



**States of Jersey**  
**Freedom of Information**  
**Implementation Plan**

## Approvals

Role/Position	Approved by	Date
QA		
MT		

## Distribution list

From	Contact details	
Reynold Leming Andrea Simmons	<a href="mailto:reynold.leming@socitmconsulting.co.uk">reynold.leming@socitmconsulting.co.uk</a> <a href="mailto:andrea.simmons@socitmonconsulting.co.uk">andrea.simmons@socitmonconsulting.co.uk</a>	
To	Action	Contact details
Geraldine Cardwell	Review	<a href="mailto:G.Cardwell@gov.je">G.Cardwell@gov.je</a>
Tara Murphy	Review	<a href="mailto:T.Murphy3@gov.je">T.Murphy3@gov.je</a>

Action Types: Approve, Review, Inform, File, Action Required, Attend Meeting, Other (please specify)

## Version History

File reference	Date	Author/amend	Description	Status
7608FOIREPv0.1Draft.doc	27.02.2011	Reynold Leming	Initial client review	Draft
7608FOIREPv0.2Draft.doc	19.03.2011	Reynold Leming	Changes following client review	Draft
7608FOIREPv0.3Draft.doc	16.04.2011	Reynold Leming, updated by Andrea Simmons	Changes following further client review	Draft
7608FOIREPv1Final.doc	27.04.2011	Reynold Leming	Final version	Final

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# 1 INTRODUCTION

## 1.1 Background

- 1.1.1 The States of Jersey has drafted a new Freedom of Information (Jersey) Law 201- which, if enacted, will replace the existing Code of Practice on Public Access to Official Information.
- 1.1.2 This was lodged in the States Assembly in July 2010 and was expected to be debated in January 2011. Due to technical reasons, this was to be updated and re-submitted (though it was not expected that the nature of the proposal will change) and is now likely to be debated in May 2011.
- 1.1.3 In October, 2010, a member of the States lodged a further Proposition seeking to ensure that the Council of Ministers publish an implementation plan by February 2011, so that the resource implication will be fully understood.
- 1.1.4 We have been informed that the draft law and the associated proposition for an implementation plan are almost certain to be approved.
- 1.1.5 Therefore the Chief Executive agreed for Socitm Consulting to be commissioned to provide an independent review of resources and create a project plan for implementation, with a view to the Law being fully implemented by the end of 2015. This follows on from the Records Management Gap Analysis work undertaken by Socitm in 2010.

## 1.2 Main features of the FOI Law

- 1.2.1 There is a general right of access (Article 8, Part 2 of the Law) to information (recorded in any form) held by a scheduled public authority, subject to certain conditions and exemptions.
- 1.2.2 In relation to exempt information (Part 4 of the Law), the information must nonetheless be disclosed unless the public interest in maintaining the exemption in question outweighs the public interest in disclosure. This requires good understanding of the general nature of States information and a senior management position in order to make appropriate decisions.
- 1.2.3 Information should be released as soon as practicable (no later than the end of the period of 20 working days [Article 13, 2(2)], with acknowledgement of receipt of an application for information being sent within 5 working days.
- 1.2.4 Information is expected to be released by any reasonable means [Article 11]. This article allows the authority/provider to provide the information by any *reasonable means*. The provider can offer options if it wishes. It is not for the requester to insist on a particular format.
- 1.2.5 The Law deals with appeals (Part 6) providing the right to the appellant to appeal to the Information Commissioner [Article 46] and to the Royal Court [Article 47]. The right of appeal against fees [Article 46 (1) (b)] and/or against the refusal to release the information [Article 46 (1) (c), (d) and (e)] is also enshrined within the Law.

- 1.2.6 The Law currently provides that Regulations may be prescribed requiring every scheduled public authority to adopt and maintain a Publication Scheme, which relates to the production of information by the authority [Article 20 of the Law]. If prescribed, authorities must publish information in accordance with their publication schemes. However, it is understood that at present, there are no plans to introduce a Publication Scheme requirement, but an enabling power is included to cover future eventualities.
- 1.2.7 A new office of Information Commissioner with wide powers to enforce the rights created and to promote good practice is established (Part 6 of the Law). The Information Commissioner may be permitted or required to promulgate Codes of Practice for guidance on specific issues (Part 6 of the Law). It is anticipated that if an authority is not following the recommendations of these Codes it will be censured if there are complaints to the Information Commissioner.
- 1.2.8 The Data Protection (Jersey) Law 2005 remains in force. It is expected that the Information Commissioner is continuing to carry out the role of the Data Protection Registrar.

### **1.3 This Report**

- 1.3.1 Based on the discussions within and findings from a series of meetings conducted in St. Helier during 24<sup>th</sup> to 27<sup>th</sup> January 2011, combined with the insight and experience of our consultants, we have created this report as a project plan for the implementation of Freedom of Information (FOI) within the States. We also make reference to the Records Management Gap Analysis recommendations provided in October 2010, which we believe remain valid.
- 1.3.2 In our evaluation, we have sought to define what the FOI process will be for both request and appeal handling. Determining these processes, and associated roles and responsibilities, enables us to evaluate and define requirements for:
- Programme governance
  - Information Governance Foundations, particularly Records Management
  - Resources for both FOI and Information Governance
  - Standards, policies and procedures
  - Training
  - Communications
  - Enabling technology.
- 1.3.3 These requirements are then arranged into a schedule of work between now and 2015, with resource options and cost implications assigned.
- 1.3.4 This report is supported by a number of Appendices which provide detail on the following:
- 1.3.4.1 Appendix A covering The Scope of Our Review and further Resources

- 1.3.4.2 Appendix B covering The Communications Messages and Audiences
- 1.3.4.3 Appendix C covering OGC Contract Terms wording
- 1.3.4.4 Appendix D covering FOI Request Log requirements
- 1.3.4.5 Appendix E covering the various Request Collection Systems currently in use in SoJ
- 1.3.4.6 Appendix F covering a suggested Information Audit questionnaire form
- 1.3.4.7 Appendix G covering what an Information Asset Register is.
- 1.3.4.8 Appendix I covering a summary of resources and their responsibilities.

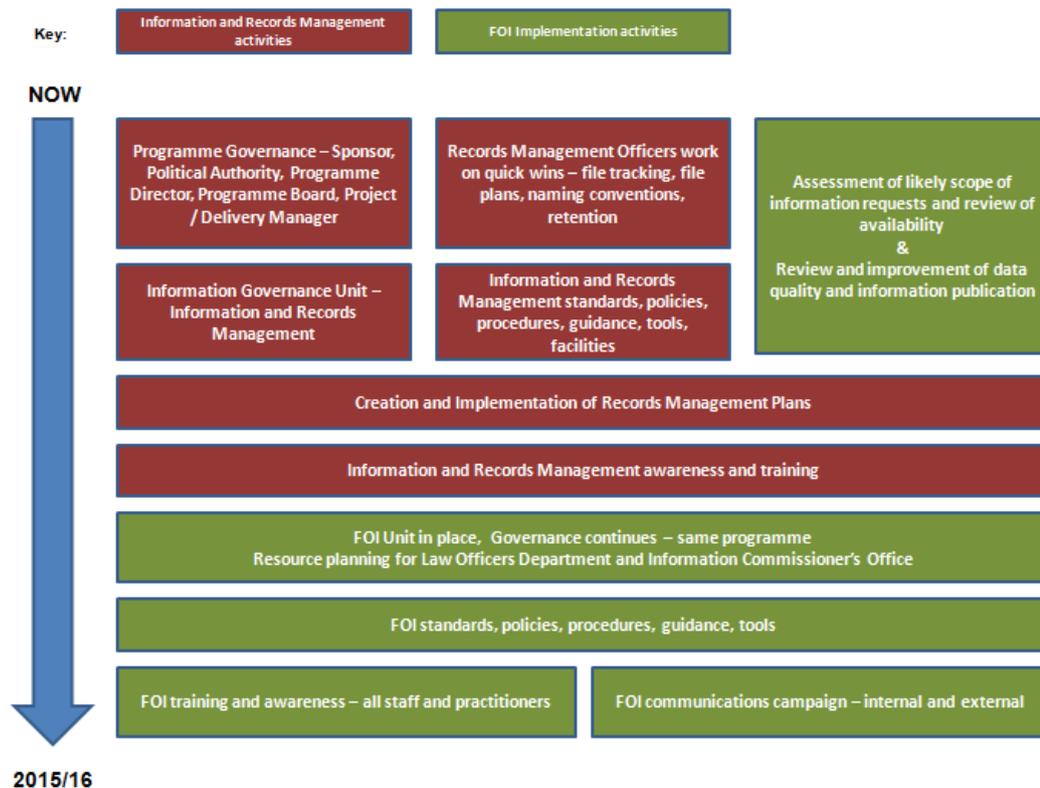
## 1.4 Executive Summary

- 1.4.1 The context within which this piece of work is undertaken is one of uncertainty on a number of levels. There is a lot that is still unknown about the legislation itself, including the fees structure, which will be in regulations to follow the legislative enactment. There is also no readily available financial resource from which to fund any of the suggestions contained herein, at least until the next Comprehensive Spending Review (CSR) after 2013.
- 1.4.2 However, it is important to get this right – there is a vulnerability to criticism in court or press over failure to produce information or meet timescales, with associated reputational risk. The States of Jersey (SoJ) are keen to shed the image of “Secrecy” created within the external press by the Haut de la Garenne story<sup>1</sup> and ensure that the implementation of the legislation is encouraged to flourish rather than flounder.
- 1.4.3 It is also important not to set up for failure. It will become clear through the reading of this report and the supporting contents, that the SoJ will get a very different end result (product) if no resources are set aside.
- 1.4.4 It is therefore important that the work starts now, even though 2015 might seem a long time ahead! Fundamental to this is ensuring that the Information Governance foundations are in place, so that the right information is kept for the right period of time (neither too little nor too long), in a manner that ensures its ready availability whilst not compromising integrity or confidentiality. This will be an outcome of standards, policies, procedures, processes, systems and training for information and records management.
- 1.4.5 Strategic support from the outset at the Executive Director level is thus vital, within an appropriate governance framework, ensuring that there is suitable leadership and direction and that culture change is sponsored.
- 1.4.6 The SoJ is in the enviable position to be able to learn many lessons from those who have already implemented FOI legislation and seen the organisational changes and impacts first hand.

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<sup>1</sup> For example, <http://news.bbc.co.uk/1/hi/world/europe/jersey/7263474.stm>

- 1.4.7 Based on this experience, one of the key ways forward, as stated above, is for SoJ to set out on a determined, integrated path of Information Governance (encompassing the breadth of Information Management, Records Management, Data Quality, Information Security, Data Protection *and* Freedom of Information) and, within that framework, ensure that there is suitable functional expertise and allocation of dedicated / part-time roles and responsibilities.
- 1.4.8 Therefore, we recommend that there is an integrated programme of work for Information Governance and FOI and we have determined a scope of work for implementation that focuses initially on the information and records management foundations.
- 1.4.9 The overall scope of this work towards 2015 is illustrated below:



- 1.4.10 This will require investment in materials, tools and resources – particularly in funding new posts and releasing nominated officer time for records management and FOI duties. However, the outcome is an organisation that is more efficient, more customer-focussed and less liable to operational and reputational risk.



## **2 FREEDOM OF INFORMATION REQUEST HANDLING PROCESS**

### **2.1 Introduction**

2.1.1 A clear and effective process needs to be designed and implemented for the appropriate handling of FOI enquiries and for maintaining publication schemes to ensure their currency and maintain their integrity.

2.1.2 A Process Flow diagram is provided in section 2.15 below. The process essentially treats all requests for information in the same way.

### **2.2 Receipt of Requests**

2.2.1 During discussion it was agreed that ideally all requests should be directed to the relevant Department. The awareness that written requests should be directed to these postal locations should be included within the external communications campaign. Similarly, requests received by email and completed web forms should be routed to nominated staff within the Departments.

2.2.2 However, it is acknowledged that written requests will also be received directly by the Customer Services Centre (CSC) based in Cyril Le Marquand House, Departments, Jersey Archives, Parish Halls, Schools etc. Wherever appropriate, these requests would be immediately transferred to the relevant Department, else processed in situ. The FOI Unit would be available to provide advice and assistance. All requests received will be acknowledged and notification of number of requests received will be advised to the FOI Unit, probably via the case tracking system referred to in 2.2.3.

2.2.3 All requests for information, irrespective of context, should be logged within a corporate system to enable their tracking and the production of valuable management information on customer contact.

2.2.4 An anticipated key policy outcome of implementing this legislation, as already agreed by The States, is that information should be released as soon as practicable [no later than the end of the period of 20 working days - Article 13, 2(2)], with acknowledgement of receipt of an application for information being sent within 5 working days.

### **2.3 Analysis of Enquiries**

2.3.1 At whichever location the request for information is received, a standard assessment process would take place, undertaken by nominated staff handling enquiries. This assessment would cover:

- The validity of the request (e.g. written with name and address)
- Whether further clarification or information is needed from the applicant
- Whether the applicant is asking about information about themselves, in which case the request is handled as a Data Protection (DP) subject access request in line with existing DP processes under the Data Protection (Jersey) Law 2005
- Whether it can easily be responded to utilising currently published information

2.3.2 An outcome will be the decision as to whether the request can be treated on a "business as usual" basis (i.e. it is information that is published and readily available) or whether it requires specific handling under FOI Law. In the latter case, these requests would be passed to and handled by a nominated FOI Officer. These co-ordinators would be in place with each Department, Parish and at the Jersey Archives.

## 2.4 Handling Business as Usual Requests

2.4.1 Within draft version 23 of the Law, Part 4, Absolutely Exempt Information, article 23, Information accessible to the applicant by other means, it states in article 23(1): *"Information is absolutely exempt information if it is reasonably available to the applicant, otherwise than under this Law, whether or not free of charge."* Article 23(2) continues: *"A scheduled public authority that refuses an application for information on this ground must make reasonable efforts to inform the applicant where the applicant may obtain the information."*

2.4.2 In other words, if the request can be handled by putting an existing publication in the post or directing the applicant to a web or other resource, it can be handled on a business as usual basis.

2.4.3 This response may be processed by any nominated individual handling the written enquiries.

2.4.4 In all other cases, the enquiry must be specifically handled as an FOI request.

## 2.5 Handling Easy FOI Requests

2.5.1 The request might be viewed as easy to respond to. For example, the information is easily identifiable, readily to hand and releasable without fee or exemption.

2.5.2 On this basis again the response may be processed by any nominated individual handling the written enquiries. Within Jersey Archives, this means handling any enquiry relating to information within an open file.

2.5.3 A preparation and issue procedure (please see below) would be followed.

## 2.6 Handling Complex FOI Requests

2.6.1 For more complex requests, the enquiry should be referred to the local FOI Officer (following discussion it is agreed that typically this would be the nominated Public Records Officer).

2.6.2 Complexity would typically mean handling a request where:

- Information is not easily located
- It is unclear or vague
- It relates to information that is sensitive or likely to be confidential
- Exemptions will/may apply
- Significant volume/effort is involved
- Fees are likely to be applied
- It is a Jersey Archives file that is marked as closed

- It is a vexatious or repeated request.
- 2.6.3 Research would then ensue on finding the information. The responsible FOI Officer may consider sending an informal notice of the likely application and estimate of fees.
- 2.6.4 Assessing whether exemptions apply will be a key step:
- Which exemption, to what and why?
  - Whether it is absolute or qualified?
  - Whether the States should refuse to confirm or deny the existence of information?
- 2.6.5 Support in making these decisions would be provided by the Law Officers Department and the dedicated corporate FOI Unit (if in place).

## **2.7 Where Absolute Exemptions Apply**

- 2.7.1 In the case where an Absolute Exemption is deemed to apply, this decision would be made by the responsible FOI Officer and (any) FOI Unit, ratified by Law Officers Department.
- 2.7.2 The Refusal Process (see below) would then be followed.

## **2.8 Refusal Process for FOI Requests**

- 2.8.1 Where a request for information is refused by reliance on an exemption, the FOI Law requires that SoJ notify the applicant which exemption has been claimed and why that exemption applies.
- 2.8.2 The requirement is to state, when withholding information (other than under an “absolute” exemption) the reasons for claiming that the public interest in maintaining the exemption outweighs the public interest in disclosure.
- 2.8.3 Thus, enacted by the FOI Unit, or in its absence by the FOI Officer, a refusal notice would be sent, with reasons for refusal.
- 2.8.4 Utilisation of standard letter template for refusal notices aids consistency.
- 2.8.5 Within the tracking system, the request case would be closed with decisions recorded and records filed.

## **2.9 Where Qualified Exemptions Apply**

- 2.9.1 The responsible FOI Officer would meet together with the FOI Unit (if in place) and Law Officers Department in order to discuss the Public Interest in releasing the information or not.
- 2.9.2 If the exemption is maintained, the Refusal Process would be followed. If a decision is made for disclosure in the public interest, then the Prepare and Issue process would be followed.

## **2.10 Prepare and Issue Process**

- 2.10.1 If fees are applicable, the responsible FOI Officer will send out a fees notice and await payment.

- 2.10.2 Else (or once payment is received), the responsible FOI Officer will provide the information in any reasonable means. This may involve packing and redacting (i.e. obscuring out or removing sensitive text) information.
- 2.10.3 Within the tracking system, the request case would be closed with decisions recorded and records filed.
- 2.10.4 Information that could become publicly available on the web site should be published / included within any Publication Scheme.

## **2.11 Appeals**

- 2.11.1 The right of appeal against fees and/or against the refusal to release the information is enshrined within the Law.
- 2.11.2 An applicant who is aggrieved by a decision by an officer of an authority under this Law may in the first instance appeal in writing to the Minister or President of the Committee concerned, or where there is no Minister or Committee concerned, the applicant may appeal direct to the Information Commissioner. The Minister responsible for that Department may instruct his Chief Officer to release information he believes is not exempt.
- 2.11.3 An applicant who is aggrieved by the decision of the Minister or President of the Committee concerned under this Law, may appeal to the Information Commissioner.
- 2.11.4 The Information Commissioner will decide the appeal and serve a notice of the decision on the applicant and on the scheduled public authority.
- 2.11.5 There will be a right of appeal against the Information Commissioner's decisions to the Royal Court (acting in tribunal mode). The appeal could come from an authority which has been ordered to release information by the Information Commissioner, or from an applicant appealing against a decision of the Information Commissioner to uphold an authority's position not to disclose information. The Court's decision is final.

## **2.12 Transferring Requests**

- 2.12.1 SoJ will be under a duty of care to provide assistance to an applicant where a request for information is received and part or all of the information requested is likely to be held by another public authority.
- 2.12.2 In most cases, assistance to applicants is likely to involve:
- Contacting the applicant and informing him or her that the information requested may be held by another public authority
  - Transferring the request to the other authority or Department
  - Providing him or her with contact details for that authority.
- 2.12.3 The SoJ would need to consult the other public authority with a view to ascertaining whether it does hold the information and, if so, consider whether it should transfer the request to it.
- 2.12.4 There will be the need to implement a transfers procedure setting out how SoJ would transfer a request to another public body where it does not hold the information requested.

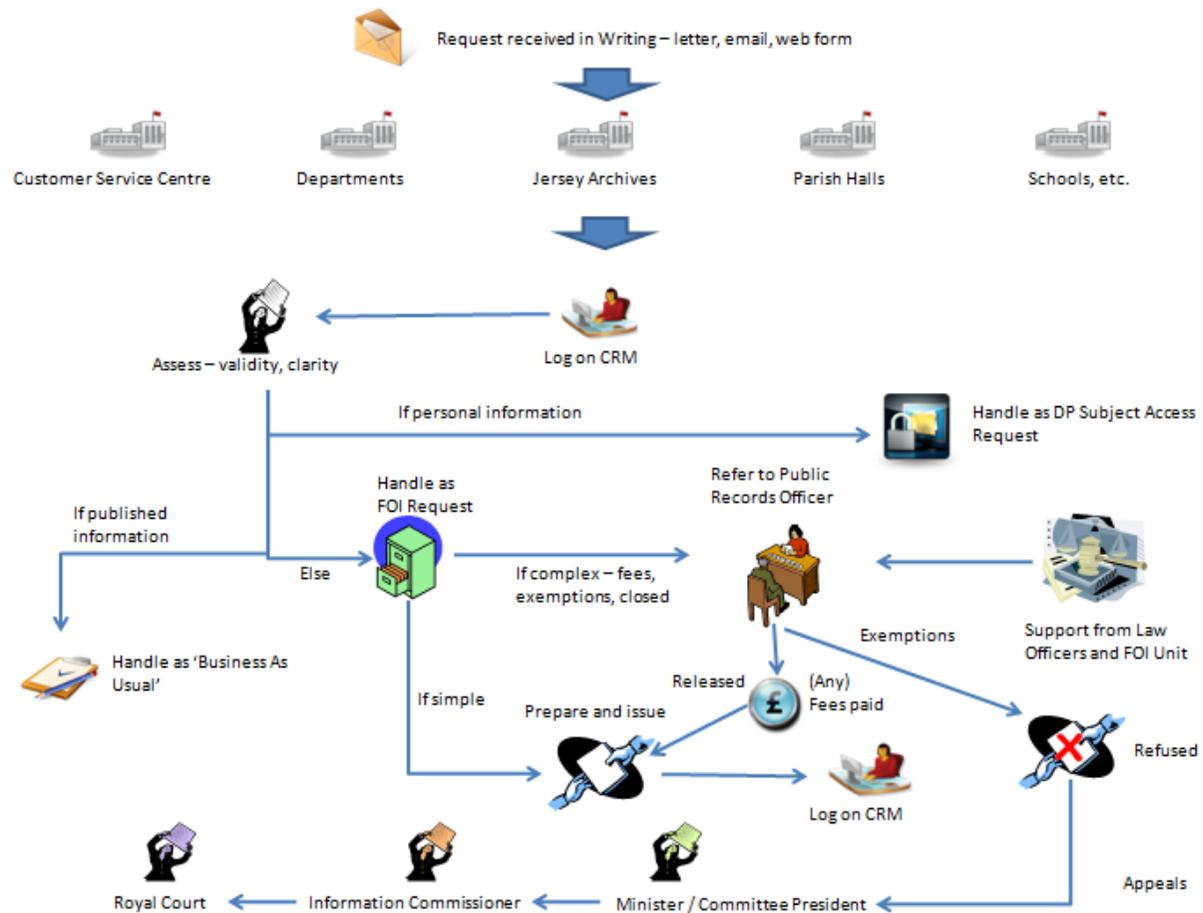
## **2.13 Contracts and Third Parties**

- 2.13.1 In some cases the disclosure of information pursuant to a request may affect the legal rights of a third party, such as the right to have certain information treated in confidence.
- 2.13.2 Guidance should be provided when entering into contracts to minimise the risk of entering into contractual arrangements that restrict the disclosure of information. A procedure should be implemented as part of the FOI process on consulting third parties who may be affected by a disclosure made by responding to the request for information.

## **2.14 Disclosure Log**

- 2.14.1 In addition to the Publication Scheme, best practice recommends the utilisation of an online log of the information disclosed under the Law. This is currently available at [www.gov.je/statesreports](http://www.gov.je/statesreports) but would need to reflect a much wider portfolio of disclosure in order to embrace the requirements of the legislation.
- 2.14.2 The log helps customers to see what information has already been disclosed and can reduce repeated requests for the same information. It also helps public authorities identify new classes of information for the publication scheme. As part of the process there will need to be procedures for the creation of a Disclosure Log together with implementing a process to populate and maintain it.
- 2.14.3 The disclosure log should be reviewed regularly to identify repeated requests and address the occurrence of these at the earliest opportunity.

## 2.15 Process Flow



## **3 FOI ROLES AND RESPONSIBILITIES**

### **3.1 Introduction**

3.1.1 This section identifies the ongoing roles and responsibilities for supporting the FOI process, rather than governance and delivery roles during the implementation programme.

### **3.2 Chief Executive**

3.2.1 Within the FOI process, the Chief Executive would hold ultimate legal responsibility for ensuring legally compliant enactment within the States of request handling and any appeals.

3.2.2 The Chief Executive would also be best placed to perform the role of sponsor for the FOI implementation programme.

### **3.3 All Staff**

3.3.1 All staff will have a duty to understand the FOI process and their participation within it. Thus there is an obligation to follow policy and guidelines, as well as attend briefing and training sessions.

3.3.2 Equally they should understand and follow good practice in information and records management on a day-to-day basis to ensure that information can be readily retrieved and assessed.

3.3.3 Those staff who will routinely handle written enquiries should have awareness of recognising FOI requests from business as usual and understand procedures to be followed.

3.3.4 Senior management and directors will be involved in approving or issuing final responses to requests for information having decided whether exemptions apply. Currently, there is no specific equivalent in the Jersey Law to the UK “public interest test” which must be undertaken in the event of a public authority seeking to refuse a request for information. At present, Article 18 allows for “Regulations” which may “prescribe the manner in which a scheduled public authority may refuse a request for information”.

### **3.4 FOI Officer**

3.4.1 Each Department, Parish, School and the Jersey Archives would have a member of staff specifically nominated and trained in handling complex FOI requests.

3.4.2 They are most likely to be the appointed Public Records Officers and will also have records management duties; specifically they should keep the index of information that their business area holds up to date. They could also have other “Information Rights” duties over time, thus not limiting the role to dealing with particular pieces of legislation.

3.4.3 They would be dealing with individual requests for information under the Freedom of Information (Jersey) Law (FOI), the Data Protection (Jersey) Law (DP) and any other legislative or regulatory regimes that provide a right of access to publicly held information or registers.

- 3.4.4 They would provide advice and assistance to individuals making a request for recording information.
- 3.4.5 They would liaise with the Law Officers Department and (any) central FOI Unit on fees, exemptions and related decisions.
- 3.4.6 They would be responsible for information preparation and release, as well as co-ordinating case logging and tracking, including monitoring compliance for timescales. This includes redaction (blocking out) of information when dealing with a request where information is to be withheld from the applicant.
- 3.4.7 In the absence of a corporate FOI Unit, they would also be responsible for issuing refusal notices.
- 3.4.8 More generally, they would be responsible for raising awareness and managing training requests within their business area. They would also monitor compliance with policy and procedure locally.
- 3.4.9 The FOI Officers would liaise with web staff on updating publicly published information to the States Reports section.
- 3.4.10 They will support (any) FOI Unit in producing management and performance information on requests for Information.
- 3.4.11 They would also have a number of responsibilities for ensuring there is an effective and sustained regime for records management. Primarily this involves the creation and implementation of Departmental Records Management Plans, including the use of filing / records systems, retention schedules, disposal arrangements, and working with the Jersey Archives as appropriate.
- 3.4.12 They would maintain performance indicators to demonstrate compliance with corporate Records Management Policy and the Public Records (Jersey) Law 2002.

### **3.5 FOI / Information Rights Unit**

- 3.5.1 Ideally a dedicated FOI / Information Rights Unit would be established.
- 3.5.2 This Unit would provide policy advice and guidance on interpretation of and compliance with the Law. (Note that it would be initially separate to the dedicated Information Governance Unit that would lead on processes and policy for Information and Records Management. The FOI Unit would most likely be sitting within the Chief Minister's Department, whilst the central roles for Information Governance would sit within ISD under the Chief Information Officer. However, we envisage close inter-working between and over time potential merger of these functions.
- 3.5.3 The Unit would provide support on the handling of more complex FOI request cases, providing advice and guidance on fees and exemptions. Where refusal notices need to be sent, these would be issued by the Unit.
- 3.5.4 They would typically deal with the administration and calculation of fees in line with the charging policy and fees regulations under the FOI, the DP Law, and any other relevant information access regimes including planning and environmental information.



- 3.5.5 They would have primary responsibility for the maintenance of tracking systems to monitor compliance with the timescales for dealing with requests under FOI, DP any other relevant information access regimes including planning and environmental information; and also the maintenance of records for the recording of requests under FOI and other regimes.
- 3.5.6 They would lead on the development of policy, procedures and guidelines.
- 3.5.7 The Unit would monitor the FOI implementation project and the ongoing execution of process, including adherence to deadlines.
- 3.5.8 The Unit would manage the development and delivery of programmes for training, awareness and cultural change.
- 3.5.9 The Unit would liaise with the Information Commissioner's Office. They would be responsible for producing statistics relating to request handling, both for internal Management Information System (MIS) and for returns to the Commissioner.
- 3.5.10 The Unit would be responsible for maintenance of the publication scheme on the website and in hard copy form. This includes analysis of ad-hoc requests to determine possible new classes of information to be added to the publication scheme.
- 3.5.11 They would liaise with the Communications Unit (and any other distributed teams/functions to co-ordinate information to be placed on the corporate website to ensure that the publication scheme is adequately maintained).
- 3.5.12 They would liaise with the operational functions to co-ordinate the published information to be made available to the general public to ensure that the publication scheme is adequately maintained.
- 3.5.13 They would liaise with the Information Commissioner's Office regarding changes to the publication scheme classes.
- 3.5.14 Indeed the Unit could have other "Information Rights" duties over time, thus not limiting the role to dealing with one particular piece of legislation. They would for example also have a place in dealing with complaints and co-ordinating requests for information under other legislation including Data Protection.

### **3.6 Law Officers' Department**

- 3.6.1 The Department would not wish to be a formal "filtration" step within the process for every FOI request; rather they would wish to be able to provide support in the handling of more complex FOI request cases, providing advice and guidance on fees and exemptions.
- 3.6.2 Generally they will be able to help within training and provide expert legal advice on interpretation of and compliance with the Law. They would also facilitate the procurement of private sector advice, where appropriate.
- 3.6.3 They will be active within the appeals process for every appeal, fulfilling an advocacy role and providing legal representation.

3.6.4 It is anticipated that the LOD will require 2 x FTE Legal Advisor grade staff, plus a dedicated Legal Secretary, to support the implementation of the legislation not just for the States of Jersey itself but also in order to be able to provide an appropriate service to support the other public authorities on the island. This budget does not include an allocation for the provision of legal advice to the Information Commissioner; this is an unknown quantity until the Law is enacted and being used “in anger” by information access requestors. It is anticipated that the Information Commissioner may need to obtain external legal advice. A partner rate of £400 per hour is not uncommon in this specialist area.

### **3.7 Information Commissioner**

3.7.1 The Information Commissioner role will be combined with the role of Data Protection Commissioner.

3.7.2 The Information Commissioner’s role is not to be a mediator nor a first tier for appeals. As a Regulator, the role needs to command more power and status as the final arbiter in any case prior to a court situation.

3.7.3 The Commissioner (and/or any Deputy) will:

- Oversee the proper operation of the Law
- Encourage public authorities to follow good practice
- Support awareness-raising and training initiatives
- Keep the public informed about the Law
- Hear, investigate and adjudicate on appeals (and complaints by request)
- Facilitate appeals to the Royal Court
- Inspect information if required and enforce decisions on the production of information by scheduled public authorities
- Make an annual report
- Oversee the maintenance of the Information Asset Register (i.e. States Reports)
- Issue a Code of Practice in accordance with regulations adopted under the Law.

### **3.8 Human Resources**

3.8.1 HR would play a role during implementation and afterwards that includes:

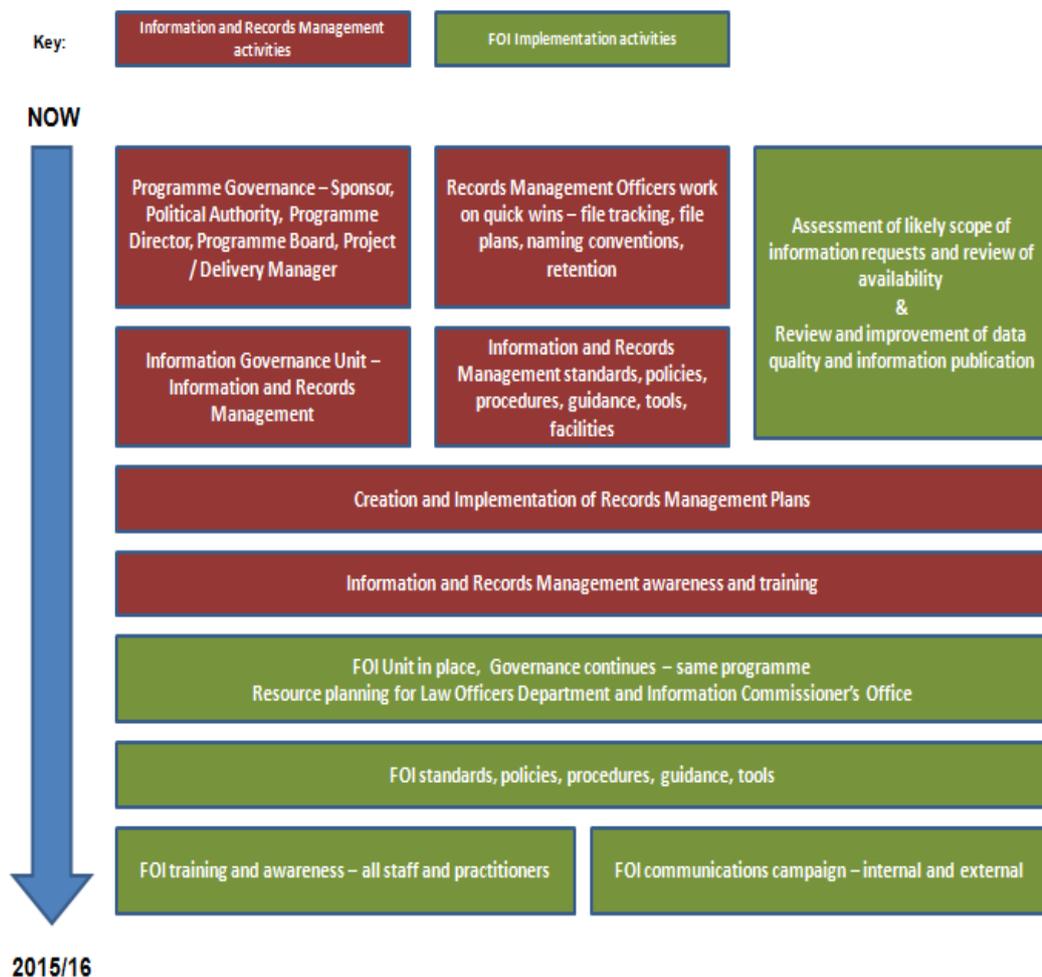
- Embedding the requirements of good Information Governance at an employee level during the HR ‘lifecycle’
- Policy development, approval and roll out
- Employee relations, including Trade Union agreement
- Learning and Development support
- Supporting the usage of Computer Based Training (CBT) for Information related learning subjects – this could be utilised for annual refresher delivery, on induction and at the outset of this culture change

- Co-ordinate the usage of, for example, the Highlands College facilities and resources for face-to-face delivery of training to large numbers of employees over a period of run-up to FOI Law “go live” and for any refresher / new starter training.

## 4 PROGRAMME OF WORK

### 4.1 Overview

- 4.1.1 During discussions, it was agreed that the delivery of FOI is fundamentally linked to good practice in Information Governance.
- 4.1.2 Whilst the 'appointed day' for legislation, and thus the commencement of FOI request handling processes, is unlikely to be until at least 2015, preparation can begin now, focussed on information governance. This would particularly cover aspects related to data quality, records management and information publication.
- 4.1.3 Therefore, we recommend that there is an integrated programme of work, as illustrated within the diagram in the Executive Summary, repeated below, with a single governance arrangement.



## 4.2 Setting Up Programme / Implementation Governance

4.2.1 **Scope:** We recommend a single programme of work, with a number of individual projects, for the implementation of processes and associated good practice in Information Governance and FOI.

### 4.2.2 **Actions:**

- The programme will require a very senior business sponsor to give leadership and authority, ideally the Chief Executive. The sponsor would particularly champion awareness and communications.
- The programme should have political authority, given by a States Member acting as political lead for FOI within their brief.
- Chaired by a Programme Director (ideally at Assistant Chief Executive level), a Programme Board would be instituted to lead and monitor delivery. This would probably emerge from the current FOI Steering Group.
- Delivery would combine centralised project management and creation of policies and guidance, with decentralised implementation to enable a flexible and pragmatic response to business needs. Thus a dedicated project or Delivery Manager would be appointed, working with nominated officers in each business area for local implementation. These officers are likely to be an individual combining the role of Public Records Officer (PRO) and FOI Officer (perhaps titled to a new role of Information Rights Officer).
- The Delivery Manager would prepare a detailed Action Plan, based on SoJ project management principles. This would include more specific information on timescales, dependencies, resources, risks and issues.
- Scrutiny and challenge, external to the Programme Board, would be provided by a suitable panel. This could be provided by the Records Advisory Panel, instituted by the Public Records Law (Jersey) 2002. For the FOI process, the Information Commissioner's Office will be undertaking spot check audits.

4.2.3 **Cost Implications:** There need not be any direct cost to this, especially if an existing project-focussed officer is appointed to manage delivery. However, as the programme of work progresses it is essential that the PRO/FOI officers have sufficient time, aside from the 'day job', to dedicate effort to implementing policies and procedures, as well as eventually to manage FOI responses. This is addressed further in section 4.6 below. Please refer to the Action Plan within section 4.13 below.

## 4.3 Quick Wins in Records Management

4.3.1 **Scope:** This Report stresses the importance of ensuring that good foundations for information management are in place to support the implementation of FOI. Effective Records Management is not only essential to the successful handling of FOI requests, it will deliver many benefits in terms of efficiency, quality of service and risk management. A suitable cross-departmental community should meet to share initiatives and best practice, seeking to establish "quick wins" whilst also embedding consistency of approach.

4.3.2 Typically quick wins could relate to:

- Ensuring that file registration and tracking approaches are in place where there are still paper-based filing systems/registries
- Establishing meaningful file plans (folder systems) for documents stored on network drives, improving on poor organisation and naming
- Introduction of standard conventions for file and folder naming (including version control) that assist sorting, understanding and retrieval
- The application of retention rules and disposal processes so that records are kept for suitable lengths of time, whilst also not being kept unnecessarily, for example in contravention of Data Protection, with all decisions and actions logged

4.3.3 **Actions:**

- Ensure that a Public Records Officer (PRO) is in place. The requirement will meet the provisions outlined in the Public Records (Jersey) Law.
- There is an active Records Manager Working Group, constituted of personnel within each Department who actively regard Records Management as part of their job / function. Many of the constituents are also the nominated Public Records Officer required by the Public Records Law. This group would be ideally placed to lead on this work, sharing for example the good practice in the Law Officers' Department, Education and the work being led by the Archivist to deploy record retention schedules.
- The work of Education in configuring and deploying the Livelink Electronic Document and Records Management (EDRM) system for full records management (including retention and disposal) use should be followed.

4.3.4 **Cost Implications:** There need not be any direct cost to this – potential costs for further utilisation of the Livelink EDRM solution are identified elsewhere within the report. Please refer to the Action Plan within section 4.13 below.

## 4.4 Setting up Information Governance Unit<sup>2</sup>

4.4.1 **Scope:** If Information Governance is to become a systematic management discipline within the States, it requires dedicated corporate personnel who have specific functional responsibility, providing domain expertise and dedicated operational resource. This means putting in place a Records & Information Management (RIM) Team who, over time, will have strategic corporate responsibility for the breadth of Information Management, Records Management, Data Quality, Information Security etc. This emphasises and confirms that Information and Records management is a corporate function, in a similar way to human resources, finance and estates management. (Note that it would be initially separate to the dedicated FOI Unit that would lead on advice and guidance on interpretation of and compliance with the FOI Law. The FOI Unit would most likely be sitting within the Chief Minister's Department, whilst the central roles for Information Governance would sit within ISD under the Chief Information Officer. However, we envisage close inter-working between and over time potential merger of these functions.

4.4.2 The team will particularly bring together responsibilities for records in all formats, including electronic records, throughout their life cycle, from planning and creation through to ultimate disposal. They will need to receive the necessary levels of organisational support to ensure effectiveness, have clearly defined responsibilities, objectives, and the resources to achieve them.

### 4.4.3 **Actions:**

- The Unit will need to be created. Conversations on the remit and resourcing of such a unit will continue. However, it is sensible that it sits within Information Services and covers information security, data management and quality, as well as records management. There will also be the implications of Intellectual Property legislation. The unit lead would be a new Information Manager position.
- An early opportunity would be the initial creation of a post to lead on Records Management, particularly in the development of corporate policies and procedures, design standards for records systems and development of communication and training plans.

4.4.4 **Cost Implications:** There would be a direct cost to the creation of this unit, the amount depending on remit and number of posts. The most immediate consideration for the scope of this report would be the recruitment of a States' Records Manager Post, approx £57K per annum if grade 10. This person, and any colleagues in other areas such as data security, could optionally report to a States' Information Manager post, costing approx. £80K per annum if grade 13.

4.4.5 The key consideration is the impact of not having a unit for information governance. The risk is that there is currently nobody with suitable domain expertise or dedicated time to take ownership of the creation and implementation of processes, policies, standards, procedures, training and communications. Please refer to the Action Plan within section 4.13 below.

## 4.5 Review of Information Requests and Publication

- 4.5.1 **Scope.** Although the Law does not immediately require a Publication Scheme to be in place (Article 20: “regulations may prescribe requirements for a scheduled public authority to adopt and maintain a scheme requiring it to publish information”), a comprehensive, corporate approach is recommended to support information self-service. A useful example is <http://www.scotland.gov.uk/About/FOI/19260>
- 4.5.2 SoJ should strategically plan for a formal Publication Scheme, or at least a similar concept within its website, building on the 'States Reports' area.
- 4.5.3 There is the need to analyse the kinds of requests for information that SoJ currently receives and those that might be anticipated and decide whether or not the current publication of information is likely to meet the majority of the requests. If it is not, and if the requests anticipated are not likely to be ones that would be refused, then the publication ‘scheme’ should be expanded. SoJ should have a publication scheme or equivalent based on knowledge of what your customers are most likely to want or need.
- 4.5.4 Subsequent to this, assessments can be made on the ease of availability of information, both to the public and States' officers. Areas include:
- How much of this information is actually held
  - Document filing systems and indexes of information held
  - Data quality considerations, relating to the scope of data held and reporting abilities (it is noted that there are about 600 different application systems in use with the States)
  - Ensuring that the States Reports area of the website is up to date
  - Reviewing the completeness of information published elsewhere within the States' web presences
- 4.5.5 In planning ahead, a Publication Scheme is intended to be a guide to the authority's publications and associated policy. The FOI Law is likely to require each scheme to specify:
- The classes of information that the public authority publishes or intends to publish
  - The manner in which information of each class is, or is intended to be, published, and,
  - Whether the material is, or is intended to be, made available free of charge.
- 4.5.6 The starting point for a public authority in determining what information to include in its publication scheme is likely to be the information it currently publishes. This may include information published under statute or other information published on a discretionary basis. Much of this can come from the Information Audit proposed departmentally as part of the creation of Records Management Plans; please see section 4.6 below. The ultimate purpose is to know what information SoJ holds, know where that information is and be able to retrieve and distribute information in a timely and efficient manner.



#### 4.5.7 **Actions:**

- During discussion it was agreed that an initiative would immediately commence on logging all information requests received across the States, identifying the question asked and whether the response was essentially business as usual or required further effort.
- Analysis of States Members' questions would also take place.
- This could be complemented by analysis of information within the Microsoft Dynamics CRM system.
- The Delivery Manager should begin planning towards creating a comprehensive Publication Scheme

4.5.8 **Costs:** There need not be any direct cost to this. Please refer to the Action Plan within section 4.13 below.

## 4.6 **Creation and Implementation of Information and Records Management Standards**

4.6.1 **Scope.** There needs to be a specific programme for Information and Records Management, based on approved corporate standards, policies and procedures. This will ensure that SoJ has in place information management systems and practices that will support its information requirements. This would be supported by the establishment of a dedicated Information Governance Unit providing functional expertise and resource (please see section 4.4 above).

4.6.2 The core enactment of this would be the Department-level production, implementation and maintenance of a Records Management Plan.

4.6.3 The Records Management Plan will be a fundamentally important artefact. Essentially these Plans are a departmental statement of the business purpose, scope and origin of the States' records, containing details of:

- Who is responsible for the management of records
- What records actually need to be kept for business, regulatory, legal, accountability and history purposes
- How and by whom records have been created and captured
- Where records are located
- Ensuring records are linked with metadata that describes, profiles and cross-references them
- How long they are to be retained
- The disposal arrangements to be in place
- The records 'systems' to be used (both physical and digital), ensuring records are arranged in a record keeping system that enables SoJ to retrieve information quickly and efficiently and facilitates implementation of authorised disposal arrangements
- Ensuring the record keeping system or associated procedures and guidelines includes guidance on referencing, titling, indexing and protective marking, as well as registration and tracking of physical records

- Suitable access controls are in place
- Protection from fire, flood, theft, etc is provided for physical records
- Ensuring the record keeping system is adequately documented
- Ensuring methods for measuring compliance with record keeping policies and procedures are in place
- A business recovery plan is in place that provides for the protection of vital records

4.6.4 This would be based upon approved corporate standards for retention, classification, security, business continuity and the use of records systems.

4.6.5 In effect, within the Records Management Plan, each Department would create an information asset register<sup>3</sup>, based on an information audit<sup>4</sup>, which catalogues and describes the main file series / digital collections and important individual documents and other items that the States holds, aligning them to retention periods. This process will also support space planning, security and business continuity risk management and other initiatives.

4.6.6 Records Management Policy and Procedure would reinforce the approach and set out the responsibilities of officers with specific records management roles and the duties of Directors to apply records management policies, standards and guidelines, and authorise disposal, as well as all staff in keeping accurate and complete records of their activities. This ensures business information is managed effectively throughout the organisation by providing an authoritative statement on the management of records. The records management policy statements provide a mandate for the performance of all records and information management functions.

4.6.7 Consistent policies, procedures and guidelines (including clear statements relating to the roles and responsibilities expected of staff and contractors) need to be produced for every aspect of paper and digital records lifecycles from planning to ultimate disposition. Records Management Policy would include:

- Record creation guidelines
- Referencing and classification
- Specific guidelines on the filing, storage and tracking of physical records
- Specific guidelines on the filing and storage of electronic records, including scanning and evidential weight considerations
- Retention and disposal (to ensure selection and disposal decisions can be explained by careful documentation of the appraisal and disposal of records.)
- Preservation of historic records and transfer to archives

<sup>3</sup> Appendix A outlines the Information Asset Register methodology as provided by the government

<sup>4</sup> A suggested Information Audit form is provided in Appendix C

4.6.8 It is particularly important under FOI that there are clearly defined policies and procedures for disposing of records (either by destruction or by transfer to an archive) and that these are well documented. This will provide appropriate evidence in the event of questions about the provision of information under FOI.

4.6.9 Given the intrinsic relationship of Information and Records Management, an umbrella Information Management Policy is required, under which there are more specific protocols for both Records Management and Information Access (Information Rights), as well as other related policy areas such as Information Security and Data Quality. A list of potential policies and procedures for all aspects of Information Governance, including FOI, is included within the accompanying spreadsheet 04 ISMS SoJ-ISM-REC Index.xls

4.6.10 The implementation of a corporate solution for Electronic Document and Records Management (EDRM) - with the current strategy being to deploy the Livelink system from Open Text - will automate records management approaches and deliver the benefits of supporting secure, efficient and auditable electronic working.

**4.6.11 Actions:**

- There is the presumption that a Public Records Officer (PRO) is in place. The responsibilities of each person undertaking specific records management roles are set out in a performance agreement, role description or similar document, within one month of appointment / confirmation.
- Ideally a new Information Manager / Records Manager will establish an Editorial Working Group. This could be the current Records Manager Working Group, although time would need to be allocated for their input and effort. They would establish the programme of editorial work, gather and assess existing documents, produce and gain approval for a series of corporate policy and procedure documents.
- The working group would establish the definitive standard / template for the Records Management Plan. The Records Management Plans would be created on a departmental basis by the PROs.
- A key part of this effort is to undertake a full *information audit* to create a schedule of records to which records management standards will be applied. This schedule can then be used to populate a publication scheme, if required.
- The strategy for EDRM and the Livelink deployment should be progressed.

4.6.12 **Cost Implications:** There could be a direct cost, which derives from the recruitment, salary and on-costs of these new Records Manager posts and also the release of Public Records Officers from day-to-day duties in order to participate within the editorial development process and the implementation of Records Management Plans.

- 4.6.13 Whilst Departments might be able to absorb the release of PRO time, the worst case scenario would be one PRO per Department (26 in total) dedicating 100% of their time in year 1 of the Records Management Programme, and 25% of time in subsequent years (covering both RM and FOI duties), with the annual FTE cost for each PRO estimated at £57K per annum.
- 4.6.14 Additionally the States could contract professional, external consultancy assistance to create the suite of policies, standards and procedures, providing expert input on their scope and contents.
- 4.6.15 From the resource perspective for Records Management, we must also highlight the concerns of Jersey Archives, who need to have sufficient resource in order to handle the implementation of the Retention Schedules across all public authorities and Departments. They also need to continue with the cataloguing of the backlog and handling preservation requests and access queries. Jersey Archives currently has a 24 year cataloguing backlog and the service's lack of resources to meet the Public Records Law have been highlighted in a 2008 report by Dr. Norman James of The National Archives. Specifically it is very important to ensure that pre-2000 public records are catalogued and ready for consultation 5 years after the Law is adopted by the States. Dr. James recommends an additional 3.5 FTE posts at the Archive to ensure that Public Records legislation is met. Ideally, the Jersey Archives would receive these 3.5 FTE permanent posts, together with an additional 5 year temporary cataloguing contract to ensure that pre-2000 public records were catalogued. At a minimum, the Archive would require a Cataloguing resource and a new Records Manager (to assist the Head of Archives in the appraisal of records, production of retention schedules and support of records management within Departments).
- 4.6.16 There is an additional software cost of £400,000 to ensure that an additional 3,600 licences are available for implementation. During the previous gap analysis project, it was agreed that an additional member of staff (at grade 10) would be required for internal EDRM support and systems administration, costing £57,000 p.a. There would also be professional service and support requirements from Open Text costing an estimated £105,000 p.a. Please refer to the Action Plan within section 4.13 below.

## 4.7 Information and Records Management Awareness and Training

- 4.7.1 **Scope:** It is particularly important that Records Management should be seen as being 'part of the day job', with the requirements of good Information Governance embedded at an employee level and the principles of record keeping embedded in the HR lifecycle, from job specification, through induction, to evaluation and any exit interview.
- 4.7.2 It is essential that a thorough Training Programme for Records Management is established based on a comprehensive needs assessment to deliver the programme and the incorporation of a competency framework for information management. Particularly there should be formal professional development for staff with functional responsibility for Records Management.

4.7.3 For Records Management to be successful there will need to be a process of cultural change. The corporate commitment to Records Management must be communicated clearly, via an ongoing, multi-media Communications Campaign, reinforcing the objectives and beneficial outcomes, the policy principles, the processes to be followed, the resources available, the ongoing decisions and wins.

4.7.4 Should EDRM deployment be progressed on a corporate basis, there will also be the need to provide training both to introduce electronic document management and on use of the Livelink solution.

**4.7.5 Actions:**

- Ideally the new States' Records Manager works closely with the Programme delivery Manager and Archivist, in liaison with HR, to create and deliver an effective training programme, together with the creation and delivery of an effective corporate campaign.
- An Information Management Competency framework can be established, potentially based upon the UK Government Knowledge and Information Management (GKIM) Professional Skills Framework, as well as best practice within the BS ISO 15489 Records Management Standard.
- Liaising with the PROs, Departmental-level training programmes will need to be created for the implementation of the Records Management Plans, particularly in terms of processes and use of records systems.
- Training programmes on Livelink and EDRM would need to be established,

4.7.6 **Cost Implications:** There would be a direct cost in undertaking this action, which derives from the need for tools and materials. This budget is estimated at £30,000.

4.7.7 Based upon the previous work undertaken within the Records Management gap analysis project, it was estimated that both a half day introduction to document management and a full day of Livelink training would be provided to 4,000 staff, totalling approx. £288,000.

## **4.8 Setting Up FOI Governance and putting Resources in place**

4.8.1 **Scope:** The governance for the FOI implementation project, when commenced, would remain the same as for the overall programme.

4.8.2 Part of the Governance arrangement must include performance measurement. This includes:

- The number of requests handled to ensure that these are being managed within the 20 day deadline unless a public interest test is to be carried out
- The number of applications involved where information is withheld
- Information on each case to determine whether cases are being properly considered and whether the reasons for refusals are sound

4.8.3 As reviewed within Section 3 above, there are various roles and responsibilities to support FOI. Ideally a dedicated FOI / Information Rights Unit would be established to provide specialist expertise and dedicated functional support, as well as monitor compliance. There are also resource implications generally within the organisation, and specifically within the Law Officers Department and the Information Commissioner's Office.

#### 4.8.4 Actions:

- Establishing a dedicated FOI / Information Rights Unit, most likely sitting within the Chief Minister's Department. Comparison with organisations of similar size and complexity within the UK would suggest a team of two members of staff. In order to ensure suitable expertise is immediately available, one position would be filled from the UK, with the other filled locally.
- Resourcing the Law Officers' Department to provide legal support and services. It is understood that the Department could not fulfil this role based on existing staff resources. It is proposed by the Department that a dedicated section, comprising two officers of Legal Advisor grade, is established.
- Ensuring that each Department, Parish, School etc., and the Jersey Archives has a member of staff (FOI Officer) specifically nominated and trained in handling complex FOI requests. They are most likely to be the appointed Public Records Officers, or, where not required to be in place, a clerk or administrator. It is impossible to estimate the impact on their time. On the one hand, it may be no more than the current situation to handle requests for information. On the other hand, there may be significant early interest from any number of quarters and thus an increased workload. The UK have found a 25% year on year increase in the volume and complexity of requests. However, overall, the more proactive the public authorities are with regard to publication, the less effort is required day to day.
- Establishment of a regime for FOI performance measurement.
- The Information Commissioner's Office will have various duties. This would require a new additional multi-skilled (i.e. competent in FOI and Data Protection) Deputy at grade 12 level. Without such resource, it is anticipated that the Information Commissioner may need to obtain external legal advice. A Partner rate of £400 per hour is not uncommon in this specialist area. Based upon the University College London's 'FOIA 2000 and local government in 2009: The experience of local authorities in England' report, a London / Metropolitan Borough had an average of 16 requests requiring detailed reviews. If this required 8 hours each of legal advice at £400 per hour (total of £51,200 p.a.), the cost of employing an internal resource is soon justified. In order to ensure suitable expertise is immediately available, this position would be filled from the UK. Additionally, a Manager (at Grade 10 level) could be in place to support change and training, as well as offer compliance advice if no dedicated FOI Unit is in place.

- 4.8.5 It should be noted that the actual physical offices of both the Law Officers' Department and the Information Commissioner are currently full to capacity.
- 4.8.6 **Cost Implications:** It is anticipated that the LOD will require 2 x FTE Legal Advisor grade staff to support the implementation of the legislation not just for the States of Jersey itself but also in order to be able to provide an appropriate service to support the wide public authority spread across the island. They would cost a total of £94,500 per annum each. They would need to be supported additionally by a dedicated Legal Secretary (grade 7) at an annual cost of £38,047. Alternative external legal advice would be expensive, with a Partner rate of £400 per hour not being uncommon in this specialist area.
- 4.8.7 The FOI Unit staff costs would be 2 FTE x £57K pa of grade 10 equivalent level. Without an FOI Unit, SoJ would need a self-supporting collegiate approach by FOI Officers, supported by Law Officers' Department. The ICO would also support the handling of complex cases in the first two years without onerous enforcement procedures, in order to embed the clear, open and transparent culture change that this legislation is designed to bring forward.
- 4.8.8 The ICO has indicated costs of 1 x FTE at grade 10 equivalent (c. £57K pa) plus 1 x FTE at grade 12 equivalent (C. £69K pa).
- 4.8.9 Please refer to the Action Plan within section 4.13 below.

## 4.9 Create FOI Access Request Policy and Procedures

- 4.9.1 **Scope:** The whole FOI implementation is based upon an agreed Right of Access process, in place by the Appointed Day.
- 4.9.2 An FOI Policy needs to set out how it will comply with the Law and its preferred approach to the handling of requests for information (i.e. localised or centralised).
- 4.9.3 Based on the finalised process for handling information requests under Freedom of Information law, FOI Policies and Procedures would set out:
- Principles of general rights to access
  - Contact methods
  - Maintenance of publication schemes (within the Records Management Plans)
  - Exemptions and their handling
  - Process and responsibility for processing Freedom of Information Law requests and ensuring the Law is complied to within legal timescales
  - Handling of complaints
  - Use of case management system – recording decisions, so that they are consistent, and can be explained and referred to
  - Handling of records held externally / by contractors (including contract wording) and consultation with third parties

- Transfers procedure
  - Standard letter templates
  - Clarifying the interface with requests under Data Protection legislation
  - Detailing arrangements for monitoring the effectiveness of these procedures.
- 4.9.4 There is the need to ensure that all written work is structured so that anything liable to be released under FOI can be identified (and separated from parts not liable to be released, if necessary). Also, Authorities must have in place clearly defined arrangements for recording when information has been disclosed and, if disclosure has been refused, the reasons for non-disclosure. This includes email etiquette, recording decision-making, good file management and writing of minutes, dealing with sensitive cases. The whole system needs performance management, quality assurance and peer review.
- 4.9.5 There will also be the need to create procedures for updating the Publication Scheme or equivalent and informing the ICO if any particularly significant changes are made to the publication scheme.
- 4.9.6 There will be the need to produce and document procedures for the creation of a Disclosure Log together with implementing a process to populate and maintain it.
- 4.9.7 A list of potential policies and procedures for all aspects of Information Governance, including FOI, is included within the accompanying spreadsheet 04 ISMS SoJ-ISM-REC Index.xls
- 4.9.8 There will also be the need to provide 'helpful' content, such as Frequently Asked Questions, for both internal consumption on the intranet and external consumption on the website.
- 4.9.9 **Actions:**
- A suitable Editorial Working Group for FOI will be required to establish the programme of editorial work, gather and assess existing documents, produce and gain approval for a series of corporate policy and procedure documents.
  - The corporate Communications team would help with ensuring that communications are in 'plain English' and generally check for any contentious issues.
  - There will be the need to revise procurement guidance and standard terms and conditions to ensure all contracts awarded reference the FOI Law and its implications. Initial suggested wording is provided at Appendix C from the OGC Contract Terms guidance provided to the UK for implementation of the FOI Act 2000. There will be the need to contact relevant third parties and inform them of new responsibilities.
- 4.9.10 **Cost Implications:** There will be direct costs, which derives from the recruitment, salary and on-costs of these new FOI Unit posts and also the release of FOI Officers from day-to-day duties in order to participate within the editorial development process. Please refer to the Action Plan within section 4.13 below.



## 4.10 FOI Training and Awareness

- 4.10.1 **Scope.** There is the need to ensure that staff are trained to an appropriate level to respond to requests for information and that all staff are aware of their responsibilities and obligations before and after implementation of the Law. There should be an understanding of the FOI process for all staff. In addition, this is the opportunity to ensure that all staff are reminded of the importance of records management.
- 4.10.2 Implementation of FOI Law comes with emphasis on the need for cultural change within public authorities. A tradition of secrecy needs to be reversed. A policy of greater openness, transparency and accountability means that all staff need to be involved in the change process.
- 4.10.3 Apathy or lack of awareness can be the downfall of any new initiative. It is essential that people are at the centre of any records management programme to meet the aims and objectives of the FOI Law. Staff should be made aware of the aims and objectives, the likely effect it may have on their organisation and themselves and the opportunities the changes may bring.
- 4.10.4 All communications in writing to a public authority, including those transmitted by electronic means, potentially amount to a request of information within the meaning of the Law and, if they do, they must be dealt with in accordance with the provisions of the Law. It is therefore essential that everyone working in a public authority who deals with correspondence, or who otherwise may be required to provide information, is familiar with the requirements of the legislation and takes account of any relevant guidance on good practice issued by the Information Commissioner.
- 4.10.5 The utilisation of high quality training tends to aid the transition to a knowledgeable workforce, ensuring high quality responses to requests for information and thus reducing the number of complaints requiring handling and review.
- 4.10.6 This must be a formal training programme developed by domain experts (such as members of the Information Governance Unit and FOI Unit) and Learning and Development (L&D) professionals within the HR function. Components might include:
- Initially a written memo could be circulated to all staff about awareness and behaviour. This could be supported by computer-based training and testing within the intranet. FOI Training should also be introduced within the induction process.
  - Those staff who will routinely handle written enquiries should specifically have awareness of recognising FOI requests from business as usual and understand procedures to be followed.
  - An understanding of the end-to-end handling of complex FOI requests by the FOI Officer, including more detailed learning regarding the articles (and their interpretation) of the Law.
  - Knowledge of how to use the case management system for FOI Officer and other staff who handle written enquiries.

- Ensure that all induction training programmes, as well as FOI and other related training programmes, include awareness sessions on record keeping issues.
  - More in-depth educational days would be tailored for FOI Officers, Chief Officers and States Members.
  - FOI Officers would have specific training on operating FOI processes such as the Publication Scheme and Right of Access; they could receive specialist UK training and certifications.
- 4.10.7 Since the Learning & Development functions within the States has only limited resources, it is understood that Highlands College could be used within delivery, both for location and use of professional trainers.
- 4.10.8 It is proposed that the FOI Officers perform a function in cascading the training. They could provide more general awareness training across the organisation on individuals' responsibilities with regard to FOI and information management.
- 4.10.9 Refresher courses would need to be available
- 4.10.10 There could also be training to manage media interest in the publication scheme – for all those likely to be impacted upon in this way.
- 4.10.11 The Information Commissioner's Office would support the process, for example within a Q&A session. (This is understood to have worked well for Data Protection).
- 4.10.12 The corporate Communications team would help with ensuring that communications are in 'plain English'.
- 4.10.13 The training should be sustainable, catering for new starters, refreshers, the introduction of new Regulations etc. The need to sustain training was cited as a lesson learned from introduction of the Human Rights Law.
- 4.10.14 **Actions:**
- Ideally the members of the new FOI Unit work closely with the Programme delivery Manager, new States' Records Manager and Archivist, in liaison with HR, to create and deliver an effective training programme.
  - They must analyse training needs, draw up and implement a training plan.
  - Delivery methods and resources must be identified.
  - A regime to review progress on training and follow up as necessary will need to be established
- 4.10.15 **Cost Implications:** There would be a direct cost in undertaking this action, which derives from the need for tools and materials. This budget is estimated at £30,000. Further costs could be incurred if external support in training delivery was sought. Please refer to the Action Plan within section 4.13 below.

## 4.11 FOI Communication Campaign

4.11.1 **Scope:** A Communication strategy is required in two key areas:

- To raise awareness of the FOI Law and how it will affect every staff member of an organisation
- To raise awareness of the publication scheme

4.11.2 Internally, the corporate commitment to openness and FOI must be communicated clearly, via an ongoing campaign, reinforcing the message that all staff have a responsibility for records management and handling information requests, and to ensure that all staff are aware of the Law, its benefits and their obligations. Particularly, this supports the management of (cultural) change, in the communication of the beneficial outcomes of FOI.

4.11.3 Externally, awareness of the Law and rights of information access must be communicated. Potentially there would be different themes for different audiences: general public, press, business, States members, MPs from UK government, campaign groups, researchers etc.

4.11.4 The campaign must be memorable and probably utilise mixed media techniques.

4.11.5 The States has an established corporate communications function to lead on this campaign. Additionally, the Information Commissioner's Office is likely to run the external communications following implementation and can support internal culture change at the departmental level.

4.11.6 The intranet will be a key tool for internal communications. Other medium include the 'Changing States' staff newsletter, the Chief Officers' cascade meetings and departmental newsletters.

4.11.7 Usage of the "Have your say" annual survey can also be made.

4.11.8 The initial plan discussed during the Socitm review is to benchmark internally amongst Departments; then benchmark more generally amongst staff and finally to benchmark externally – in other words, asking those most likely to *know* where information is or what the subjects of interest might be, helps to ascertain the level of difficulty and effort required in order to answer questions. The ultimate aim is to have tested out all the possible known questions in advance so that answers can be prepared and, in most cases, be available on the internet. This reduces the time and effort when under the legal requirements of meeting timescales and deadlines against which complaints can actually be received.

4.11.9 Externally, a leaflet drop (as used for swine flu) is effective as well as editorial within the Parish newsletters, Jersey Evening Post and St. Helier Trader.

4.11.10 For the business community, forums include the Chamber of Commerce, Jersey Finance, various breakfast and business clubs (745 and 747), and the Standing Conference of Women's Organisations of Jersey (Deals in Heels etc).

4.11.11 Further thinking on Communications messages and audiences is provided within Appendix B below.

4.11.12 **Actions:**

- Ideally the members of the new FOI Unit work closely with the Programme Delivery Manager, the Information Commissioner and the Communications team, to create and deliver an effective training programme.
- They must analyse communications messages and audiences, draw up, and implement a campaign.
- Delivery methods and resources must be identified.
- A regime to review progress on the campaign and follow up as necessary will need to be established

4.11.13 **Cost Implications:** There would be a direct cost in undertaking this action, which derives from the need for tools and materials. This budget is estimated at up to £50,000. For example, whilst an individual radio advert costs £2K, a leaflet drop would itself cost £12K. Please refer to the Action Plan within section 4.13 below.

## 4.12 Enabling Technology

4.12.1 **Scope:** Work, as yet difficult to quantify, will be required on data quality, enabling ease of reporting from business applications for financial and other data. Ideally ISD would need to recruit a dedicated developer for report writing. There are a minimum of 600 known business applications from which report writing may be required.

4.12.2 A case management system is required to log and track FOI requests and provide statistical and other reporting information. Indeed, we recommend that all requests for information, including those deemed business as usual, are recorded so that the States can build a picture of customer access and contact patterns, and support individual customer relationship management. It will also help SoJ to identify vexatious or duplicate requests and produce monitoring information.

4.12.3 The CRM system can be used by those having access to be aware of (and re-use) requests and refusals so that repeats can be identified. For those not having access to CRM, this information could be published via the intranet.

4.12.4 The scope of requirements should cover:

- Data capture (by case type)
- Workflow process and deadline enforcement
- Correspondence management
- Redaction
- Audit trail
- Management information reporting
- Knowledge base

4.12.5 The Customer Services Centre (as well as Economic Development) uses the Microsoft Dynamics CRM system. This provides a suitable platform for case management. The documentary inputs and outputs of the request should be stored within Livelink, the corporate EDRM platform (although it is noted that existing integration is in place between Dynamics and Microsoft SharePoint, which could be used for document management).

4.12.6 As well as staff handling enquiries having direct access to Microsoft Dynamics, it could be practical for them to continue using other systems whose use is embedded in day-to-day business processes, with data transferred to the CRM system on a regular basis to deliver a holistic picture. Such systems include Adlib (Jersey Archives), Datex (Health and Social Services), Nessie (Social Security), Giles (Registry at the States Greffe), Viewpoint (Police), any new time recording system implemented by the Law Officers' Department. These are listed separately in Appendix E for ease of reference.

4.12.7 The British Library produced an Access based recording system that they freely shared with many public authorities in the UK and this could be made available to SoJ for consideration.

#### 4.12.8 **Actions:**

- A data quality review of information systems within the States should be commenced once the Information Governance Unit is in place.
- A full case management specification should be defined for assessment against MS Dynamics.
- Create and maintain a database / intranet area of FOI guidance, announcements and developments.
- Create an online form to help applicants formulate their requests.

**4.12.9 Cost Implications:** Work on data quality reviews, case management specifications, updating the web and intranet can be undertaken without cost, as part of existing resource day job responsibilities. If MS Dynamics is chosen as the preferred case management platform, the price per Client Access Licence for MS Dynamics is £400, plus £78.45 per annum maintenance charge. Please refer to the Action Plan within section 4.13 below.

## 4.13 Action Plan

Activity	Delivery Date	Delivery Resources	Cost Implications
<b>Programme and Implementation Governance</b>			
Nominate Programme Sponsor	2011 Q2	Chief Executive	N/A
Nominate lead States Member for IG/FOI	2011 Q2	Sponsor / Chief Executive	N/A
Nominate Programme Director	2011 Q2	Sponsor / Chief Executive & Assistant Chief Executive	N/A
Establish Programme Board for Information Governance and FOI	2011 Q2	Sponsor & Programme Director & Delivery Manager & FOI Working Group	N/A
Nominate Delivery Manager	2011 Q2	Sponsor & Programme Director	N/A (would be existing project-focussed resource)
Create detailed Action Plan for Programme	2011 Q2 +	Programme Director & Delivery Manager & Programme Board	N/A
Assign Scrutiny and Challenge	2011 Q2	Programme Director	N/A

Activity	Delivery Date	Delivery Resources	Cost Implications
<b>Quick Wins in Records Management</b>			
Ensure nominated Public Records Officers in place	2011 Q2	Sponsor & Programme Director & Delivery Manager	N/A
PROs (as Records Management Working Group) to meet monthly to share good practice	2011 Q2+	Delivery Manager & RM Working Group	N/A
Improving Departmental practice to achieve 'quick wins'	2011 Q2+	Delivery Manager & RM Working Group	N/A
<b>Setting up Information Governance Unit</b>			
Resource planning for Information Governance Unit (terms of reference, roles and responsibilities, recruitment) Initially envisaged as new Records Manger post reporting to new Information Manager post	2011 Q2	Programme Director & Delivery Manager & Director of IS & HR	£80K p.a. for Information Manager £57K p.a. for Records Manager
<b>Review of Information Requests and Publication</b>			
Assess current scope of information requests and ease of response to pre-empt FOI enquiries and improve information publication	2011 Q1+	FOI Working Group	N/A



<b>Activity</b>	<b>Delivery Date</b>	<b>Delivery Resources</b>	<b>Cost Implications</b>
Review and update published information within States' web presences and literature	2011 Q2+	Delivery Manager & FOI Working Group & Web Manager	N/A
Plan creation of Publication Scheme (or similar)	2011 Q2+	Delivery Manager & FOI Working Group & Web Manager	N/A
<b>Creation and Implementation of Information and Records Management Standards</b>			
Establish Editorial Working Group for Information Governance (including Records Management) to define standards, policies and procedures	2011 Q3/4	Information Governance Unit & Delivery Manager & RM Working Group	26 x PROs (£57K p.a. each) released 100% of time in year 1, 25% of time for subsequent years
Implementation of standards (including departmental Records Management Plans) and localisation of procedures	2011 Q4+	(Any) new Records Manager & Delivery Manager & PROs (RM Working Group)	
Provide Records Management position and Cataloguing Resource at Jersey Archives (Note that other resource requirements for Jersey Archives are outside scope of this report)	2011 Q2	Delivery Manager & Head of Archives & HR	c. £100K p.a.
Cost for 3,600 Livelink EDRM licences	2011 Q3+	Delivery Manager & Director of IS	£400K

<b>Activity</b>	<b>Delivery Date</b>	<b>Delivery Resources</b>	<b>Cost Implications</b>
Staff cost for EDRM support (1 FTE)	2011 Q3+	Delivery Manager & Director of IS & HR	£57K p.a.
Professional service and support from supplier (Open Text)	2011 Q3+	Delivery Manager & Director of IS	£105K p.a.
<b>Information and Records Management Awareness and Training</b>			
Plan Records Management Training Programme	2011 Q4	Info Governance Unit & Delivery Manager & PROs & HR & Communications & ICO	N/A
Deliver Records Management FOI Training	2011 Q4+	Info Governance Unit & Delivery Manager & PROs & HR	£30K
Half day intro to document management @ 4,000 staff (400 sessions)	2011 Q3+	Info Governance Unit & Delivery Manager & PROs & HR	£108K, + £20.25K p.a. ongoing

<b>Activity</b>	<b>Delivery Date</b>	<b>Delivery Resources</b>	<b>Cost Implications</b>
Full day Livelink training @ 4,000 staff (400 sessions)	2011 Q3+	Info Governance Unit & Delivery Manager & PROs & HR	£180K, + £33.75K p.a. ongoing
<b>Setting Up FOI Governance and putting Resources in place</b>			
Reaffirm / renew governance for FOI implementation; Create performance measurement regime	2014?	Sponsor & Programme Director & Delivery Manager & Existing Programme Board	N/A
Nomination of FOI Officers (i.e. existing PROs)	2014?	Programme Director & Delivery Manager & Programme Board	N/A
Resource planning for FOI Unit (terms of reference, roles and responsibilities, recruitment) Initially envisaged as two posts	2014?	Programme Director & Delivery Manager & Programme Board & HR	2 x £57K p.a. for FOI Officers
Resource planning for Law Officers Department (two Legal Advisor grade posts, plus Legal Secretary)	2014?	Programme Director & Delivery Manager & Programme Board & Law Officers Department & HR	2 x £94.5K p.a. for Legal Advisers = £189K p.a. Legal Secretary = £38,047 p.a.

Activity	Delivery Date	Delivery Resources	Cost Implications
Resource planning for Information Commissioner's Office (one new Deputy and one new Manager)	2014?	Programme Director & Delivery Manager & Programme Board & Information Commissioner & HR	1 x £69K per annum for grade 12 Deputy + 1 x £57K pa for grade 10 Manager
Resource planning for ongoing involvement of FOI Officers	2014?	Programme Director & Delivery Manager & Programme Board	As per PRO involvement in RM standards indicated above: i.e. 26 x PROs <u>continuing to be</u> released 25% of time (£14.25K p.a. each) every year (covering both ongoing RM and FOI duties)
<b>Create FOI Access Request Policy and Procedures</b>			
Establish Editorial Working Group for FOI (including Records Management) to define standards, policies and procedures	2014?	FOI Unit & Delivery Manager & RM Working Group & HR & Communications & Law Officers Department & ICO	As per PRO involvement in RM standards indicated above: i.e. 26 x PROs <u>continuing to be</u> released for 25% of time (£14.25K p.a. each ) during FOI implementation
Review contract terms	2013	FOI Unit & Delivery Manager & Procurement	N/A

<b>Activity</b>	<b>Delivery Date</b>	<b>Delivery Resources</b>	<b>Cost Implications</b>
<b>FOI Training and Awareness</b>			
Plan FOI Training Programme	2014?	FOI Unit & Delivery Manager & HR & Communications & ICO	N/A
Deliver FOI Training	2014?	FOI Unit & Delivery Manager & HR & ICO	£30K
<b>FOI Communication Campaign</b>			
Plan FOI Communications campaign	2014?	FOI Unit & Delivery Manager & Communications & ICO	N/A
Deliver FOI Communications	2014?	FOI Unit & Delivery Manager & Communications & ICO	£50K
<b>Enabling Technology</b>			
Create FOI case management specification; potentially invest in further MS Dynamics licences	2013?	Delivery Manager & FOI Unit & ISD	No cost for creating specification Potential investment of £20,000 for additional 50 MS Dynamics licences, with additional £4K p.a. support

<b>Activity</b>	<b>Delivery Date</b>	<b>Delivery Resources</b>	<b>Cost Implications</b>
Undertake Data Quality assessment	2012+?	Delivery Manager & Director of IS & Information Governance Unit	N/A
Create intranet pages	2012+?	Delivery Manager & Web Manager	N/A
Create external web pages / forms	2014+?	Delivery Manager & Web Manager	N/A

## 5 Appendix A: Scope of Review and further Resources

### 5.1 People interviewed / met with

Name	Role / Area
Clare Dayel-Baker	HR
Chris Stephenson	HR
Linda Romeril	Jersey Archives
Emma Martins	Data Protection Commissioner
Richard Whitehead	Law Officers Department
Darren Woodside	Law Officers Department
Ana Charalambous	Communications
Neil Wells	Chief Information Officer
Sue de Gruchy	Parish Secretary
Tom Gales	Assistant Chief Executive
Mick Heald	Assistant Chief Executive
Geraldine Cardwell	Internet Manager
Anne Harris	PPC
Lesley Le Bailly	Education
Rebecca Young	Law Officers Department
Members of Records Management Working Group	
Various ISD officers	Information Services

### 5.2 Principal internal documents provided

- ✓ Freedom of Information (Jersey) Law 201- (Draft 23, 23<sup>rd</sup> December 2010)
- ✓ Freedom of Information – Jersey Heritage implementation comments

### 5.3 Principal external documents utilised

- **Blackstone's Guide to The Freedom of Information Act 2000**, John Wadham and Jonathan Griffiths, ISBN 0-19-927764-8
- A number of document Resources for future reference for those involved in FOI implementation at SoJ is provided below:

#### RESOURCES

##### Scottish Public Sector Procurement & Freedom of Information

<http://www.scotland.gov.uk/Resource/Doc/1265/0006892.pdf>

##### Delivering freedom of information (March 2004), LGA

This LGA guide was produced prior to the FOI Act implementation deadline. The guide is essential reading for officers and councillors responsible for resolving information requests made to local authorities. The guide can be used as an aid to the training and awareness necessary to operate the new regime. It gives a succinct and easy-to-use introduction to the FOI Act. You can print the [full document here](#) or purchase a hard copy version from LGconnect. <http://www.lga.gov.uk/lga/aio/26344>

**Balancing the Public Interest:** Applying the **public interest** test to exemptions in the UK, Freedom of Information Act 2000 by **Meredith Cook**, August 2003

[http://www.informationcommissioner.gov.uk/~media/documents/library/Freedom\\_of Information/Research and reports/PUBLIC INTEREST FOI TEST.ashx](http://www.informationcommissioner.gov.uk/~media/documents/library/Freedom_of_Information/Research_and_reports/PUBLIC_INTEREST_FOI_TEST.ashx)

Reissued in 2006 - <http://www.ucl.ac.uk/spp/publications/unit-publications/134.pdf>

**Freedom of Information and Business – Jim Amos, 1999**

<http://www.ucl.ac.uk/spp/publications/unit-publications/47.pdf>

**A guide for business to the planned UK Freedom of Information Act, Jim Amos**

<http://www.ucl.ac.uk/spp/publications/unit-publications/56.pdf>

**Freedom of Information Act – Guidance for Suppliers**

<http://www.intellectuk.org/content/view/4388/83/>

**Counting down – moving from need to know to right to know: A good practice guide for public authorities implementing Freedom of Information, October 2004**

[http://www.nao.org.uk/publications/0405/counting\\_down.aspx?alreadysearchfor=yes](http://www.nao.org.uk/publications/0405/counting_down.aspx?alreadysearchfor=yes)

All accessed 21<sup>st</sup> January 2011

## **BOOKS**

**Your Right to Know, How to use the Freedom of Information Act and other access laws**, Heather Brooke, ISBN 0-7453-2272-7

**Freedom of Information, A Guide for the UK Private Sector**, Kenneth Mullen and Kelly Harris, BSi, ISBN 978-0-49931-9

**Blackstone's Guide to The Freedom of Information Act 2000**, John Wadham and Jonathan Griffiths, ISBN 0-19-927764-8



## 6 Appendix B: Communications Messages and Audiences

### 6.1 Key Messages

- 6.1.1 The Law covers every public authority in the States.
- 6.1.2 The Law will allow the general public access to most information held by any public organisation.
- 6.1.3 The Law places a legal requirement on organisations to be open.
- 6.1.4 Any member of staff could be required to comply with the Law as any written request for information comes under FOI.
- 6.1.5 Good Records Management (RM) and Information Management (IM) are at the heart of successful implementation of FOI
- 6.1.6 **All** 26 Departments of the States of Jersey *must* commit resources and time to the role of Public Records Officer in accordance with the Public Records (Jersey) Law
- 6.1.7 All requests for information *currently* being received *must* be logged

### 6.2 Key Audiences

- 6.2.1 As highlighted above, theoretically any member of staff could be required to comply with the Law as anyone from could be given a written request for information (remember, an email constitutes a written request). It is therefore crucial that everyone in the organisation is made aware of the Law.

Audience	Sub groups
Board level	Chief executive Council Members Non executive directors Executive directors Professional Executive Committees
Internal staff	Managers Complaints managers All staff Trade unions Volunteers Receptionists Customer Service Centre staff

	Contractors providing services on behalf of public authorities
Local Media/ other stakeholders	Local journalists Members/politicians Pressure groups Parishes

### 6.3 Methods of communication – internal

Communication channel	Aim
Formal/ informal board brief	<ul style="list-style-type: none"> <li>• To ensure awareness of FOI at board level</li> <li>• To brief board members on communication plan</li> <li>• To gather feedback on proposed plan.</li> </ul>
Staff newsletter	<ul style="list-style-type: none"> <li>• To reach majority of staff and give basic brief on principles of FOI</li> <li>• To direct interested members of staff to the relevant intranet pages</li> <li>• To raise awareness of individual responsibility under the Law</li> </ul>
Global email (from the Chief Executive)	<ul style="list-style-type: none"> <li>• To reinforce key messages about the Law</li> <li>• To raise awareness of more comprehensive article in staff newsletter</li> </ul>
Team briefs	<ul style="list-style-type: none"> <li>• To reach those members of staff not on email/ who don't read newsletter</li> <li>• To brief on key messages of the Law</li> </ul>
Induction	<ul style="list-style-type: none"> <li>• Utilise FOI project lead to brief new members of staff at induction about the</li> </ul>

	<p>Law and its requirements</p> <ul style="list-style-type: none"> <li>Supported by short piece in induction packs to reinforce the message</li> </ul>
Formal/ informal media brief	<ul style="list-style-type: none"> <li>To brief media on the Law and how it will affect their work</li> <li>To publicise implications of the Law to local public</li> </ul>

#### 6.4 Methods of communication – external

Communication channel	Aim
SoJ web site	<ul style="list-style-type: none"> <li>To ensure that the website is kept as up to date as possible and becomes the central focal point <a href="http://www.gov.je/">http://www.gov.je/</a></li> </ul>
Specialist portals	<ul style="list-style-type: none"> <li>To ensure that all those involved in the provision of services through this mechanism are aware of the FOI corporate message and resources, policy and procedures</li> </ul>
Digital TV	<ul style="list-style-type: none"> <li>To use this medium whenever appropriate for dissemination of information</li> </ul>

## 7 Appendix C: OGC Contract Terms

A possible model provision for inclusion as part of the **conditions of procurement** is given below:

*“Authorities are committed to open government and to meeting their legal responsibilities under the Freedom of Information (Jersey) Law 20xx. Accordingly, all information submitted to a public authority may need to be disclosed by the public authority in response to a request under the Law. We may also decide to include certain information in the publication scheme that we maintain under the Law. If you consider that any of the information included in your tender is commercially sensitive, please identify it and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity. You should be aware that, even where you have indicated that information is commercially sensitive, we might be required to disclose it under the Law if a request is received. Please also note that the receipt of any material marked ‘confidential’ or equivalent by the public authority should not be taken to mean that the public authority accepts any duty of confidence by virtue of that marking. If a request is received, we may also be required to disclose details of unsuccessful tenders.”*

**Source: FOI (Civil Procurement) Policy and Guidance – Version 1.1**

## 8 Appendix D: FOI Request Log

This record contains the following information:

- Request from – name of applicant.
- Request to – name of SoJ employee who received the request.
- Date of request – date received by SoJ.
- Method of request – the method used by the requestor to submit their request e.g. email, fax or letter.
- The request – description of the request.
- Delegated SoJ Team/Person for information collation – this is the name of the individual who will identify if the information is held.
- Was SoJ able to answer the question in full?, If not why? - This is a yes or no response. Where the response is no, details of the reason for not providing the information will be recorded.
- Response sent by – name of the individual who issues the response to the requestor.

## 9 Appendix E: Data (Request) Collection Systems currently in use

The following systems were identified as being recording systems in use by those present representing the majority of States Departments:

- Giles used by Registry at the States Greffe
- Datex used within Health and Social Services, deals with requests including DSARs and claims
- Adlib Archives management system, used for recording access requests
- CRM used by the Customer Services Centre, as well Economic Development
- LiveLink used for EDRM by a number of Departments
- Sharepoint used in some areas for project collaboration
- Nessie used by Social Security
- Police Viewpoint
- Various spreadsheets
- Various databases

## 10 Appendix F: Audit Approach

### INFORMATION AUDIT FORM

<b>Records and Information Survey</b> <i>(complete a separate form for each series/set/collection of information)</i>	
Department/Unit:	
Contact person/person holding information:	
Telephone:	Email:
1. Title of record series/set/collection:	
2. What information do the records contain?	
3. For what purpose are the records created?	
4. Date range:	
5. Format	
6. Filing system (numeric, alpha-numeric, etc)	
7. Finding aids:	
8. Who refers to the records and how often?	
9. Status: <ul style="list-style-type: none"> <li><input type="checkbox"/> Official record</li> <li><input type="checkbox"/> duplicate</li> <li><input type="checkbox"/> vital record</li> <li><input type="checkbox"/> private/personal collection</li> </ul>	
10. Is there information in other records that duplicates information contained in these records? <ul style="list-style-type: none"> <li><input type="checkbox"/> Yes – specify</li> <li><input type="checkbox"/> No</li> </ul>	
11. Do the records provide evidence of the origin, structure, policy and functions of the organisation? <ul style="list-style-type: none"> <li><input type="checkbox"/> Yes</li> <li><input type="checkbox"/> No</li> </ul>	
12. Do the records have historical value? <ul style="list-style-type: none"> <li><input type="checkbox"/> Yes</li> <li><input type="checkbox"/> No</li> </ul>	
13. What is the volume of the records? (l manual, in linear metres)  Active records   Inactive records	

14.	Annual growth rate:
15.	Location (room and cabinet, if manual; if electronic, folder path if networked, pc if not)
16.	Storage equipment used:
17.	After what period do records become inactive?
18.	After what period are records no longer required for reference use?
19.	Is the retention period affected by legislation? <input type="checkbox"/> Yes (specify) <input type="checkbox"/> No
20.	Are records needed for audit purposes? <input type="checkbox"/> Yes <input type="checkbox"/> No
21.	Are FOI exemptions likely to apply? <input type="checkbox"/> Yes (specify) <input type="checkbox"/> No
<b>Signature</b>	
<b>Date</b>	



## **11 APPENDIX G: INFORMATION ASSET REGISTER (IAR)<sup>5</sup>**

### **11.1 Introduction**

- 11.1.1 The IAR lists information resources held by public authorities, concentrating on unpublished resources. In doing so, it enables users to identify, from one single source, the information held in a wide variety of government departments, agencies and other organisations.
- 11.1.2 As Departments identify information to be published through their FOI Publication Schemes, so unpublished information can also be identified for inclusion in the IAR.
- 11.1.3 This includes databases, old sets of files, recent electronic files, collections of statistics, research etc. The IAR concentrates on information resources that have not yet been, or will not be, formally published.
- 11.1.4 Individual Departments have primary responsibility for putting in place their own IARs that they will maintain on their own web sites. HMSO has overall responsibility for IAR formats and standards and for maintaining the inforoute website.

### **11.2 Why create an Information Asset Register?**

- 11.2.1 To help deliver the public sector policy of making official information as widely and easily available as possible.
- 11.2.2 To facilitate and encourage the re-use of public sector information.
- 11.2.3 To cater for the pressing demand to identify unpublished data holdings within the public sector. This complements both official bibliographies that only list material that is published and Freedom of Information Publication Schemes.

### **11.3 Characteristics**

- 11.3.1 The IAR complements, not duplicates, existing lists of published materials. Departments maintain their IARs on their own web sites with links and search facilities.
- 11.3.2 Indexing is by natural language as well as formal or technical terms; e.g. 'Greenhousekeeping' as well as 'Environmental Management'.
- 11.3.3 inforoute lists the formats in which information can be supplied, gives contact names and encourages users to investigate the most efficient methods for accessing official material. Further information is provided in the footnote below.

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<sup>5</sup> <http://www.inforoute.hmso.gov.uk/> -or  
<http://www.legislation.gov.uk/htm>

inforoute provides direct access to the UK Government's Information Asset Register (IAR). inforoute is a key part of the UK Government's agenda for freeing up access to official information.

## 12 APPENDIX H: SUMMARY OF RESOURCES

Resource	Role
Chief Executive	Ultimate responsibility and sponsorship
Programme Director (ideally at Assistant Chief Executive level)	Chairing programme board for Information & Records Management and FOI
Programme Board (i.e. current FOI Steering Group)	Providing leadership and governance for the programme of work
Records Advisory Panel	Potentially providing scrutiny and challenge to the programme
Delivery Manager	Dedicated project manager for the FOI implementation plan
Public Records Officers x 26	Local FOI Officers, processing requests that are not 'business as usual'; implementing good practice and standards for Records Management. Will form the core of the Editorial Working Group for Information Governance (including Records Management) and FOI
FOI Unit (new) - With 2 x FTE staff (most likely sitting within the Chief Minister's Department)	Providing advisory, training and communications services and compliance monitoring function; would liaise with the Information Commissioner's Office
Information Governance Unit (new Information Manager and new Records Manager roles)	Providing functional expertise and leading on policy and standards for Information Management, Records Management, Data Quality, Information Security etc.
Director of IS	Managing the Information Governance Unit
Law Officers Department (2 x Legal Advisers + Legal Secretary)	support in the handling of more complex FOI request cases, providing advice and guidance on fees and exemptions; also active within appeals process
Information Commissioner	The Regulator and arbiter of second tier appeals; will support communications and training.
Human Resources	Supporting recruitment of new roles, and learning and development generally, as well as supporting policy development

Resource	Role
Communications	Leading internal and external communications campaign, as well as supporting policy development and training
Web Manager	Ensuring that publication scheme is created and maintained, providing suitable intranet content to support staff
EDRM Administrator (new)	Providing support and systems administration for Livelink deployment
ISD	Support EDRM deployment and provision of FOI case management system
Procurement	Reviewing standard contract terms to accommodate FOI
Jersey Archives (new Records Management position and Cataloguing Resource)	Ensuring archive holdings and catalogued and FOI processes are followed
All Staff	Follow policy and guidelines for FOI and Records Management