



**Isle of Man Post Office**

**Freedom of Information Guidelines**

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## **1. Introduction**

This document will describe how the Isle of Man Post Office (IOMPO) will ensure compliance to the Freedom of Information Act 2015 (FOIA).

The key messages contained in this document are as follows:

- Requests under FOIA must, by law, be responded to promptly, and in any event, within 20 working days.
- All requests received direct by a business unit must be forwarded to the FOI Co-ordinators.
- This document sets out the IOMPO guidance on FOIA and the processes (Appendix I) to be followed by all staff to ensure the Act is implemented.

## **2. Purpose**

The purpose of this document is to ensure that:

- The IOMPO is fully compliant with its statutory responsibilities under the Freedom of Information Act, 2015 (FOIA).
- Support the principles of openness and transparency which are enshrined by FOIA and supported by the IOMPO.
- All requests under FOIA are dealt with promptly, and in any event, within the 20 working day legal requirement.
- All FOIA requests, regardless of route received, are immediately forwarded to Co-ordinators.
- All responses are consistent and of a high standard.
- Requests are dealt with fairly and consistently and the IOMPO fulfils its obligation to 'advise and assist' requestors.
- That all staff are aware of their responsibilities under the FOIA.

## **3. Responsibilities**

While ultimate responsibility for compliance with FOIA rests with the Chief Executive Officer, all members of staff have responsibilities under FOIA and this compliance guidance. In addition all staff will receive FOIA training as part of their Induction training, and will adhere to the IOMPO Corporate Governance policies and procedures.

## **4. Development Process**

FOIA came into force on February 1<sup>st</sup> 2016 in a phased implementation across Government. The Isle of Man Post Office became accountable to the legislation on the 1<sup>st</sup> July 2017.

To manage the impact on resources, FOIA does not apply retrospectively beyond information created before the 11<sup>th</sup> October 2011 and can only be used by Isle of Man residents.

The public can still obtain information from the IOMPO under the Code of Practice on Access to Government Information ('Access Code') which has been in place since 1996 and will be retained alongside the FOI regime to cover requests that fall outside its scope.

FOIA enshrines in law the right of Island residents to gain access to information held by public authorities, as named in Schedule 1 of the legislation.

As in the case with FOI regimes elsewhere, there are a range of exemptions to protect legitimate confidentiality, for example to prevent harm to businesses. There are two types of exemptions, 'absolute' and 'qualified', the latter being subject to a public interest test.

The operation of the FOIA will be overseen by the Independent Information Commissioner who is also responsible for regulating the Data Protection Act, the Unsolicited Communications Regulations and the Code of Practice on Access to Government Information.

Freedom of Information Act 2015

[www.inforights.im/legislation/freedom-of-information-act/](http://www.inforights.im/legislation/freedom-of-information-act/)

## **5. Responding to Requests**

In compliance with good practice, the information requested should, where held, be disclosed. In certain circumstances, the IOMPO may refuse to supply all, or some, of the information requested (Appendix 2). For example, the information requested may be commercially sensitive and possibly damage the IOMPO. Also personal customer information will not be disclosed as per the IOM Data Protection Act 2002.

All documents provided by the IOMPO should include appropriate disclaimers about the IOMPO responsibility to comply with the FOIA. The IOMPO can only withhold information requested if a valid exemption applies and, in cases where the public interest test applies, the balance is in favour of withholding the information.

While it is possible under the FOIA to refuse requests on the grounds of duplication or vexatious material, these 'practical refusal reasons' apply only in specific circumstances. Identical or very similar requests, or frequent requests from the same source, will not necessarily be treated as duplicative or vexatious.

Information about services carried out on behalf of the IOMPO by other public authorities (local government etc.) will only be disclosed if held; however, for information not held the enquirer will be signposted to the relevant public authority.

Where information is withheld, the relevant exemption(s) will be cited and, where applicable, the public interest test will be applied.

## **6. Request for Review**

Requestors, who are dissatisfied with the way their FOI request has been handled or with a decision to withhold information, are entitled to request an internal review. As per Section 60 to the FOIA Code of Practice, part of the IOMPO obligations under FOIA, staff must inform the requestor of the process to complain. If a requestor wishes an internal review, they are to complete a complaint form online, or be provided with a paper copy.

All complaints are to be forwarded immediately to the following:

Freedom of Information Co-Ordinator  
Isle of Man Post Office  
Douglas  
ISLE OF MAN  
IM2 IAA

If the requestor remains dissatisfied after receiving notice of the outcome of an internal review, they may appeal to the Isle of Man Information Commissioner:

Isle of Man Information Commissioner

P.O. Box 69  
Douglas  
Isle of Man  
IM99 1EQ

Telephone number: +44 1624 693260

Email: [ask@inforights.im](mailto:ask@inforights.im)

## **7. Records Management**

The IOMPO Records Retention Policy, states that Freedom of Information requests and responses should be retained for a minimum of three years after full disclosure and ten years if information is redacted or not disclosed.

## **8. Monitoring**

IOMPO will monitor FOI request response times through business KPI's which the Board, Executive and senior management team will have sight of on a monthly basis. The FOI Co-ordinators will also issue regular reports on the number of requests received, compliance, and also notification of any emerging themes, areas of particular interest etc and will also highlight any problem with Service Areas who are slow to respond with information for FOIA responses.

## **9. Duty to Provide Advice and Assistance**

The IOMPO must give reasonable advice and assistance to persons who wish to make, or who have made requests for information held by the IOMPO.

*Freedom of Information Act, 2015, Part 2 – Access to Information held by Public Authorities, Section 15, Duty to Provide Advice and Assistance*

## **10. Record Tampering**

Deliberately destroying, altering or concealing information that is subject to a Freedom of Information request is defined as 'record tampering' under the FOIA. This is a criminal offence, if an individual is found guilty of the offence; they may be liable to a fine of up to £5,000.

*Freedom of Information Act, 2015, Part 8 – Supplemental Provisions, Section 63, Record Tampering*

## **11. References**

Isle of Man Freedom of Information Act 2015

Freedom of Information Act Code of Practice

IOM FOIA Website Address:

[www.gov.im/about-the-government/freedom-of-information](http://www.gov.im/about-the-government/freedom-of-information)

## **ISLE OF MAN POST OFFICE**

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