



# Freedom of Information Policy

## OVERVIEW

This policy sets out the approach of the Money and Pensions Service's (MaPS) takes to its obligations under the Freedom of Information Act (FOIA). MaPS intends to build and maintain public trust and confidence by providing free and reasonable access to the information it holds and aims to achieve this by promoting transparency in the way it operates, its decision-making processes and its services.

This policy does not cover requests for personal information as these are covered under our data protection framework.

## POLICY STATEMENT

The Freedom of Information Act (FOIA) 2000 provides the public with the right to access to information held by all public authorities, except where an exemption applies and places a statutory obligation on all public authorities to ensure the information, they hold is easily accessible and readily available.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002.

Recorded information covers information such as letters, emails, photographs, printed documents, computer files and sound and video recordings.

In line with the Environmental Information Regulations 2004 members of the public are entitled to request environmental information from us.

All timelines and processes will align with the process laid out in this policy.

If the requested information is not environmental, MaPS may need to deal with it under the Freedom of Information Act.

## THE INFORMATION COMMISSIONER'S OFFICE

The Information Commissioner's Office (ICO) is the UK's independent authority, set up to uphold information rights in the public interest. The ICO promotes transparency in public authorities and provides guidance on requests. It also enforces compliance with FOIA legislation.

<https://www.gov.uk/make-a-freedom-of-information-request>

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

## **OPERATING PROCEDURES**

### **The Publication Scheme**

Under the FOIA, MaPS is obligated to maintain a publication scheme, which is a guide outlining the information routinely made available to the public by an organisation.

MaPS publishes various information on its website on the Public Information webpage and regularly reviewed to ensure accuracy.

<https://moneyandpensionservice.org.uk/foi-publication-scheme/>

### **Making a Freedom of Information Request**

FOI requests should be sent to MaPS via email to: [FOI@maps.org.uk](mailto:FOI@maps.org.uk) or by post to:

Freedom of Information Officer  
Money and Pensions Service  
120 Holborn  
London  
EC1N 2TD

MaPS accepts requests made in writing i.e. letter or email. If a person is not able to make a request due to a disability, they should contact MaPS and ask a member of staff to assist them to submit their request and no fee is required.

The person making the request needs to provide:

- Their name
- A contact address
- A clear description of the information they require

The applicant does not have to mention the FOIA for their request to be valid or specify the reason they want the information. Requests for brochures, leaflets, or other general publications fall within the scope of business as usual and will be treated accordingly. These types of requests will not be dealt with under the FOIA.

### **Replying to a Request**

FOI requests will be acknowledged within 5 working days of receipt. Requests will be passed to the relevant area to obtain the information to provide a response, with any accessibility adjustments as required.

Once the information is being processed, consideration will be given as to whether an exemption is applicable and whether the public interest test should also be applied.

## **Time Limits**

The statutory time limit to reply to FOI requests is 20 working days from the date of receipt. However, we will aim to reply as quickly as is reasonably possible, depending on the resources available and the complexity of the request.

There is provision for an extension of up to 20 days if we are unable to respond if we update the requestor with an explanation and a date for response.

### **The Right to Refuse a Request**

MaPS has the right to refuse a request in the following circumstances:

- An exemption applies under the FOIA.
- An estimate shows the cost of compliance exceeds the appropriate limit for handling the request.
- A Fees Notice was issued to the applicant, but the fee has not been paid.
- MaPS has evidence showing the request is repeated or vexatious.

This list is not exhaustive.

If we decide to refuse a request, we will write to the requestor setting out the reasons their request has been refused within the required timescales.

## **Exemptions**

There are two types of exemptions under the FOIA:

- An absolute Exemption: This refers to information that cannot be released under any circumstances, such as someone's personal data.
- A Qualified Exemption: This is where we are required to undertake a Public Interest Test to assess the information requested. The Public Interest Test which considers whether the need to withhold information outweighs the public interest to disclose it. Exemptions.

The Public Interest Test does not apply to absolute exemptions and we will only withhold information where an exemption applies.

### **The Public Interest Test**

A public authority can only withhold the information if the public interest in maintaining the exemption outweighs the public interest to disclosure. The public interest here means the public good, not what is of interest to the public or the private interests of the requester.

## **Redacting Information**

Redaction is the process of removing information from a document and is achieved by blocking out sections of information such as personal data or other sensitive information before release. If by redacting a document the information becomes illegible, the entire document may be withheld.

## **Consulting Third Parties**

If MaPS accepts information from a third party in confidence, it may be necessary to obtain that party's permission to disclose that information. Third parties include external stakeholders, business partner agencies, contractors, etc.

MaPS is not obligated to provide information, without consent if a third party refuses its disclosure. The third party's opinion will be considered alongside other relevant factors in the decision-making process. If the information requested relates to personal data, then this can be redacted and should be dealt with via our data protection framework.

## **Fees**

MaPS does not charge for handling FOI requests, although under certain circumstances a fee will be applicable. This includes:

- The time taken to deal with a request if it exceeds £450. (This is calculated as 18 hours of staff time based on an hourly rate of £25 per hour).
- The costs involved in retrieving and extracting the information.
- Charges for printing, photocopy documents, and postage.
- Supplying information in a format of the requester's preference

## **Redacting exempt information**

The addition of VAT is considered in relation to government's guidelines which state it is not payable if the information is only available from MaPS or another public authority. If the information is available from another source that is not a public authority, we may include VAT.

If a fee is applicable, we will MaPS will notify the applicant with a Fees Notice and deadline to pay. Once the Notice has been issued the request is paused, with the remaining number of working days to fulfil the request calculated from the first working day after the fee is received.

If MaPS does not receive the required payment within three months, the request will be closed.

This does not prevent MaPS from refusing to comply with a request under the cost's exemption.

## **Vexatious and Repeat Requests**

MaPS is not obligated to respond to vexatious or repeated requests for information under section 14 (1) of the Act which is designed to protect public authorities from requests of this nature, allowing them to refuse requests which have the potential to cause disproportionate or unjustified levels of disruption or distress. A public authority does not have to comply with a request which is identical or

substantially similar to a previous request submitted by the same applicant unless a reasonable period has elapsed between the applicant's requests. A reasonable interval is 40 working days.

This is based on benchmarking information from the Local Government Association website. Further information can be found at: "Reasonable Interval to Submit FOI Requests"

Section 14(1) of the FOI Act can only be applied to the request, it cannot be applied in to the applicant who submitted it.

If MaPS considers an applicant's request 'Vexatious or repeated,' MaPS will still write to the applicant within 20 working days setting out the reason the request has been refused. MaPS will also inform the applicant of the internal review process and their right (under section 50 of the FOIA) to apply to the ICO for a Decision Notice if they wish to escalate the issue.

## **Review and Complaints Procedure**

### **Complaints and Internal Review Process**

If an applicant is unhappy with the information provided in response to their FOI request, or the way it is handled, they have the right to request an internal review. The internal review will be conducted by the Data Protection Officer to ensure it is dealt with fairly and impartially. MaPS will acknowledge the applicant's request within 5 working days.

Following the review, a decision will be issued to the applicant within 20 working days from the time their request was received. In exceptional circumstances where the review is considered complex; the time might be extended to 40 days. If the outcome of a review overturns the original decision to withhold information, the information will be sent to the applicant within 20 days of the completion of the review.

The review will take into consideration any exemptions, the Public Interest Test, timeliness, and all relevant factors concerning the request.

MaPS will only consider internal review requests received within two months of the final response to the original FOI request.

If an applicant remains dissatisfied with the outcome of an internal review, they have the right to appeal to the Information Commissioner's Office

The applicant should write to:

The Information Commissioner's Office  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF

## RELATED FORMS, GUIDELINES AND OTHER RELEVANT RESOURCES

### Freedom of Information Exemptions

#### Absolute Exemptions

Section 21	Information accessible by other means (often already in the public domain)
Section 23	National Security – Information supplied by, or relating to, bodies dealing with security matters.
Section 32	Court Records
Section 34	Parliamentary Privilege
Section 36	Effective Conduct of Public Affairs
Section 40	Personal Information
Section 41	Information provided 'In Confidence'
Section 44	Prohibitions on disclosure – where disclosure is prohibited by an enactment or would constitute contempt of court

#### Qualified Exemptions

These are exemptions where the public interest test applies:

Section 22	Information Intended for Future Publication Exemption
Section 24	National security
Section 26	Defence
Section 27	International relations
Section 28	Relations within the United Kingdom
Section 29	UK Economic Interests
Section 30	Investigations and Proceedings Conducted by Public Authorities
Section 31	Law Enforcement
Section 33	Audit Functions
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Section 30	Investigations and Proceedings Conducted by Public Authorities
Section 31	Law Enforcement
Section 33	Audit Functions
Section 35	Formulation of government policy and Ministerial Communications
Section 36	Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
Section 37	Communications with Her Majesty, the Royal Family or concerning honors
Section 38	Health and Safety
Section 39	Environmental Information
Section 40	Personal information relating to a third-party access request
Section 42	Legal Professional Privilege
Section 43	Commercial Interests

## RELATED POLICIES

Data Protection Policy : [Link](#)