



**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority  
Policy and Strategy Committee

# INFORMATION MANAGEMENT AND COMPLIANCE

Report of the Chief Fire Officer

**Date:** 07 November 2014

**Purpose of Report:**

To provide Members with an overview of the measures in place for effective information management to assure transparency and compliance

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## **1. BACKGROUND**

- 1.1 As a public body a range of statutory requirements are placed upon the Authority. These requirements necessitate the Service to have access to trained and competent advice.
- 1.2 The Coalition Government stated its commitment to unburden local government in terms of performance reporting. However, the requirement for greater transparency by public bodies about the services they provide is increasing demand upon the Service in terms of the publication and provision of information.
- 1.3 Various acts, regulations and codes of practice impose requirements on Nottinghamshire Fire and Rescue Service (NFRS) with regard to the supply of information to the public.
- 1.4 This report details the arrangements which are in place to satisfy each of the requirements and highlights the increased demand this is having on NFRS resources.
- 1.5 The Service already publishes a range of information on its website through its publication scheme and intends to develop this approach further in the future with the aim of reducing individual information requests.
- 1.6 The National Framework also requires the Fire Authority to publish an Annual Statement of Assurance and Members will be aware of the recent report to the September 2014 Fire Authority that contained the 2013-14 edition.
- 1.7 Social media and use of the Internet makes accessibility to public bodies simpler and the Service maintains a range of policies and procedures to assure compliance and these are periodically reviewed to ensure they remain fit for purpose.

## **2. REPORT**

### **FREEDOM OF INFORMATION ACT (2000)**

- 2.1 The Freedom of Information Act (FOIA) 2000 provides public access to information held by public authorities. It does this in two ways:
  - Public authorities are obliged to publish certain information about their activities; and
  - Members of the public are entitled to request information from public authorities.
- 2.2 Details of how the public can make freedom of information (FOI) requests can be found on NFRS's website.

- 2.3 The number of FOI requests has increased significantly over the last two years:

2012	2013	2014
56	96	112 (to date)

- 2.4 A number of Service managers and staff have received training on the FOIA It is likely that this training will need to be updated and extended to additional staff in the future in order to create capacity to deal with the anticipated increase in demands for information.
- 2.5 The Service can charge for the provision of information that is requested but only when the time taken to gather the information is likely to exceed 18 hours. The majority of requests do not exceed this timescale to collate the information. Nevertheless, they still require an extensive commitment by employees in terms of their time to prepare replies.
- 2.6 By making greater use of the Internet and publishing more information proactively this may lead to a reduction in individual requests and reduce the day to day demand on the organisation. However, this will still require the information to be collated and published.

## **PUBLICATIONS SCHEME**

- 2.7 As well as responding to requests for information it is necessary to publish information proactively. The FOIA requires every public authority to have a publication scheme, approved by the Information Commissioner's Office (ICO) and to publish information covered by the scheme.
- 2.8 NFRS currently publishes information on the website under 'access to information, publications scheme'. The documents are within the headings outlined by the Information Commissioner's guide to complying with the scheme.
- 2.9 There is a resource requirement to ensure the information is kept up to date and published within the required timescales. There is the potential to publish more information under this scheme which could reduce the number of FOI requests that are received. However, the requirement to manage and maintain this information creates additional demands upon the Service.

## **REGULATION OF INVESTIGATORY POWERS ACT (2000)**

- 2.10 This details the regulation of power given to public bodies to carry out surveillance and investigation.
- 2.11 All responsible persons have been trained in this area, although it is unlikely that it would be necessary to use covert surveillance extensively within NFRS. These regulations therefore place little demand on the Service, but do require

the organisation to train staff appropriately and have policies and procedures that would be applied should these 'powers' be required.

- 2.12 The arrangements of the organisation were subject to audit in 2012. An action plan was produced to address the identified areas for improvement and these continue to be discharged.

### **DATA PROTECTION ACT (1998)**

- 2.13 The Data Protection Act controls how NFRS uses personal information that is held, processed and shared.
- 2.14 All personnel responsible for handling sensitive or personal sensitive data have received data protection training.
- 2.15 Sharing protocols with partners have been created and will require periodic review to ensure they continue to satisfy three elements, namely; confidentiality, integrity and appropriateness.
- 2.16 This Act enables people to make a subject access request to obtain any data that is held about them. A subject access request form can be found on the NFRS' website. The Service receives few of these from the public with the majority arising from employee requests to view their personal record files.

### **TRANSPARENCY CODE (2014)**

- 2.17 The Local Audit and Accountability Act 2014 introduced the transparency code. It requires publication of information on how local authorities spend money and deliver services and how decisions are made within authorities. It gives local people the information to enable them to hold their local authority to account and participate in local democratic processes. This does not supersede the publication scheme as it contains mandatory smaller and specific datasets.
- 2.18 Work has been undertaken to meet the 'must publish' requirements of the code, the information has been published on NFRS' website under 'access to information'. There are several datasets that are yet to be published as it requires a change to the systems to be able to produce the information. There is an impact on each individual department that is required to submit data for publishing and updating.
- 2.19 NFRS were given a grant to complete the initial implementation. There is no suggestion that this will continue once implementation is complete but it will still require resources to maintain the information. The information that is required to be published under the scheme is unlikely to reduce FOI requests as it does not follow the trends for the FOI's received by the Service.

## **ENVIRONMENTAL REGULATIONS INFORMATION (2004)**

- 2.20 The Environmental Information Regulations 2004 provide public access to environmental information held by public authorities. The Regulations do this in two ways:
- Public authorities must make environmental information available proactively;
  - Members of the public are entitled to request environmental information from public authorities.
- 2.21 Recent changes to responsibilities have seen the day to day co-ordination of environmental matters move to the Service's Health, Safety and Risk Management Section where staff are competent to provide initial advice throughout the organisation.
- 2.22 NFRS is not currently proactively publishing any environmental information on its website. Usual documents for publication would include environmental policies, strategies and risk assessments that the public would have an interest in seeing. Many of these documents are currently in development and once completed will be published on the Service's website within the publication scheme.
- 2.23 In terms of requests for environmental information, the 'access to information' section of the NFRS website indicates to readers that they are entitled to request information; however the Service has not received any requests to date.

### **3. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report. However, continued compliance will require on-going financial support

### **4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS**

The administration time involved in compliance with the Acts and schemes is increasing. There will be a continuing need to build the capacity of competent staff within the Service to meet increased demand. This will require line managers to consider the knowledge and skills of staff as part of the personal development review process.

## **5. EQUALITIES IMPLICATIONS**

There are no equality implications arising directly from this report as it updates Members on existing policies which have been equality impact assessed.

## **6. CRIME AND DISORDER IMPLICATIONS**

There are no additional crime and disorder implications arising from this report.

## **7. LEGAL IMPLICATIONS**

Members will be aware of the legal implications of the Acts through this report. The Service is working towards compliance in all areas of transparency and information management.

## **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1 Members will recognise that compliance with statutory legislation is clearly essential. The management and publication of data is a complex area and will continue to attract interest as part of the desire to increase democratic accountability and public body transparency.
- 8.2 There are a number of risks if NFRS do not comply with the Acts and schemes, ranging from financial penalties, court actions and reputational damage to the Fire Authority. Members can be assured that this area of the organisation is receiving attention from Officers to plan and manage demand and associated risk.

## **9. RECOMMENDATIONS**

That Members note the contents of this report.

## **10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

None.

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**CHIEF FIRE OFFICER**