

FREEDOM OF INFORMATION TRAINING COURSES

BY ACT NOW TRAINING

Our Approach: We try to present a practical training session with an emphasis on allowing delegates to do their job whilst respecting the law. We do not see any merit in taking too strict an approach that puts barriers in your day to day activities.

Too often courses in this area leave public sector delegates feeling short changed. They are often too legal in content or are delivered by people with no practical experience of implementation in this field. We have developed a reputation for delivering highly practical courses, which combine a thorough explanation of the law together with practical advice all geared towards your organisation.

All these courses are designed to be delivered at your premises. If you prefer to send delegates to external courses please visit the Act Now Training website at www.actnow.org.uk.

Course Timings:

Full Day: 10am to 4pm - 1 hour for lunch and 15 minute am and pm break

Half Day (am or pm) - 3 hours with 15 minute break

Requirements: Screen, flipchart and projector to link with our laptop. We will send you a master copy of the delegate pack to be copied by you at your expense.

What courses are available?

1. Basic Half Day Training Course
2. Full Day Workshop
3. Advanced FOI Exemptions Workshop
4. One Hour Introductory Course
5. Freedom of Information Training for Councillors
6. Data Protection and Freedom of Information
7. FOI, Contracts and Commercial Confidentiality
8. Handling Requests for Personal Data under DPA, FOISA and FOI

We set out below some examples of Freedom of Information Act (FOI) course outlines. These can all be tailored to meet the needs of the delegates:

1. Basic Half Day Training Course

This course aims to raise the awareness of your staff in respect of their rights and responsibilities under the Freedom of Information Act 2000. Both the legal implications are examined and the practical measures that you can take to comply with the legislation. Key topics include:

- What information is covered?
- The Right of Access
- Publication Schemes
- Timetable for Compliance
- Applicable exemptions
- Enforcement and Appeal
- Codes of Practice
- Fees
- Links to Other legislation – DP, HRA, RIPA
- Question and answer session on selected case studies.
- FOI and its link with data protection

2. Full Day Workshop

This is a complete A-Z guide to the Freedom of Information Act 2000 and its Codes of Practice. This interactive course, packed with case studies and exercises, will cut through the legal jargon and give you an action plan for compliance. Key topics include:

Key issues in dealing with requests

- Lifecycle of a request
- Validating requests
- Vexatious & repeated requests
- Duty to advise and assist
- Format of response

Fees for requests

- How to calculate fees
- Fees notices

Key exemptions

- Detailed explanation of each one
- Guidance and caselaw
- Balancing the Public Interest

Refusing requests

- Refusal Notices
- Appeals process

Practical issues

- Raising awareness
- Exemptions panels
- Dealing with the Commissioner

Link with other legislation

- The Data Protection Act
- The Human Rights Act
- The Environmental Information Regulations

3. Advanced FOI Exemptions Workshop (full day)

This full day practical workshop is suitable for all those who are in charge of FOI compliance and advice within an organisation. It is packed full of exercises and real life case studies designed to teach delegates the key factors to be considered when making decisions about exemptions. Caselaw from other jurisdictions and as well as the latest guidance and decisions from the Information Commissioner and the Information Tribunal the will be discussed. Time will also be devoted to practising the drafting of Refusal Notices, a subject which both commissioners have drawn attention to in their decisions.

Key exemptions under FOI/FOISA

- Absolute or Qualified?
- Class based or prejudice based?
- What is "prejudice"/"substantial prejudice"?
- Detailed explanation of each exemption
- Commissioners' Guidance and decisions
- Balancing the Public Interest
- Common misconceptions
- Practical application

Refusing requests

- The complaints process
- Drafting Refusal Notices
- What to include and exclude
- Appeals process

Practical issues

- Who should decide?
- Exemptions panels
- Dealing with the Commissioner

Practical examples and scenarios

Delegates will be encouraged to raise their own FOI requests, decisions and common issues for group discussion in a confidential setting.

4. One Hour Introductory Course

This is a basic course on the main provisions of the FOI Act to enable staff to recognise information requests and to give them a checklist for dealing with information requests.

5. Freedom of Information Training for Councillors (half day/2 hours)

This course is similar to the basic awareness course on FOI (above). It will be geared specifically towards elected members and the FOI issues they face including:

What systems FOI will require?
Are Councillors public bodies?
How to use FOI to your advantage
Claiming Exemptions
Balancing the public interest

6. Data Protection and Freedom of Information (2hours to full day)

I can also deliver a course combining the Data Protection Act and the Freedom of Information Act. This can be from two hours in length to a full day. Full details available on request.

7. FOI, Contracts and Commercial Confidentiality (full day)

Pursuant to the Freedom of Information Act 2000 (FOI), many public sector organisations have received requests for access to contracts, tenders and commercially sensitive information. A number are now the subject of complaints to the Information Commissioner. This subject requires examination of the FOI exemptions as well as analysis of other areas of law such as breach of confidence, procurement law and breach of contract. FOI also needs to be considered when drafting and negotiating contracts.

This highly practical workshop is designed to examine the key issues around giving access to commercially sensitive and contract information owned by public authorities or received from private sector partners through contracts and tenders. This course is also suitable for private sector delegates.

Rights of Access: Brief Overview

A brief of overview of the right of access, Who can apply, what information is covered, time limits, fees etc.

Key Commercial Exemptions

A detailed discussion of the main exemptions covering commercial information, contracts and tenders:

- S.41 - Information Provided in Confidence
- S.43 - Commercial Interests

Other Relevant Exemptions

- S.44 – Prohibitions on Disclosure
- S.40 – Personal Information

Contract Drafting Issues

- Drafting and negotiating confidentiality clauses
- Impact of such clauses on FOI obligations
- Model contract clauses

Procurement Issues

- Consulting partners and contractors
- FOI and wording in Invitations to Tender
- EU Procurement law and confidentiality

Caselaw

The latest decisions of the Information Commissioner and the Information Tribunal will be examined e.g. National Maritime Museum etc. We will also discuss cases from other jurisdictions incl. Australia and the Republic of Ireland.

8. Handling Requests for Personal Data under DPA, FOISA and FOI (full day)

Personal information is a big target for Freedom of Information and Data Protection requests. This workshop is designed to allow delegates to explore these areas thoroughly using plenty of case studies and group discussions. The latest caselaw and Information Commissioners' decisions will be examined. We will also discuss cases from other jurisdictions including Australia and the Republic of Ireland.

Course Objective: To teach delegates how to handle requests for personal data under the Data Protection Act 1998, the Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002 (Edinburgh only).

Rights of Access to Personal Data: An Overview

Quick knowledge check followed by brief overview of the right of access under DPA and FOI/FOISA incl., who can apply, what information is covered, time limits, fees etc?

Requests for Applicant's Own Data

How to deal with a request by the applicant for his/her personal data:

- Data Protection Act factors
- Subject access procedures
- Fees and timescales
- Standard forms
- Comparing DPA with FOI/FOISA

Requests for Third Party Data

How to deal with requests for personal data, relating to third parties, without harming individuals:

- DPA considerations
- Relevant exemptions under FOI/FOISA
- The Public Interest factors
- Sensitive Personal Data
- What information should never be disclosed?

Balancing FOI and Personal Privacy

Applicability of the Human Rights Act 1998
Article 8 ECHR – Right to privacy
Privacy caselaw

Latest Decisions To Be Discussed

Speakers

All our speakers are experts and leaders in this field with years' of experience in both working in and doing training for the public sector.

FEES

The fee for each course depends on the precise content, travelling and preparation time. To discuss your particular training needs and to receive a full quotation please get in touch:

Email: info@actnow.org.uk

Tel: 01924 451054

Or complete the enquiry form on our website www.actnow.org.uk