINITIONS

- 5.1 Decision Maker - plays a pivotal role in requests for access or amendments to information. This is basically a co-ordinating and monitoring role under FOI. The FOI Decision Maker is responsible for ensuring absolute compliance with FOI Acts 1997 & 2003. Specific and named Managers within the National Ambulance Service are named "Decision Makers".
- 5.2 Research Officer - is responsible for assisting the Decision Maker in researching information
- 5.3 Third Party - is an individual named within a document by which an FOI request has been submitted
- 5.4 FOI Applicant - is the individual requesting records held pertaining to personal information on file
- 5.5 Decision Letter - is the letter informing the FOI Applicant of the outcome of the request
- 5.6 FOI – Freedom of Information
- 5.7 IC – Information Commissioner

6.0 ROLES AND RESPONSIBILITIES

- 6.1 The FOI Decision Maker is responsible for sourcing the information as requested by the FOI applicant and ensuring compliance with legislation
- 6.2 The FOI Research Officer - is responsible for assisting the Decision Maker in researching information
- 6.3 Every member of staff is personally responsible for co-operating with efforts to process FOI requests.
- 6.4 The Internal Reviewer is responsible for assessing whether the appeal should be upheld or amended.

7.1 GUIDELINE

7.2 FOI DECISION MAKER DUTIES

- 7.2.1 Identify all files which contain paper (records) relevant to the request
- 7.2.2 Initiate a relevant document search of electronic or equivalent files
- 7.2.3 Where appropriate, print or copy all relevant information held on electronic and/or manual files and place them in appropriate chronological order
- 7.2.4 This work should be completed within two working days from receipt of request
- 7.2.5 Regarding the search/retrieval the decision maker must document in writing:
 - A. The methods undertaken to find records
 - B. All locations searched
 - C. Who was contacted during the search and the outcome
 - D. The time taken to search and contact locations
 - E. Whether a fee should be charged, if so seek a deposit
- 7.2.6 Issue letter of acknowledgement to the requester within two weeks

7.3 WHEN ALL RECORDS ARE ASSEMBLED

- 7.3.1 Number each page, starting at the back of the file and beginning with number '1' (include post-it labels and complimentary slips)
- 7.3.2 Numbers should be written on top right hand corner in black ball point pen
- 7.3.3 Complete schedule of record
- 7.3.4 Beginning at page Number '1', review each page and examine if record is covered under the Act or exempted.
- 7.3.5 Where the record is exempted it should be blanked out using tape before copying

7.4 WHERE RECORDS IDENTIFIED INVOLVE A THIRD PARTY

- 7.4.1 Write a letter to third party seeking their views on release of information pertaining to them. The third party then have up to three weeks to respond
- 7.4.2 This letter must be issued within two weeks of receipt of application of request. The timeframe of original request is subsequently extended by three weeks
- 7.4.3 Advise applicant of third party information on file and extension of time limit
- 7.4.4 Following response from the third party and if the HSE decides to release records, the third party must be informed and given right of appeal to the Information Commissioner within two weeks
- 7.4.5 If no appeal is lodged, the HSE can proceed to release records
- 7.4.6 Document all contact with third parties
- 7.4.7 If third party cannot be contacted, document all reasonable steps taken to contact the third party
- 7.4.8 Where access is being considered in this case the Information Commissioner's approval must be sought. Write to the IC and include:
 - A. Reasons for contacting the third party
 - B. Efforts made to contact the third party
 - C. Copies of the relevant records
 - D. The intended decision
- 7.4.9 Check if request relates to more than one area of the HSE, if so advise other Decision Makers accordingly without delay and co-ordinate issue of all records

7.5 VOLUMINOUS REQUESTS

- 7.5.1 Where a substantial number of records are requested, the Decision Maker(s) should contact the applicant to ensure the request is of manageable proportions.
- 7.5.2 If request remains too voluminous the HSE can refuse the request and must notify the applicant accordingly.
- 7.5.3 It is important to document all steps taken as it maybe the subject of an appeal to the Information Commissioner.
- 7.5.4 Where a request is of such a voluminous nature that the normal four weeks is insufficient, the Decision Maker can advise the Applicant of an extension of up to four weeks and their right of appeal direct to the Information Commissioner.
- 7.5.5 In certain circumstances, where records are to be issued, the HSE can levy a charge and the Decision Maker can request a deposit.
- 7.5.6 When there is insufficient information to identify records, the Decision Maker should contact the Applicant to clarify the request. If still unable to identify records, the request can be refused and the applicant must be notified accordingly

7.6 TRANSFER

- 7.6.1 When the HSE holds only part of the records, the Applicant should be advised accordingly and if possible, given details where other records are available.
- 7.6.2 Where the HSE has none of the records requested the Decision Maker should if possible, forward the FOI Request to the Appropriate Body and notify the Applicant.

7.7 MAKING A DECISION

- 7.7.1 When all the records are assembled, the Decision Maker/Research Officer must then read each page and decide if any exemptions apply.
- 7.7.2 The schedule of records must be updated and all pages with exemptions noted.
- 7.7.3 Exempted material must be blanked out before the record is copied.

7.8 NOTIFICATION OF DECISION/GRANT

7.8.1 Advise the applicant in writing of:

- A. The decision
- B. The day on which it was made
- C. The name of the Decision Maker
- D. The form and manner of access
- E. Any fee payable and deposit sought prior to release
- F. The reasons for refusal (where appropriate including relevant Sections of the Act) and include a copy of the records schedule
- G. Findings on any material issues relevant to the decision
- H. Particulars of rights of review

7.8.2 Forward a copy of the Decision Letter and Schedule of Records to the FOI Office.

7.9 APPEALS

7.9.1 If the FOI Applicant is unhappy with the decision, they have the right to make an appeal to the delegated Internal Reviewer, Assistant National Director, National Ambulance Service. Appeals must be made within four weeks of original notified of the initial decision. The Internal Reviewer must make a decision on the appeal application within three weeks of receipt. The Internal Review process involves a complete re-examination of the information sought and whether the records were correctly identified.

7.9.2 If the FOI Applicant is dissatisfied with the decision of the Internal Reviewer, they may appeal to the Information Commissioner established under Section 33 of the Act within six months of the date of notification of the decision.

7.9.3 The Information Commissioner will then examine firstly how the FOI Application was dealt with and secondly the records involved in the request. The Information Commissioner has to make a decision on the appeal within three months.

8.0 IMPLEMENTATION PLAN

- 8.1 This Guideline will be circulated electronically to all Officers, all Supervisors and Staff
- 8.2 This Guideline will be placed in hardcopy in each Division's Administration Procedure Manual in each Ambulance Station and Ambulance Control Centre for ease of retrieval and reference
- 8.3 Each CAO will ensure that the Officer responsible for updating Procedure Manuals will return the Confirmation Form to NAS Headquarters to confirm document circulation to all staff

9.0 REVISION AND AUDIT

- 9.1 This guideline must be adhered to at all times to ensure compliance with the FOI Acts 1997 & 2003.
- 9.2 Random Audits by the Freedom of Information Officer or Information Commissioner may occur.
- 9.3 This guideline will be formally reviewed whenever necessary following changes in procedures and/or legislation or a relevant event.
- 9.4 The Senior Ambulance Management Team has the responsibility for ensuring the regular review and updating of this guideline.
- 9.5 Revisions, amendments or alterations to the guideline can only be implemented after consideration and approval by the Assistant National Director, following appropriate consultation and review by the Corporate Data Protection and Freedom of Information Office
- 9.6 Each request to access personal data will be managed in accordance with this guideline.
- 9.7 Each access request and resulting decision taken by the designated Officer / Decision Maker will get notified directly to the FOI & DP Office in the relevant HSE Area.

10.0 REFERENCES

None applicable

11.0 APPENDICES

Appendix I - Guideline Acknowledgement Form

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