

**Prisons &
Probation**

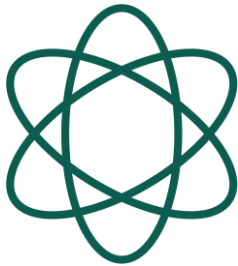
Ombudsman
Independent Investigations

Access to Information Policy



Our vision

To carry out independent investigations to make custody and community supervision safer and fairer



Our values

We are:

Impartial: we do not take sides

Respectful: we are considerate and courteous

Inclusive: we value diversity

Dedicated: we are determined and focused

Fair: we are honest and act with integrity



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Purpose

The Prisons and Probation Ombudsman (PPO) is committed to operating in an open and transparent manner. This policy set outs how the PPO complies with information legislation¹ and how to request information we hold.

Publication scheme

We will publish general information about our organisation, grouped under the following 'classes of information':

- Who we are and what we do (including our Terms of Reference)
- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- The services we offer

You can find our details of the information we publish in our Publication Scheme at Annex A.

Policy statement

The PPO is committed to operating openly by:

- Responding positively to every reasonable request for information in order to maintain a high level of trust and confidence in our organisation.
- Routinely publishing information as part of our Publication Scheme.
- Processing rights of access to information, which are set out in information legislation.
- Publish information about our work, including anonymised final reports of fatal incident investigations once the inquest has taken place.

¹ Information legislation includes: the Freedom of Information Act 2000 (FOIA), Environmental Information Regulations 2004 (EIRs) and the Data Protection Act 2018 (DPA 2018).

Freedom of Information requests

Freedom of Information Act (FOIA) 2000 & Environmental Information Regulations 2004

The Freedom of Information Act (FOIA) 2000 & Environmental Information Regulations 2004 provide the right to request any recorded information held by a public body, such as the Prisons and Probation Ombudsman.

The FOIA only covers requests for recorded information and does not cover instances where explanations, opinions, comment, interpretations or unrecorded discussions are requested.

The PPO has 20 working days to respond to a FOI request. A working day means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in any part of the United Kingdom.

Where a request does not give sufficient detail to enable the PPO to process the request, the PPO will contact the applicant to clarify the request. The 20 working days will start the day after the PPO receives clarification of the request.

How to make an FOI request?

The PPO will consider an FOI request to be valid if it:

- is in writing, either in hard copy via letter or digitally via email;*
- includes the requester's real name and address for correspondence (this can be your residential or work address, or can be an email address); and
- includes a detailed description of the information being requested.

FOI requests can be sent by email or post. FOI requests by email should be sent to PPOMailFreedomofInformationRequests@ppo.gov.uk.

The PPO's postal address can be found in the *Contact us* section below.

* While we will respond to any valid requests submitted via social media (Twitter), we would advise against making FOI requests via Twitter due to the character limit and confidential information required when making a request, which includes your name and contact details.

What happens after an FOI request has been made?

Where you have expressed a preference for the means of communication, the PPO will comply with that request where it is reasonably practicable to do so.

Although we are committed to providing the information you have asked for, there may be occasions when we might have to refuse a request. The five main reasons for refusing a request are:

1. The PPO does not hold the information requested
2. An exemption applies
3. The time to deal with the request will exceed the appropriate limit
4. The request is vexatious
5. The request is repeated.

Under the FOIA, the PPO is only required to provide recorded information. FOI requests do not cover instances where explanations, opinions, comment, interpretations or unrecorded discussions are requested. In these circumstances you may be advised that the PPO does not hold the information requested.

Where a request is refused, in accordance with section 17 of the FOIA, the PPO will issue a letter that acts as a refusal notice. This letter will explain why the request was refused and inform you of your right to appeal.

What if the request is vexatious or repeated?

The PPO can refuse to comply with a request if it is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation. It is the request that is considered vexatious, not the requester. If we determine a request to be vexatious, we do not have to comply with any part of it, or even confirm or deny whether we hold the information.

The PPO can also refuse to comply with a request if the PPO has previously responded to an identical or substantially similar request from the same person (unless a reasonable period has elapsed between the requests). We cannot refuse a request from the same requester just because it is for information on a related topic.

Following an initial written refusal notice, we will not provide a response to further vexatious or repeated requests by the same person.

Charges

Generally, the PPO do not charge a fee when an FOI request is made. However, we may charge a fee if:

- there is a large amount of photocopying or printing or we need to use a courier (disbursements), or
- where the cost of answering the request 'exceeds the appropriate limit'.

If fees apply, we will let you know what they will be in advance by issuing a Fees Notice.

Under section 12 of the FOIA, the PPO is not obliged to comply with any information request where the prescribed costs² of doing so exceed £600. Staff time is to be calculated at the flat rate of £25 per person, per hour (the equivalent of three and a half days work).

² Prescribed costs include:

- Establishing whether the information is held; and
- Locating, retrieving and extracting the information.

Appealing the response to an FOI request

You have the right to appeal against our response to an FOI request if you think it is incorrect. On receipt of your appeal, the PPO will conduct an internal review. If you remain dissatisfied following the internal review response, you can contact the ICO.

Internal review:

The handling of your request for an internal review will be looked at by someone who was not involved in the original response, and they will make a decision as to whether we answered your request correctly. A fresh decision will be made based on the available evidence, not just a review of the first decision.

If you would like to request an internal review, please write to us by post or send an email to PPOMailFreedomofInformationRequests@ppo.gov.uk within two months of receiving the response to your request.

Information Commissioner's Office (ICO):

If you remain dissatisfied after an internal review decision, you have the right to appeal to the Information Commissioner's Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if they consider that we have handled it incorrectly.

You can contact the ICO at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Subject access requests

You have the right to ask an organisation whether or not they are using or storing your personal information. You can also ask for copies of your personal information, verbally or in writing. This is called the right of access and is commonly known as a subject access request (SAR).

Under the right of access, an individual is only entitled to their own personal data. The PPO will respond to your request within one month. However, the PPO can extend this timescale by a further two months if the request is particularly complex.

Subject access requests can be made verbally or in writing (by post or email). Subject access requests by email should be sent to PPOMailSubjectAccessRequests@ppo.gov.uk

The PPO's contact address can be found in the *Contact Us* section below.

If the PPO holds information about you, we will:

- Give you a description of it
- Tell you why we have it
- Provide the information in a readable format, subject to any exemptions contained in the legislation

A subject access request does not entitle you to be provided with specific documents or an entire file. The PPO will provide you with your personal data in a written and clear format.

The PPO will supply the information in the same format as we received the request, unless you request otherwise.

Confirming the requester's identity

To avoid personal data about one individual being sent to another, the PPO needs to be satisfied with the identity of the requester. This means there may be occasions when we ask for identification documents. We appreciate that not all of our service users will have access to identification documents and we will have other means of confirming the identity of those in custody.

Charges

The PPO does not charge a fee when a subject access request is made. However, you may be charged a reasonable fee for the administrative costs of complying with a request if:

- It is manifestly unfounded or excessive; or
- You are requesting further copies of your data following a previous request.

If fees apply, we will let you know what they will be in advance by issuing a Fees Notice. You have one month from the notice being sent to make payment or the request will be closed.

When determining a reasonable fee, the PPO will take into account the administrative costs of:

- Assessing whether or not we are processing the information;
- Locating, retrieving and extracting the information;
- Providing a copy of the information; and
- Communicating the response to the individual, including contacting the individual to inform them that we hold the requested information (even if we are not providing the information)

This includes the costs for photocopying, printing, postage and any other costs involved in transferring the information. The criteria for charging fees is available upon request. Staff time is to be calculated at the flat rate of £25 per person, per hour.

Responding to a subject access request

The PPO will make reasonable efforts to find and retrieve the requested information.

The PPO can refuse to comply with a subject access request if the request is manifestly unfounded or excessive. If we refuse to comply with a request, we will inform the individual of:

- the reasons why;
- their right to make a complaint to the ICO; and
- their ability to seek to enforce this right through the courts.

The PPO will also consider whether an exemption (as set out in Schedules 2 and 3 of the DPA 2018) applies to the request.

If you are unhappy with the PPO's response to your subject access request

If you are unhappy with the PPO's response to your subject access request, you can make a complaint to the PPO's Knowledge and Information Management Officer. If you would like to complain, please write to us by post or send an email to PPOMailSubjectAccessRequests@ppo.gov.uk within two months of receiving the response to your request.

If you are still not happy with the PPO's handling of your request, you can contact the Information Commissioner's Office (ICO) or seek to enforce this right through the courts. You can contact the ICO at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Contact us

Address

Prisons and Probation Ombudsman
Third Floor
10 South Colonnade
London
E14 4PU

Mailbox

FOI Requests: PPOMailFreedomofInformationRequests@ppo.gov.uk

Subject Access Requests: PPOMailSubjectAccessRequests@ppo.gov.uk

If you have any queries, please email the PPO using the above email addresses.

Additional resources

[Freedom of Information Act 2000 \(legislation.gov.uk\)](http://legislation.gov.uk)

[The Environmental Information Regulations 2004 \(legislation.gov.uk\)](http://legislation.gov.uk)

[Data Protection Act 2018 \(legislation.gov.uk\)](http://legislation.gov.uk)

[Information Commissioner's Office \(ICO\)](http://ico.org.uk)

Publication Scheme

Who we are and what we do

This information covers our organisational details, structure, locations and contacts. This includes:

- i. [About us](#)
- ii. [Our Terms of Reference](#)
- iii. [Management team and structure](#)
- iv. [Operating agreements](#)
- v. [Location and contact details](#)
- vi. [Vision and values](#)

What we spend and how we spend it

Financial information related to projected and actual income and expenditure.

- i. [Annual Reports and accounts](#)

What our priorities are and how we are doing

This information covers our strategies and plans, performance indicators and reviews, including:

- i. [Annual Reports](#)
- ii. [Business Plans](#)
- iii. [Strategic Plans](#)
- iv. [Race Action Plan](#)

How we make decisions

This is where we publish details of our decision-making processes and records of our decisions. These include:

- i. [Operating agreements](#)
- ii. [Fatal Incident reports](#)
- iii. [Evidence to Committees / Inquiries](#)

Our policies and procedures

Current written protocols for delivering our functions and responsibilities:

- i. Recruitment Policy
- ii. [Unreasonable Complainant Policy](#)
- iii. PPO Records Retention Schedule
- iv. [Data Protection Policy and Privacy Notice](#)
- v. [PPO Social Media Guidance](#)
- vi. Complaints Policy

The services we offer

- i. [Complaints process](#)
- ii. [How we investigate fatal incidents](#)
- iii. [Family liaison](#)
- iv. [Policy and research publications](#)
- v. [The Investigator Newsletter](#)
- vi. [Leaflets & posters](#)
- vii. [Media enquiries](#)

**Prisons &
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Ombudsman

Independent Investigations

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