



**Freedom of Information**

**Version 2**

**Category: Corporate**

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**Review Frequency: 3 years**

**Owner: Company Secretary**

**Contributors: Customer Service & HR Director, Contracts & New Services Manager & Housing Services Manager**

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## POLICY

### 1. Policy Goal

The aim of this policy is to ensure that all ECCT staff, residents and third parties are aware of how the Freedom of Information Act 2000 applies to The ExtraCare Charitable Trust (ECCT) and how ECCT will ensure that it complies with legislation and operates in an open and transparent manner whilst safeguarding the privacy of staff, Trustees and residents.

### 2. Business Objectives

To meet the requirements of the Freedom of Information Act 2000 (“the Act”) and to comply with contractual requirements in order to minimise reputational risk for ECCT. To ensure the privacy of staff, residents and Trustees and to ensure fair, equitable and transparent interactions with other organisations in all ECCT business activities, including our regulatory bodies, whilst maintaining transparency.

### 3. Organisational Statement

The Act does not apply to registered providers of social housing or to registered care providers and accordingly ECCT is not required to provide information to members of the public under the Act

However, as a registered charity which receives public funds to provide care, housing, housing related support and associated services for older people and as a responsible service provider and employer, ECCT is committed to operating in an open and transparent manner.

Furthermore, ECCT provides services to public authorities and is required to comply with contractual obligations which may include providing information about the services it provides to enable that public authority to respond to a Freedom of Information Act request. ECCT may also wish to make Freedom of Information requests to public authorities from time to time, although a decision to do so must not compromise the organisation or prevent it from carrying out its charitable aims and business activities.

### 4. Outcomes

All staff understand the policy and procedures and adhere to them.

Residents have an understanding of the policy and how it applies to them.

Other agencies, regulators and partners are aware of the policy.

All Freedom of Information requests received are submitted to the Company Secretary for recording and response.

## **5. Application**

This policy applies to all staff.

Managers are responsible for ensuring that any requests for information made under the Act are handled in accordance with this policy.

Staff may not make a request for information under the Freedom of Information Act to a public authority without the approval of the appropriate Executive Director.

## **6. Reason for the Policy**

To ensure the Freedom of Information Act and our contractual obligations are complied with and that residents, staff, regulators and other business partners are aware of our legal responsibilities to the Act and our organisational stance in utilising it.

## **7. What is new / What is different**

This is a revised policy which has been reviewed in accordance with standard ECCT practice. Whilst the wording has been updated there are no substantive changes.

## **8. How to measure success**

All requests received by ECCT for information under the Act are handled consistently.

Notwithstanding that ECCT is not subject to the Act, ECCT responds in a considered and transparent way to requests for information about its work and activities, where it considers that a response is not prejudicial to its commercial interests or in contravention of data protection legislation.

ECCT complies with its contractual obligations and co-operates with requests for information from public authorities with whom it contracts in respect of the Act.

Requests made by or on behalf of ECCT to public authorities for information under the Act are subject to appropriate internal controls.

## 9. Reference to relevant documents

<b>Regulation / Guidance</b>	<b>In House Documents</b>
Freedom of Information Act 2000	Code of Governance
<a href="http://www.ico.gov.uk/for_organisations/freedom_of_information.aspx">www.ico.gov.uk/for_organisations/freedom_of_information.aspx</a>	Risk Management Policy
Data Protection Act 1998	Human Rights Policy
	Data Protection Policy
	Dealing with Tenders*
	Managing Contracts*
	(Those policies marked * are currently under review)

10. **Approval date** – December 2015

11. **Next review date** – December 2018 or earlier in the event that the Freedom of Information Act is amended or its application is extended to include ECCT

**APPENDIX 1 – GENERAL STATEMENT**

The Freedom of Information Act 2000 (“the Act”) provides public access to information held by public authorities. ECCT is not a public authority for the purposes of the Act and as such is not required to either publish information under the Act or to respond to Freedom of Information requests from members of the public.

However, in accordance with its Code of Governance ECCT operates in an open and transparent manner. The following information is provided on its website:

[www.extracare.org.uk](http://www.extracare.org.uk)

- The Annual Report and Accounts
- 5 year strategy
- Value for Money self-assessment
- CQC ratings and reports for each location
- Customer satisfaction ratings for each location
- A number of key policies including Complaints Management, Data Protection, Equality & Diversity, Health & Safety, Gifts & Hospitality, Conflicts of Interest, Lettings, Customer Involvement.
- ECCT’s Code of Governance
- ECCT’s Code of Conduct

Where information is requested about ECCT’s work and activities which is not already publicly available ECCT will respond in a considered and transparent way.

## APPENDIX 2 – FREEDOM OF INFORMATION & DATA PROTECTION

The Freedom of Information Act 2000 (Fol Act) provides public access to information held by public authorities. It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

The Fol Act covers any recorded information that is held by a public authority. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

Public authorities include government departments, local authorities, the NHS, state schools and police forces. However, the Fol Act does not necessarily cover every organisation that receives public money. It does not cover ExtraCare even though we receive public grants and funding and perform some public functions.

The Fol Act does not give people access to their own personal data (information about themselves) or to personal data of other individuals such as their health records or credit reference file. If a member of the public wants to see information that any organisation holds about them, they should make a subject access request under the Data Protection Act 1998.

If a resident, or a member of a resident's family, wants to access the personal information held by ExtraCare, they must make this request in writing – see the procedure set out in the Data Protection Act. **IMPORTANT NOTE:** there is no right for a resident's family to see the resident's personal data unless there is an appropriate power of attorney in place. In all other cases, the resident must expressly consent (in writing) to that information being shared with the family member).