

1. Overview

This policy sets out the approach of the Money and Pensions Service's (MaPS) takes to its obligations under the Freedom of Information Act (FOIA) 2000. FOIA allows written access to public information without (normally) the need to identify oneself or provide a motive for the request. All that is needed is a valid name and contact address or email for the response to be sent to.

MaPS intends to build and maintain public trust and confidence by providing free and reasonable access to the information it holds and aims to achieve this by promoting transparency in the way it operates, its decision-making processes and its services. It does so by means of a comprehensive publications policy, and by applying a presumption in favour of disclosure when asked for specific information not within the scheme.

This policy does not cover requests for personal information as these are covered under our data protection framework. There is another parallel information access regime under the Environmental Information Regulations 2004 (EIR) which is unlikely to be applicable to most of the requests MaPS receives. However, in the event that a request is received under the EIR, this policy applies. Any person making a request for information to MaPS is entitled to be informed in writing by MaPS whether it holds information of the description specified in the request, and if that is the case, to have that information communicated to the requester.

2. Policy statement

FOIA provides the public with the right to access information held by all public authorities, except where an exemption applies, and places a statutory obligation on all public authorities to ensure the information they hold is easily accessible and readily available.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002.

For a checklist on dealing with a request when received please review MaPS FOIA Decision Making Framework.

In certain circumstances MaPS has the right to apply an exemption to all or part of the information requested. The exemption may arise because the information falls within a certain category (class based), or where disclosure would cause prejudice to any party (prejudice based).

Recorded information covers information such as letters, emails, photographs, printed documents, computer files and sound and video recordings.

When a response is provided to the requester, they must be informed of their right to internal review if dissatisfied with the response, and if still dissatisfied, of their right to refer to the Information Commissioner.



3. The Information Commissioner's Office

The Information Commissioner's Office (ICO) is the UK's independent authority, set up to uphold information rights in the public interest. The ICO promotes transparency in public authorities and provides guidance on requests. It also enforces compliance with FOIA legislation. This can take the form of ruling on compliance of the response with the legislation and case law, but also requiring the authority to improve its processes, particularly where persistently in breach of the Act.

When refusing to disclose information the response should include a reference to the internal review process as well as the right to further refer to the ICO if the requester is still not satisfied. The requester should be informed that ICO will generally not consider a referral to it if the internal review process has not been completed.

<https://www.gov.uk/make-a-freedom-of-information-request>

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information>

Both internal review and ICO review take place as a "fresh hearing" rather than an appeal. This means that additional exemptions may be applied to those covered in the initial response or vice versa.

4. Operating procedures

4.1. The Publication Scheme

Under Freedom of Information (FOI), MaPS is obliged to maintain a publication scheme, which is a guide outlining the information routinely made available to the public by an organisation. It can also include details of any fees chargeable as well as address for making FOI requests. It may also include material subject to Crown Copyright which can be commercialised by the requester (otherwise any IP rights should be communicated to the requester so that it does not commercialise the information disclosed).

MaPS publishes various information on its website on the Public Information webpage which is regularly reviewed to ensure accuracy.

<https://moneyandpensionsservice.org.uk/foi-publication-scheme/>

4.2. Making a Freedom of Information request

FOI requests should be sent to MaPS via email to FOI@maps.org.uk or by post to:

Freedom of Information Officer, Money and Pensions Service, Borough Hall, Cauldwell Street, Bedford, Bedfordshire, MK42 9AP.

MaPS accepts requests made in writing i.e. letter or email. If a person is not able to make a request due to a disability, they should contact MaPS and ask a member of staff to assist them to submit their request and no fee is required.

The person making the request needs to provide:

- their name
- a contact address
- a clear description of the information they require
- any particular format it would prefer for receipt of the information (the default position is to provide it electronically).

The requester does not have to mention the FOIA for their request to be valid or specify the reason they want the information.

Requests for brochures, leaflets, or other general publications fall within the scope of business as usual and will be treated accordingly. These types of requests will not be dealt with under the FOIA.

If a request is unclear or very wide, then MaPS will normally seek clarification (refinement) of the request before responding (relevant time limits starting after the clarification / refinement is received).

Very often a request for information can be addressed within MaPS normal customer service. Such "course of business" responses can be made outside of formal FOIA process.

4.3. Replying to a request

FOI requests should generally be acknowledged before a full response is drafted. The acknowledgement should include the date by which the requestor will receive a response, within 20 working days. Requests will be passed to the relevant area obtaining the information in order to provide a response, with any accessibility adjustments as required.

If MaPS reasonably requires further information in order to identify and locate the information requested, and has informed the requester of that requirement, then MaPS is not obliged to disclose unless MaPS is supplied with that further information.

MaPS need only disclose information held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated, being an amendment or deletion that would have been made regardless of the receipt of the request.

While MaPS does not therefore have to create information afresh that does not exist at the date of the request, it may need to collate information present in several existing documents into a document readied for disclosure.

Once the information is being processed, consideration will be given as to whether an exemption is applicable and whether the public interest test should also be applied.

MaPS has a duty to advise and assist. In practical terms this means that it should assist the requester in identifying and locating the information he requires. So, if the request is too vague or general, MaPS should seek clarification / refinement rather than ignore the request. The same applies if the information requested would be too costly due to how wide it is. In certain circumstances, MaPS may indicate what information it does possess which may be relevant to the requester and see which

items would interest them (subject to exemptions being applied). It is also helpful if MaPS can provide the information in a particular format if this is needed.

4.4 Time limits

MaPS must respond promptly and, in any event, not later than the twentieth working day following the date of receipt of the request for information. This date must be communicated in the acknowledgement response. This may be extended to a maximum of 40 working days in certain circumstances. The time limit will however not start running until receipt of any fees that MaPS has informed the requester about, or receipt of any clarification / refinement of the request asked for by MaPS. In the event where an extension is required, the new date of response will be communicated to the requestor promptly.

4.5. The right to refuse a request

MaPS has the right to refuse a request in the following circumstances:

- An exemption applies under the FOIA including where;
 - An estimate shows the cost of compliance exceeds the appropriate limit for handling the request. If complying with a request would cost MaPS more than the £450 limit, MaPS can refuse disclosure outright or collate the information for disclosure for an extra charge after getting written agreement from the requester
 - MaPS has evidence showing the request is repeated or vexatious
- A Fees Notice was issued to the applicant, but the fee has not been paid.
- Clarification / refinement of the request has been sought but the requester has not provided this.

NB. This list is not exhaustive.

If we decide to refuse a request, we will write to the requestor setting out the reasons their request has been refused within the required timescales. The response will outline the process for internal review and the right to contact the ICO.

4.6. Exemptions

There are two types of exemptions under the FOIA:

- **Absolute exemption:** This refers to information that cannot be released under any circumstances, such as someone's personal data.
- **Qualified exemption:** This is where we are required to undertake a separate Public Interest Test under FOIA (as opposed to defining the exemption itself) to assess the information requested. The Public Interest Test weighs the need to withhold information against the public interest to disclose it.

Often a disclosure may be made with conditions or clarifications attached. In particular there may be restrictions on the requester being able to commercially exploit the information, if it is for instance the intellectual property of a third party. Sometimes information may be released with a clarification

if disclosure would cause a misunderstanding (for instance if the information is still in raw, draft or unaudited form).

Some exemptions (for example commercially sensitive information under Section 43(2)) rely on showing likelihood of prejudice to any party and a third party should be consulted to explain the prejudice it would suffer as a result of disclosure. MaPS may decide to disclose nevertheless as the ultimate discretion is the organisations.

However, in some instances MaPS may not wish to disclose some or all of the information requested. This would be for example where an issue is "live" or involves sharing someone else's personal information, or to protect the public from MaPS being "passed off" by a commercial financial advisor. There are exemptions from disclosure which may be applied, and some examples are attached in the annexes and summarised below.

Exemptions examples:

Exemption	Example
Too time consuming (Section 12)	Manual records / paper files which will take more than 18 hours to identify and compile
Repeated or vexatious requests (Section 14)	Where you can show that the requester has a passing off motive, or is simply trying to burden a small team so it cannot function
Information available somewhere else or to be published at a future date (Sections 21 and 22)	Information on meeting delivery targets which are still to be audited before inclusion in the published corporate plan
Internal investigations (Section 31)	When compiling data in respect of a fraud or scam on behalf of the FCA
Internal discussions (Section 36)	Internal briefing meetings discussing development of customer facing template
Sharing someone else's personal data (section 40)	Un-anonymised Customer data forming part of a report or research programme
Confidential information (section 41)	Relationship with delivery partners for instance as part of a procurement
Commercially sensitive information (section 43)	Internally developed costings for delivery of customer facing services

4.7. The Public Interest Test

A public authority can only withhold the information if the public interest in maintaining the exemption outweighs the public interest to disclosure. The public interest here means the public good, not what is of interest to the public or the private interests of the requester.

The FOIA Public Interest Test does not apply to absolute exemptions and MaPS will only withhold information where an exemption applies. However public interest may still be relevant in applying the exemption itself for instance in the definition of what is confidential information (Section 41) or in assessing legitimate interest in personal data sharing (Section 40).

4.8. Redacting information

Redaction is the process of removing information from a document and is achieved by blocking out sections of information such as personal data or other sensitive information before release.

If by redacting a document the information becomes illegible, the entire document may be withheld.

4.9. Consulting third parties

If a prejudice-based exemption is applied, it is important to obtain evidence of third-party detriment through a consultation with that third party. Where a third party needs to be consulted, it should be consulted primarily on the facts (i.e. whether a detriment would arise from disclosure and if so how) and a reasonable time should be provided for a response. Given the time limit for response to the requester, this should be factored in as it is not itself a ground for seeking an extension.

When consulting a third party it should be borne in mind that ultimately is MaPS discretion on whether an exemption is applied or not, and it may overrule a third-party consultee's opinion on this.

Third parties include external stakeholders, business partner agencies, contractors, supplier of information through surveys etc.

MaPS may apply an exemption if a third-party objects to its disclosure (by showing how disclosure would be likely to be detrimental to it). The third party's representation will be considered alongside other relevant factors in the decision-making process.

In the event that the information requested relates to a third party's personal data (as opposed to the requester's itself which would be dealt with under GDPR (General Data Protection Regulation)) then this can be redacted if Section 40 applies and should be dealt with via MaPS data protection framework.

4.10. Fees

MaPS does not charge for handling FOI requests, although under certain circumstances a fee may be applicable. In particular this will include staff time at a flat rate of £25 per hour and expenses in dealing with a request if it exceeds the Statutory Limit in the Fees Regulation of £450. (This can be 18 hours of staff time based on an hourly rate of £25 per hour but can also include expenses such as transport and external archivers fees). The typical cost headings which can be charged for are:

- the costs which may be taken into account in calculating whether the appropriate limit is exceeded;
- the communication costs (including the costs of communicating whether or not the information is held even if it is not to be provided); and
- staff time spent on communicating the information.

The Fees chargeable are set out in the publication scheme and may include VAT that MaPS cannot recover.

If a fee is applicable, MaPS will notify the applicant with a Fees Notice and deadline to pay. Once the Notice has been issued the request is paused, with the remaining number of working days to fulfil the request calculated from the first working day after the fee is received.

If MaPS does not receive the required payment within three months the request will be closed. MaPS may alternatively refuse to disclose requested information which it reasonably estimates to exceed the Statutory Limit under the costs exemption (Section 12).

4.11. Vexatious and repeat requests

MaPS is not obligated to respond to vexatious or repeated requests for information under section 14 (1) of the Act which is designed to protect public authorities from requests of this nature, allowing them to refuse requests which have the potential to cause disproportionate or unjustified levels of disruption or distress. In such cases MaPS may assess the identity / motive of the requester when deciding whether to apply the exemption.

MaPS may also treat two or more requests made within a 60 working day period which are identical or substantially similar by the same applicant as once request when making a response.

Section 14(1) of the FOI Act can only be applied to the request, it cannot be applied into the applicant who submitted it. If MaPS considers an applicant's request 'Vexatious or repeated,' MaPS may warn the requester that its next request may be refused and where possible engage with the requester to refine its request.

Once it has decided to apply the exemption, MaPS will still write to the applicant within 20 working days setting out the reason the request has been refused. MaPS will also inform the applicant of the internal review process and their right (under section 50 of the FOIA) to apply to the Information Commissioner's Office for a Decision Notice if they wish to escalate the issue.

4.12. Environmental information

In line with the Environmental Information Regulations 2004 (EIR) members of the public are entitled to request environmental information from MaPS. If the requested information is not environmental (likely to be in the majority of requests), MaPS may deal with it under FOIA above. Unlike FOIA, EIR requests can be made orally and there is no obligation on the requester to specify the request as EIR (it is up to the public authority to do so). All timelines and processes as outlined in this policy will apply in the event of an EIR request.

5. Review and complaints

If an applicant is unhappy with the information provided in response to their FOI request, or the way it is handled, they have the right to request an internal review. The internal review will be conducted by the Data Protection Officer to ensure it is dealt with fairly and impartially. MaPS will acknowledge the applicant's request within 5 working days.

Following the review, a decision will be issued to the applicant within 20 working days from the time their request was received. In exceptional circumstances where the review is considered complex; the time might be extended to 40 days. If the outcome of a review overturns the original decision to withhold information, the information will be sent to the applicant within 20 days of the completion of the review.

The review will take into consideration any exemptions, the Public Interest Test, timeliness, and all relevant factors concerning the request. MaPS will only consider internal review requests received within two months of the final response to the original FOI request.

If an applicant remains dissatisfied with the outcome of an internal review, they have the right to appeal to the Information Commissioner's Office. The applicant should write to:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
[Information Commissioner's Office \(ICO\)](#)

6. Resources

- Data Protection Policy
- Decision Making Framework

Appendix 1: Freedom of Information exemptions

Absolute exemptions	
Section 21	Information accessible by other means (often already in the public domain)
Section 23	National Security – Information supplied by, or relating to, bodies dealing with security matters
Section 32	Court Records
Section 34	Parliamentary Privilege
Section 36	Effective Conduct of Public Affairs
Section 40	Personal Information
Section 41	Information provided 'In Confidence'
Section 44	Prohibitions on disclosure – where disclosure is prohibited by an enactment or would constitute contempt of court

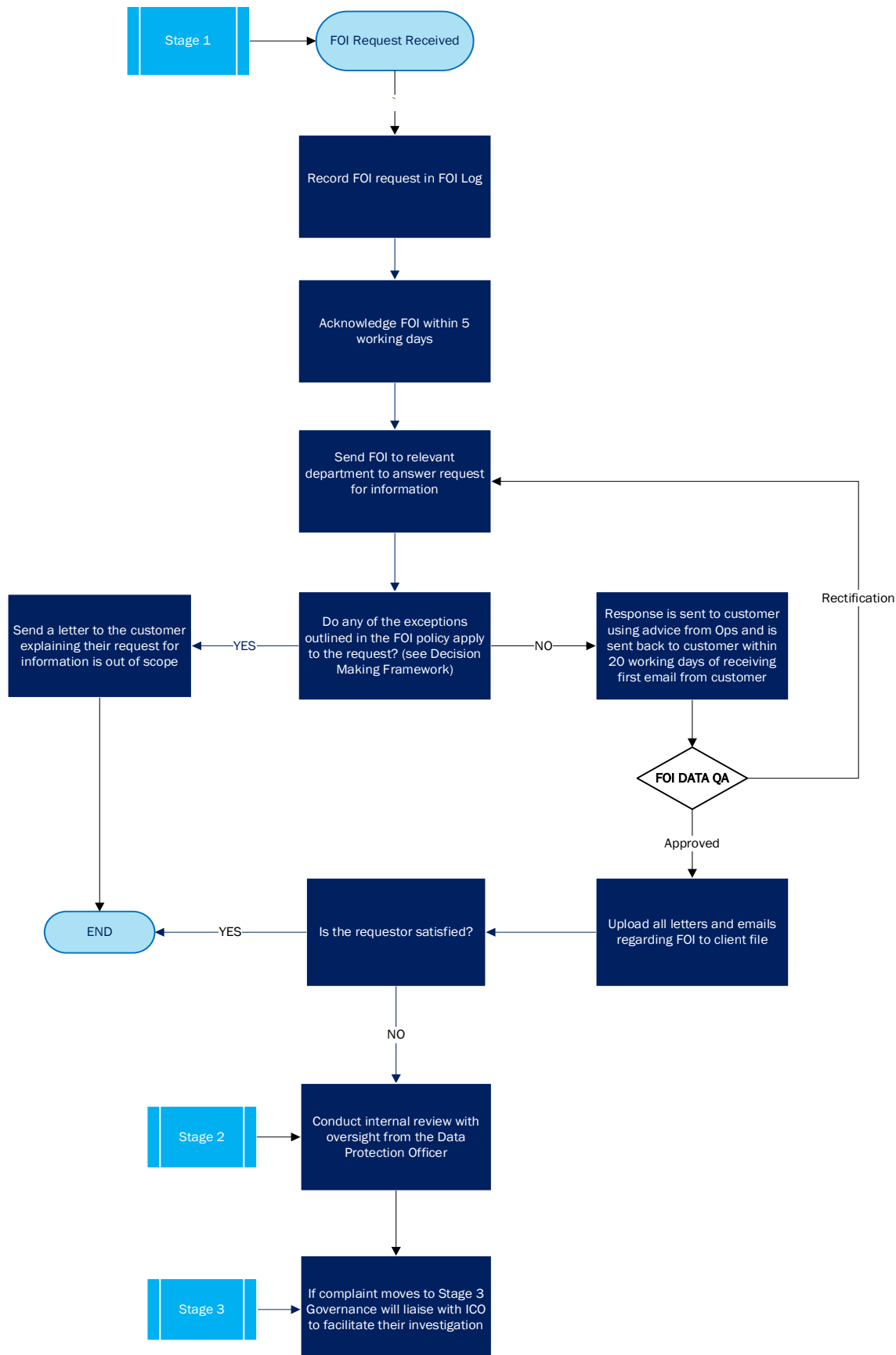
Qualified exemptions

These are exemptions where the public interest test applies

Section 22	Information Intended for Future Publication Exemption
Section 24	National security
Section 26	Defence
Section 27	International relations
Section 28	Relations within the United Kingdom
Section 29	UK Economic Interests
Section 30	Investigations and Proceedings Conducted by Public Authorities
Section 31	Law Enforcement
Section 33	Audit Functions
Section 35	Formulation of government policy and Ministerial Communications
Section 36	Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
Section 37	Communications with His Majesty, the Royal Family or concerning honours
Section 38	Health and Safety
Section 39	Environmental Information
Section 40	Personal information relating to a third-party access request
Section 42	Legal Professional Privilege
Section 43	Commercial Interests



Appendix 2: FOI process



Appendix 3: MaPS scheme of publication

<https://maps.org.uk/en/about-us/public-information/>