

Belfast Harbour Commissioners

Freedom of Information Policy and Handling Procedure

1. Introduction

Belfast Harbour Commissioners (“BHC”) seeks a positive public perception of the organisation’s aims and activities. This includes being open and transparent when we are asked to disclose recorded information we hold in response to a Freedom of Information Request.

The Freedom of Information Act 2000 (“FOIA”) is an Act of Parliament that sets out a public “right to know” in relation to public bodies, including BHC. The FOIA also sets out certain exemptions to those rights.

The purpose of the BHC Freedom of Information Handling Procedure is to outline BHC approach to its FOIA obligations to create a climate of openness and transparency.

This Procedure is applicable to all BHC staff (including all permanent, temporary and contract workers employed or engaged by BHC or any 3rd party organisations while at work or engaged on BHC business) and any members of the public who request information under the FOIA.

2. Receipt of Request.

BHC Reception normally receives requests either by post or email to the Freedom of Information Officer, Belfast Harbour, Harbour Office, Corporation Square, Belfast BT1 3AL. BHC staff who receive a written request for information under the FOIA (including requests which do not specifically mention FOIA) must forward these immediately to the Freedom of Information Officer. Where an oral request is received, the requester should be advised to put their request in writing. FOIA imposes strict time limits for dealing with a request. A response must be issued within **20 working days** from the date upon which the written request is received by BHC, unless clarification has been sought or an extension to the statutory timescales is required by BHC under section 10(3) of the FOIA.

3. Other Regimes

The FOIA covers rights of access to and requests for information held by BHC. It relates to non-personal data. The UK GDPR and Data Protection Act 2018 cover the rights which individuals have in respect of their own personal data, including rights of access. Any FOIA request for access to personal information of which the requester is the data subject, will be classified as a subject access request and treated accordingly. The requester will be advised this is the position.

The Environmental Information Regulations (EIR) deal specifically with information relating to any decisions, activities and policies that may have an impact of the environment. EIR requests will follow a similar procedure to FOIA requests but it should be noted that EIR requests do not need to be in writing.

4. Notification of Request

BHC Reception will notify the Finance and Compliance Director and the Communications and Corporate Responsibility Manager. The Finance and Compliance Director will notify the CEO, who will designate a Responder.

5. Designation of Responder

The CEO, a delegated LT Member or in the CEO's absence any LT Member, may designate responsibility as Responder to any BHC Officer, dependent on the nature of the request. A BHC Officer will also be designated to deal with a request for a review, if any, and that person must not be involved at any stage in handling the original request.

6. Preparation of Response

The duly designated Responder will consider the request, investigate if the relevant information is held and in what form, liaise as they see fit with other BHC staff to prepare the response, taking advice if they see fit.

Due consideration needs to be given to issues of Data Protection, Confidentiality, Prejudice to the business and any valid exemptions from disclosure, bearing in mind the general presumption in favour of disclosure in the public interest.

Where information is held by BHC, the information will not be withheld unless:

- an exemption to disclosure under Part II of the FOIA applies;
- it would cost too much to comply with the request;
- the request is considered vexatious; and/ or
- the request is repeated.

The exemptions to disclosure set out in the FOIA include non-disclosure in matters of a sensitive commercial nature or where disclosure would prejudice the effective conduct of public affairs.

Some of the FOIA exemptions are absolute exemptions, for example, if the information is personal data. If an absolute exemption applies, then BHC does not need to release the information. The remaining exemptions are qualified exemptions that require BHC to apply the public interest test in deciding whether to release the information. In considering the public interest, BHC will take into account:

- whether the public interest in maintaining the exclusion of the duty to confirm or deny that information is held, outweighs the public interest in disclosing whether BHC holds the information; and/or
- whether the public interest in withholding information outweighs the public interest in releasing it.

Where the public interest test is relevant, BHC will apply it separately to each piece of potentially exempt information.

Where a document cannot be released in its entirety, BHC will endeavour to release what it is able to, in as intelligible a format as possible. If the duly designated Responder is in doubt about handling a response, they should advise an LT Member.

7. Reasonable Adjustments and alternative formats

BHC is committed to equal opportunities and our aim is to make FOIA accessible to all. We will take reasonable steps to accommodate and make any adjustments required to create a request, provide responses in other formats or provide such assistance as may be reasonably required.

8. Legal Clearance of Response

Where appropriate legal advice will be sought to respond to Freedom of Information requests.

9. Issue of Response

The duly designated Responder is accountable for the issue of the response within the designated limit of 20 working days from receipt. A copy of the Response is to be logged with the Communications and Corporate Responsibility Manager.

The response must make reference to the option for an internal review if the requester is dissatisfied, and a further option if the requester is dissatisfied, and a further option to contact the ICO should the requester remain dissatisfied after the internal review.

The CEO will designate a separate responsible person to address the internal review.

10. Recording

The Communications and Corporate Responsibility Manager will maintain a register of Freedom of Information requests.

11. Approval

This procedure is approved by the CEO; date of last review June 2022.