

## **Freedom of Information Policy**

### **1. Introduction**

- 1.1 The Freedom of Information Act 2000 (FOIA) enables anyone to request recorded information held by the Health and Care Professions Council (HCPC).
- 1.2 The HCPC supports the underlying principle of FOIA; that people have a right to know about the activities of public authorities unless there are good reasons for withholding that information.
- 1.3 The HCPC seeks to operate open and transparent processes and to publish as much information about its activities as it can. The HCPC will comply with a request for information made under FOIA (a FOI request) if it holds the information requested, unless one or more of the exemptions under FOIA apply.

### **2. Scope of the policy**

- 2.1 The policy applies to all recorded information held by the HCPC or by third parties on its behalf. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

### **3. HCPC's Publication Scheme**

- 3.1 FOIA requires the HCPC to publish and maintain a publication scheme. This is a high-level commitment to proactively publish certain types of information. We have adopted the Information Commissioner's Office (ICO) model publication scheme for public authorities. All of the information referred to in the publication scheme is available on our website.
- 3.2 The ICO has also published a more detailed sector specific definition document for health regulators. This provides guidance on the kinds of information that the ICO expects the HCPC and other regulators to proactively provide.

## 4. FOIA requests

- 4.1 If you are unable to locate the information you require on the HCPC website you can submit an FOI request for it. Requests must be in writing and include your name and contact details. Requests can be made by email to [foi@hcpc-uk.org](mailto:foi@hcpc-uk.org) or by post to;

Information Governance  
HCPC  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

- 4.4 You do not have to mention FOIA to make a valid request. The HCPC will treat all written or email requests for information as FOI requests where the information sought is not already available to the public or routinely provided.
- 4.5 We aim to respond to requests promptly and, in any event, within the statutory FOIA time limit (20 working days starting the day after a valid request is received).
- 4.6 If we need more detail from you in order to identify the information you have requested, we will ask you. We will do this at the earliest opportunity. The FOIA time limit will be suspended until you respond.
- 4.7 Sometimes when a request is particularly complex or involves a large amount of data, the time limit may need to be extended. In these cases we will inform you of any delay and the reason for it, and provide you with an expected response date.
- 4.6 You can expect our FOI response to;
- confirm if the information you have requested is held;
  - provide an explanation of any exemptions applied;
  - outline the public interest arguments considered if the public interest test has been applied; and
  - explain how you can complain if you are not satisfied with the response received.
- 4.7 We aim to provide the information you require in the format you have requested (for example, on paper, in electronic form or by inspection at HCPC's offices). However, sometimes it may not be reasonably practicable to do so. In considering requests we will take account of all relevant factors, including cost.

## **5 FOIA and the Data Protection Act**

- 5.1 You cannot make a FOI request for your own personal data. If you want to access your personal data this will be treated as a 'subject access request' made under the Data Protection Act 1998 (DPA). More information on subject access requests can be found in our Data Protection Policy
- 5.2 The HCPC must protect personal data in accordance with the DPA. If you are requesting information which forms the personal data of another individual, the HCPC will need to carefully consider its obligations under the DPA before disclosing any personal data in response to that request.

## **6. Exemptions**

- 6.1 Some information is exempt from disclosure under FOIA. Although the HCPC seeks to disclose as much information as possible, we will use relevant exemptions when we consider this is appropriate.
- 6.2 If we decide that the information you have requested cannot be released we will tell you this and we will explain our reasons.
- 6.3 Exemptions under FOIA may be either:
- *qualified exemptions*: where the HCPC must apply the 'public interest test' and decide whether the public interest in withholding the information is outweighed by the competing public interest in its disclosure; or
  - *absolute exemptions*: which apply automatically, without any public interest test.
- 6.4 Qualified exemptions apply, for example, to information which is intended for publication at some future date, information held for the purpose of fitness to practise investigations or proceedings and information which, if disclosed, would be likely to endanger an individual's health or safety.
- 6.5 Absolute exemptions apply, for example, to information provided in confidence, material that is subject to parliamentary privilege and the personal data of a person making an FOI request.

## **7. Vexatious or repeated requests**

- 7.1 FOIA does not require the HCPC to provide information if a request is vexatious.

7.2 The Information Commissioner has identified a number of factors that can be taken into account when determining whether a request is vexatious, these include:

- abusive or aggressive language;
- personal grudges;
- unreasonable persistence;
- frequent or overlapping requests;
- scattergun approach;
- frivolous requests.

7.3 The HCPC is not obliged to comply with a request which is identical or substantially similar to a previous request from the same person unless a reasonable interval has elapsed.

## **8. Costs**

8.1 We aim to provide information in an electronic form free of charge wherever possible. However, we will charge for information in some circumstances, such as where only paper records exist and photocopying or postage costs in excess of £10 will be incurred in providing the information.

8.2 Charges will be calculated at a rate of 10p per A4 page for photocopying. Postage will be calculated using the Royal Mail postage rates which apply at the time the FOI request is processed. Other charges (such as copying on larger paper sizes) will be calculated on the basis of the cost incurred by the HCPC in providing the information concerned.

8.3 Written transcripts are not routinely produced for all HCPC fitness to practise hearings. A record of the proceedings is made by an outside provider from which transcripts can be prepared. If you want to obtain a transcript and we do not already have it in written form, we will obtain a transcription quote from the provider. The typical cost for a transcript is £600-£1200.

8.4 Where any charge is payable, we will inform you and then confirm that you wish to proceed with the FOI request. Once the necessary payment has been made, we will process the request.

8.5 The HCPC may refuse to respond to a FOI request where the cost of doing so would exceed the statutory cost limit. That limit is currently £450, with any staff costs being calculated at the statutory rate of £25 per hour.

## 9. Complaints

9.1 If you are not satisfied with the response you receive from the HCPC you can request an internal review. An internal review must be requested within 40 working days of the date of the HCPC's response to your FOI request.

9.2 An internal review will be undertaken by a senior member of HCPC staff who was not involved with the original decision, who will consider whether the FOI request was handled appropriately. We aim to respond to all internal review requests within 20 working days.

9.3 Requests for internal reviews can be submitted by email to [foi@hcpc-uk.org](mailto:foi@hcpc-uk.org) or by post to;

Secretariat  
HCPC  
Park House  
184 Kennington Park Road  
London  
SE11 4BU

9.4 If you are dissatisfied with the outcome of an internal review or with the HCPC's handling of your request you can contact the ICO to request that they look into your concerns. The contact details for the Information Commissioner are:

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

Tel: 0303 123 1113  
Website: [www.ico.org.uk](http://www.ico.org.uk)  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)