

# Herefordshire Council's Disclosure Log Policy

## 2021 - 2023

<i>Reference Number</i>	
<i>Approved By</i>	Information Governance Steering Group
<i>Date approved</i>	9 September 2021
<i>Version</i>	0.01
<i>Last Revised</i>	N / A
<i>Review Date</i>	December 2022
<i>Category</i>	Corporate Governance
<i>Owner</i>	FOI/EIR Officer
<i>Target audience</i>	All staff and members of the public

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This procedure may be reviewed earlier than the Review Date in the event of significant developments requiring changes to the document.

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# 1. Statement of Purpose

As recommended by the Information Commissioner's Office, Herefordshire Council operates an online disclosure log. A disclosure log is a published list of requests received and responded to under the Freedom of Information (FOI) Act 2000 or Environmental Information Regulations (EIR) 2004.

Herefordshire Council recognises that there are risks associated with the publication of FOI and EIR requests and responses. This policy aims to mitigate these risks by ensuring that the council has an effective and co-ordinated approach to publishing requests and responses on the disclosure log.

It provides a framework which underpins operational procedures and activities connected with disclosure log publication, and informs members of the public, and all council staff, members, volunteers and contractors of the process which has been established to publish such information.

## 2. Introduction

The FOI Act and EIR came into force on 1 January 2005, and provide public access to recorded information held by public authorities. It does this in two ways:

- Public authorities are obliged to publish certain information about their activities, with the council's commitment to doing so set out in the [Publication Scheme](#).
- Members of the public are entitled to request recorded information from public authorities.

When this information is disclosed in response to an FOI or EIR request, disclosure is essentially made to the 'world at large' not just to the requester. As part of the council's commitment to openness, transparency and accountability with regards to the recorded information it holds, and in order to provide greater access to that information, the council has introduced a [disclosure log](#).

The council aims to publish all FOI and EIR requests and responses (including any attachments) which have been disclosed in full i.e. where no exemptions / exceptions have been applied to some, or all, of the information. An exemption / exception may apply, for example, to information which contains personal data.

Disclosure logs are recommended as best practice by the Information Commissioner's Office, and are also recommended as good practice as part of the [Publication Scheme](#), which is a requirement under Section 9 of the FOI Act 2000.

The disclosure log will also enable the council to publish, in one place, all datasets (as defined by Section 11(5) of the FOI Act) disclosed under FOI / EIR. This will make them more easily accessible and meets the provisions for publication introduced by the Protection of Freedoms Act 2012 (POFA).

# 3. Publication Criteria

The Information Governance Team will consider each request / response against the following criteria when considering whether or not to publish it on the disclosure log:

## 3.1 Exemption / Exception

Requests which have had an exemption / exception applied to all, or part, of the requested information will not be published on the log.

## 3.2 Personal Information

Requests which are exempt under Section 40(2) of the FOI Act or Regulation 13 of the EIR (personal data) or the request itself relates to the requester, or, where extensive redaction of personal data renders the response unintelligible it will not be published. If any part of the request and / or response may enable identification of any individual(s) it will be considered in line with the redaction criteria (Section 4).

## 3.3 Vexatious

Requests which use inappropriate / offensive language and the requested information is disclosed, will be published following appropriate redaction.

## 3.4 Datasets

Any datasets which are disclosed in response to a request will be published on the log in a machine readable format i.e. Comma-Separated Value (CSV) format, where reasonably practicable to do so.

## 3.5 Response subsequently changed

If a response is changed as a result of an internal review, the disclosure log will be updated accordingly.

# 4. Redaction

## 4.1

All responses published to the disclosure log will be dealt with in accordance with the UK General Data Protection Regulations (GDPR) and Data Protection Act 2018. Personal details, including the requester's name and contact details (postal or email) will be redacted prior to publication to protect the requester's privacy.

## 4.2

If the body of the request or response contains reference to named individuals, the Information Governance Team will also consider whether these details also need to be redacted before being published on the disclosure log. There may be circumstances under which officers' information may need to be disclosed in a response when acting in their professional capacity. Any such disclosure will follow the Information Commissioner's [guidance on requests for public authority employee data](#).

## 5. Timescales

The council aims to publish requests and responses as soon as practicably possible after the response has been sent to the requester.

## 6. Retention

Requests and responses published on the disclosure log will be retained for 3 years, in accordance with the council's [retention schedule](#).

## 7. Roles & Responsibilities

### 7.1 Information Governance Steering Group

The Group will be responsible for monitoring publication via monthly reporting by the Information Governance Manager (or representative) and escalating issues where appropriate to Management Board or the relevant directorate management team.

### 7.2 Information Governance Team

The Information Governance Team will:

- Ensure a disclosure log of completed requests and response is maintained and available for public view on the Herefordshire Council website.
- Act as a contact point in relation to the disclosure log.
- Review requests against the criteria listed in this document before publication.
- Publish requests and responses which meet the criteria for publication to the disclosure log as soon as practicable after the response has been sent out.
- Ensure published responses meet the requirements of the UK GDPR and the Data Protection Act 2018, and are appropriately redacted, via the removal of the requester's details, prior to publication.
- Remove requests and responses from the disclosure log as required.
- Ensure datasets are published in machine readable formats where reasonably practicable.
- Conduct regular checks to ensure that any information available complies with the requirements of the UK GDPR and Data Protection Act 2018.

## 8. Who will implement and monitor this?

The Information Governance Team will conduct regular checks to ensure that any information published complies with the UK GDPR and Data Protection Act 2018. A monthly report will be produced by the Information Governance Team summarising the results of these checks.

This procedure and any associated procedures will be monitored by the Information Governance Steering Group.

The Assistant Director Corporate Support will be kept informed of any issues and instances of non-compliance regarding this procedure.

This policy was initially reviewed 6 months after the disclosure log was first introduced, and the Information Governance Steering Group agreed to continue with the above arrangements. A further review will take place 6 months after the first review, to determine whether the scope of what requests / responses are published should be widened.

Once the initial review takes place, the policy will be reviewed as deemed appropriate, but no less frequently than every 2 years.

This policy review and amendments will be undertaken by the Information Governance Team in consultation with the Information Governance Steering Group.

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Approval: Information Governance Steering Group

Date approved: September 2021

Publisher: Herefordshire Council

Rights copyright: Copyright of Herefordshire Council

Security Classification: Unclassified

Publication: External

Date for review: December 2022

Ref. no: