

SI0318

Freedom of Information

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This Service Instruction clearly defines the responsibilities placed on the Police Service of Northern Ireland to ensure compliance with the Freedom of Information Act 2000, and the Environmental Information Regulations 2004. Adherence to this Service Instruction will assist in meeting the objectives of the overall SP0816 Information Management Service Policy.

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1. Aims

This document aims to provide an overview of the roles, responsibilities and obligations set out in the College of Policing [Authorised Professional Practice](#) (APP) for the [Freedom of Information Act 2000](#) (FOIA). This is followed by the Police Service of Northern Ireland (PSNI) to ensure compliance with the FOIA. It is not intended to replicate the detail of that guidance or provide an exhaustive set of instructions for handling a Freedom of Information (FOI) request. It will set out for Officers and Staff their obligations under the FOIA and highlight processes within the PSNI for handling requests in line with the APP as well as providing advice to all Staff on the Legislation and Guidance issued by the Information Commissioner's Office (available at www.ico.org.uk).

2. Introduction

This Service Instruction clearly defines the responsibilities placed on the PSNI to ensure compliance with the Freedom of Information Act 2000 (FOIA), and the [Environmental Information Regulations 2004](#) (EIR). It is the responsibility of all Staff to adhere to this Service Instruction which details the PSNI's commitment to, and guidance for, conformity with the Codes of Practice issued under [Sections](#)

[45](#) and [46](#) of the FOIA and [Regulation 16](#) of the EIR. The PSNI is committed to transparency and providing access to information about policing in line with legislative obligations.

3. Overview of Acts

The right of access, under FOIA, and EIR came into effect from 1 January 2005 and is fully retrospective. The underlying principle of the legislation is that all recorded information held by a Public Authority should be freely available, except where an applicable exemption (or exception) or other relevant legislation applies. The Act contains two basic rights:

- 1) To be informed in writing by a Public Authority whether it holds the information requested (unless to do so would itself release exempt information); and
- 2) To have that information communicated to the person making the request (unless an exemption applies).

All requests for information under FOIA, or EIR are coordinated and processed by Corporate Information Branch (see [Appendix B](#) for more information). This Branch coordinates the processing of FOI and EIR requests received by the PSNI,

assisting business areas to adhere to their legislative obligations under the Act including coordinating information, assessing the impacts of the release of information and advising business areas throughout the lifecycle of a request on their obligations and the applicability of exemptions.

The Branch will also liaise with other public authorities or the National Police Chiefs' Council (NPCC) Central Referral Unit as appropriate, as set out in the APP, and as required under consultation arrangements set out in the [Section 45 Code of Practice](#).

All FOI / EIR requests should be forwarded to the Branch as soon as possible to assist in complying with legislative requirements.

Where business areas do not respond in a timely manner, an escalation process will be triggered to ensure the PSNI can meet obligations under the timescales set out in the legislation.

Information provided under FOIA / EIR is released into the public domain. As such, it is essential that the content is carefully checked. There are 23 exemptions within FOIA and 14 exceptions under EIR which allow for non-disclosure of information.

Further information on exemptions / exceptions can be found in the Acts, on the [ICO website](#), and in [Appendix A](#).

FOIA / EIR favour openness and transparency. Any exemptions / exceptions required should be applied only after careful consideration, and only if a genuine, evidence based, harm / risk exists that would outweigh the need for disclosure.

There are four categories of exemptions under FOIA, each placing different responsibilities on the PSNI: Absolute; Qualified; Class Based; and Prejudice Based. Some exemptions are absolute and by default class based. If the information falls into this category the information should be withheld.

If an exemption is prejudice based, it may be subject to a prejudice or harm test. This will look at how disclosure of the information could prejudice the PSNI's processes and procedures.

If an exemption is qualified, a public interest test needs to be considered. This involves weighing up factors for and against disclosure.

4. Life-Cycle of a Request

In order to be valid, a FOI Request must be:

- Made in writing (not necessary for EIR);
- Contain contact details for the requester (name and home address / email address);
- Be in an legible format; and
- Describe the information requested.

[Appendix B](#) sets out the lifecycle of a request to the PSNI and [Appendix C](#) provides further clarity on the roles and responsibilities of business areas and Corporate Information Branch when handling a request.

A “FOI 1” form is available from both the internal intranet and the external [PSNI website](#). Both the form and the sites provide further information about submitting a request.

Whilst the “FOI 1” form will assist requesters in making a valid request, it is not necessary that this form is used. Furthermore, a requester does not have to

cite the FOIA in making their request. A request in writing from a person seeking ‘recorded’ information held by the PSNI will be sufficient to trigger the Act. Requests made in ‘writing’ can be sent via email or other written correspondence.

While any requests which are valid or make reference to FOIA should be forwarded to Corporate Information Branch, there may be occasions where requests for information can be more appropriately dealt with as ‘business as usual’ to provide a more timely and cost effective response to the requester.

Each request should be assessed on its individual merits. If information can be easily provided to the requester under normal business processes then this should be undertaken by the relevant business area and does not need to be sent to Corporate Information Branch e.g. responding to a media enquiry or providing an individual with a response to a concern they have raised.

5. Form and Format of a Request

FOIA recognises that requesters may want to receive information in different ways e.g. they may prefer to have it in hard copy or

electronic form. Section 11 of the FOIA enforces certain obligations if a requester expresses a preference for a particular means of communication such as:

- A copy of the information;
- An opportunity to inspect the information; and
- A digest or summary of the information.

In considering the security and sensitivity of PSNI information and assets, **all FOI responses will be issued in PDF / CSV format** in line with PSNI's 'Policy on the Safe and Secure Use of Spreadsheets for Data Sharing'. Material that is exempt under FOI legislation will not be included.

6. Processing a Valid Request

FOIA / EIR places a responsibility on the PSNI to respond to a request for information within 20 working days (in specific cases this may be extended to 40 days and is linked to the consideration of the public interest test).

When Corporate Information Branch receives a request this is logged as soon as possible and a confirmation of receipt is sent to the requester. To enable a request to be answered, the request is allocated to a Corporate Information Branch 'Decision

Maker' who seeks the requested information from relevant business areas via a Case Tracker. At this stage, the Decision Maker will also ask business areas to identify any harm / risk they believe may be associated with releasing the requested information into the public domain (further guidance on this is set out in the Case Tracker).

Business areas are required to respond within 7 working days. It is imperative that a full and prompt response is provided as this information will be used by Corporate Information Branch when determining if any exemptions / exceptions apply that would prevent disclosure of the requested information to the public domain.

The PSNI has an established escalation process and details of key roles and responsibilities are set out in [Appendix C](#).

Corporate Information Branch will contact business areas if a response has not been received within 11 days.

The 11 day escalation will be copied into the Head of Department (ACC or Staff equivalent), in order that PSNI can meet its statutory obligation to respond to a requester 'promptly' and **no later than 20 working days** on receipt of a request.

Corporate Information Branch will maintain and regularly update a log of Single Points of Contact (SPOCs). FOI requests will be sent to FOI SPOCs and should be signed off in accordance with the business area and the necessary senior authority within that area. The Head of Branch, Grade 6 or Superintendent for the business area must quality review / security assure all documents prior to their external release.

Only information up to and including an asset classification of OFFICIAL - SENSITIVE should be sent to Corporate Information Branch. If the requested information is of a higher classification Corporate Information Branch will inspect this, in situ, subject to necessary security clearances.

In exceptional circumstances, and with agreement from Senior Managers in Corporate Information Branch and Senior Officers / Staff from relevant business areas, Corporate Information Branch will not view the requested information, however the business area must ensure that detailed submissions are provided to ensure FOI obligations are discharged.

Once the business area rationale is provided to Corporate Information Branch the Decision Maker will prepare a draft

response, seeking any further information or clarification as necessary.

All Decision Makers will complete the 'FOI Audit Log and Quality Assurance Checklist' for the request they are processing.

All cases must be discussed with a Line Manager before release and details of the discussion must be recorded in the Audit Log in advance of the response being released.

The Decision Maker will check electronic response letters and attachments for hidden data, discuss all responses with a Line Manager, and make the Line Manager aware of any attachments and the format in which any electronic files are to be disclosed.

The Line-Manager / Team leader will assess and identify those requests that require:

- Further quality assurance by either them or a more Senior Manager in Corporate Information Branch; or
- Further liaison with the business area.

This is not an exhaustive criteria but will be based on factors such the complexity or sensitivity of the request.

All FOI responses will be issued in PDF / CSV format and checks will be undertaken in compliance with PSNI's 'Policy on the Safe and Secure Use of Spreadsheets for Data Sharing'. Material that is exempt under FOI legislation will not be included.

7. Clarification / Overcost

If clarification is required / sought from the requester, the legislative clock will stop and the request is closed. Once clarification has been received the clock will re-set, the case will be re-opened, and the Branch will have 20 working days to process the request.

If it would take **over 18 hours** to identify, locate, retrieve, and extract requested information the PSNI are not obliged to comply with a request as this would place the Organisation over the 'appropriate limit'.

The time taken to apply any exemptions or redact information cannot be taken into account.

Further information on 'over cost' requests can be found in [Section 12](#) of the FOIA and the following ICO guidance: '[Requests where cost of compliance exceeds the appropriate limit](#)'.

Vexatious / Repeat Request

An exemption at [Section 14](#) of the FOIA can be applied if the request is deemed to be "vexatious" or if it is a repeat request.

Confirm or Deny Holding Information

The PSNI may decide to 'Neither Confirm or Deny' (NCND) if information is held, if to do so could cause harm. For example, Corporate Information Branch must work with business areas to ensure responses to requesters do not reveal / disclose or compromise information or operational methodologies used by the PSNI and / or other Police Services.

Information Reasonably Accessible

If the information sought by a requester is, at the time of the request, available through other means e.g. the PSNI Publication Scheme, the request can be closed by providing a response which directs the requester to this.

More Information on Refusing a Request

The ICO website contains additional guidance on [refusing a request](#).

Refusal Notice

When PSNI refuse to provide information, Corporate Information Branch will issue a 'refusal notice' to the requester. The refusal notice will state the exemption being applied and explain the reasons for the refusal. It will also contain details of how an individual can request an internal review and how to make a [complaint to the Information Commissioner's Office](#). A refusal decision date should also be included within the refusal letter.

8. Charges for FOI requests

It is not PSNI policy to charge for any disbursements when responding to FOI requests as permitted by the legislation. In limited circumstances a fee can be charged if the PSNI elect to make information available which would otherwise be over cost to provide, (see guidance above on [Section 12](#) FOIA and 'Fees that may be charged where the cost of compliance exceeds the appropriate limit'). The requester can pay for the full cost of processing a request which would be over £450. To do this a Fees Notice would be required to be issued to the requester.

9. Internal Review, Complaints to the ICO and External Consultation

If a requester is unhappy with the response issued they can request that an Internal Review is conducted. Details of how this can be requested are recorded at the bottom of the response / refusal notice.

Internal Reviews will be conducted by a more senior Decision Maker in Corporate Information Branch. This will usually be a Team Manager or Staff Officer.

The Reviewer will often contact relevant business areas again and will consider the overall handling of the request, including:

- Adherence with legislative timescales
- If the requester was kept informed
- If the requester was provided with advice and assistance
- If exemptions were appropriately applied
- Any other relevant factors in determining if the request was handled in line with the requirements of the FOIA.

In line with guidance issued by the Information Commissioner's Office, the PSNI will aim to conduct Internal Reviews within a further 20 working days.

In exceptional circumstances 40 working days may be permitted however, there must be a clear rationale for this time extension e.g. seeking legal advice or if public interest test considerations are complex.

An EIR applicant has 40 working days to appeal a decision made by the PSNI and the PSNI must respond within 40 working days.

[Appendix B](#) provides an overview of processing a FOI / EIR request within the PSNI.

Review Deadlines	Time Line (Working Days)
PSNI to Review	20
PSNI in Exceptional Circumstances	40
EIR To Appeal	40
PSNI to Respond	40

Requests made under the FOIA are applicant blind. This means that business areas will not routinely be told the identity of the requester unless there is an appropriate reason to do so. An example of this would be to ensure the correct application of certain exemptions / sections of the Act e.g. [vexatious requests](#).

PSNI holds information which may be relevant to, or originate from, other Public Authorities. Likewise, other Public Authorities may hold information which is relevant to, or originates from, the PSNI. When another Public Authority or third party is likely to be affected by the release of requested information it is good practice for PSNI to engage in a consultation process with those organisations / individuals, where it is practicable to do so.

Corporate Information Branch has responsibility for progressing consultations. The Code of Practice issued under [Section 45](#) of the FOIA provides further detail on consultations and additional guidance can also be found in the 'Guide to Freedom of Information' on the [ICO website](#).

Information held on behalf of the PSNI by another Public Authority / Organisation is also subject to the provisions of the FOIA. The PSNI therefore also has a duty to

respond to requests if, for example, it engages an Organisation to carry out research on its behalf.

If the PSNI does not hold the requested information but is aware that another Public Authority holds it, they should consider the transfer advice contained in [Part III of the Section 45 code of practice](#). The transfer of a request is only appropriate once the other Public Authority has been consulted and it has been confirmed that they hold the information.

Where a request for information appears to be of national significance, reference will be made to the [National Police FOI & DP Central Referral Unit](#) (NPCC CRU).

The Deputy Head of Corporate Information Branch will consider any guidance issued by the NPCC CRU in relation to specific types of requests to ensure that:

- A consistent approach is being applied to FOI / EIR requests throughout the UK
- The PSNI do not release information to the detriment of other UK Police Services or criminal justice agencies. Further detail of this process can be found in the [APP](#) issued by the College of Policing.

10. Corporate Information Branch Contact Details

The Corporate Information Branch process requests for information in line with the FOIA and EIR.

All requests or queries should be addressed to the generic email box (noted below), rather than to individual Staff members, as Staff absence could result in a delay of the process and non-compliance with legislative timeframes.

Corporate Information Branch 65 Knock Road BELFAST BT5 6LE
Tel: 028 907 001 64
Ext: 21164
Email: FOI@psni.police.uk

11. Publication Scheme

The PSNI has a Publication Scheme available on its external website, in compliance with [Section 19 FOIA](#) and the ICO's approved Model Publication Scheme [guidance document for Police Forces](#). This includes information public authorities should make routinely available and proactively publish e.g. financial

information, details of policies and procedures, policing priorities etc.

While the responsibility for updating published information lies with the relevant business area, Corporate Information Branch is responsible for providing advice to ensure PSNI has complied with ICO guidelines. Annual checks are conducted in conjunction with PSNI's Strategic Communications and Engagement Department to ensure ongoing compliance with ICO requirements.

The 'Disclosure Log' publishes details of the information provided in response to requests that the PSNI considers may be:

- Of interest to other members of the Public; or
- Are frequently requested.

A proportion of requests processed by the Corporate Information Branch will be uploaded to the Disclosure Log for public information under the publication scheme.

While EIR do not stipulate a requirement to adopt and maintain a publication scheme, although there is a requirement to proactively publish this information.

The information selected for publication will be discussed at weekly performance meetings chaired by the Deputy Head of Corporate Information. Material that is exempt under FOI legislation will not be included.

Identified FOIs are uploaded to PSNI's external website under 3 themes and 34 sub-categories of the most requested FOI topics.

12. Information Commissioner's Office (ICO)

The Information Commissioner's Office is the UK Regulator for the FOIA and EIR. This Office has a range of powers, which allow it to investigate PSNI's handling of a request.

Requesters have a right to complain to this Office if they are not satisfied with the handling of their request.

Although there is a Belfast Office, all queries or complaints to the ICO should be submitted through the [ICO Self-Service Portal](#), or to the address overleaf.

Information Commissioner's Office
Wycliffe House,
Water Lane,
WILMSLOW,
Cheshire, SK9 5AF.

ICO Self-Service Portal

[Self-Service Portal](#)

It is essential that the request handling process when dealing with FOI / EIR requests is fully documented. Corporate Information Branch audits each request on a Case Management System, including details of all views and representations provided by business areas and any other relevant organisation. This information is often provided to the ICO as part of any investigation under [Section 50](#) of the FOIA. Corporate Information Branch will liaise with the Information Commissioner's Office during their investigation and may require further information from relevant business areas to support this process.

It is a criminal offence under [Section 77](#) of FOIA to alter, block, destroy or conceal information. An individual and / or authority could be charged with this offence, resulting in a fine.

13. Training

All Officers and Staff are required to carry out mandatory FOI E-Learning, as one of a series of compulsory Induction modules, when they join the PSNI. FOI E-Learning must be renewed every 2 years and it is imperative that training is kept up to date when Officers and Staff are promoted.

Additionally, Officers and Staff handling personal and sensitive information must complete annual mandatory E-Learning on Data Protection, and training which incorporates the 'Policy on the Safe and Secure Use of Spreadsheets for Data Sharing'.

Compliance with E-Learning is audited and visible to managers across the PSNI. The Training Provision Table ([Appendix D](#)) outlines training which must be undertaken by Officers and Staff.

Corporate Information Branch Staff are also required to undertake training that is specific to their role. This may be delivered through a combination of online learning, internal Staff, accredited training providers, and external organisations. New CIB Staff complete a one week induction followed by one-to-one coaching and mentoring from experienced Staff. All request responses for new Staff are also quality assured for

the first six months, with additional learning and guidance provided where necessary.

A record of progress and training completion is documented in a Branch Training Matrix.

Joint Educational Forums

Joint Educational Forums target business areas who deal with high volumes of sensitive information e.g. Professional Standards, HR and Strategic Communications. These face-to-face forums provide up-to-date information on FOI and Data Protection legislation; records management; information security; technology and areas of risk. Relevant Officers and Staff are also invited to attend an annual Information Management Conference and other relevant events.

14. Further Processing of Information

Information review, retention and disposal is undertaken in line with the Service Instruction [SI0419 Records Management](#).

Queries in relation to Retention and Disposal can be directed to the Records

Management Unit at:

[zRecordsManagement](#).

Contractual Agreements

When entering into contractual agreements with external contractors and other public and non-public authorities, the PSNI must ensure compliance with FOIA and EIR.

Under the FOIA, the PSNI will be required to disclose information relating to a contract, unless an exemption applies. Organisations may seek to include confidentiality clauses within contracts however, the PSNI will only accept such clauses in exceptional circumstances as any restrictions on disclosure may be overturned in complying with FOIA.

15. Resourcing

The minimum operating level for Corporate Information Branch is 14 members of Staff and requires adequate personnel to be present across all Staff grades.

Appendix A FOI Exemptions and EIR Exceptions

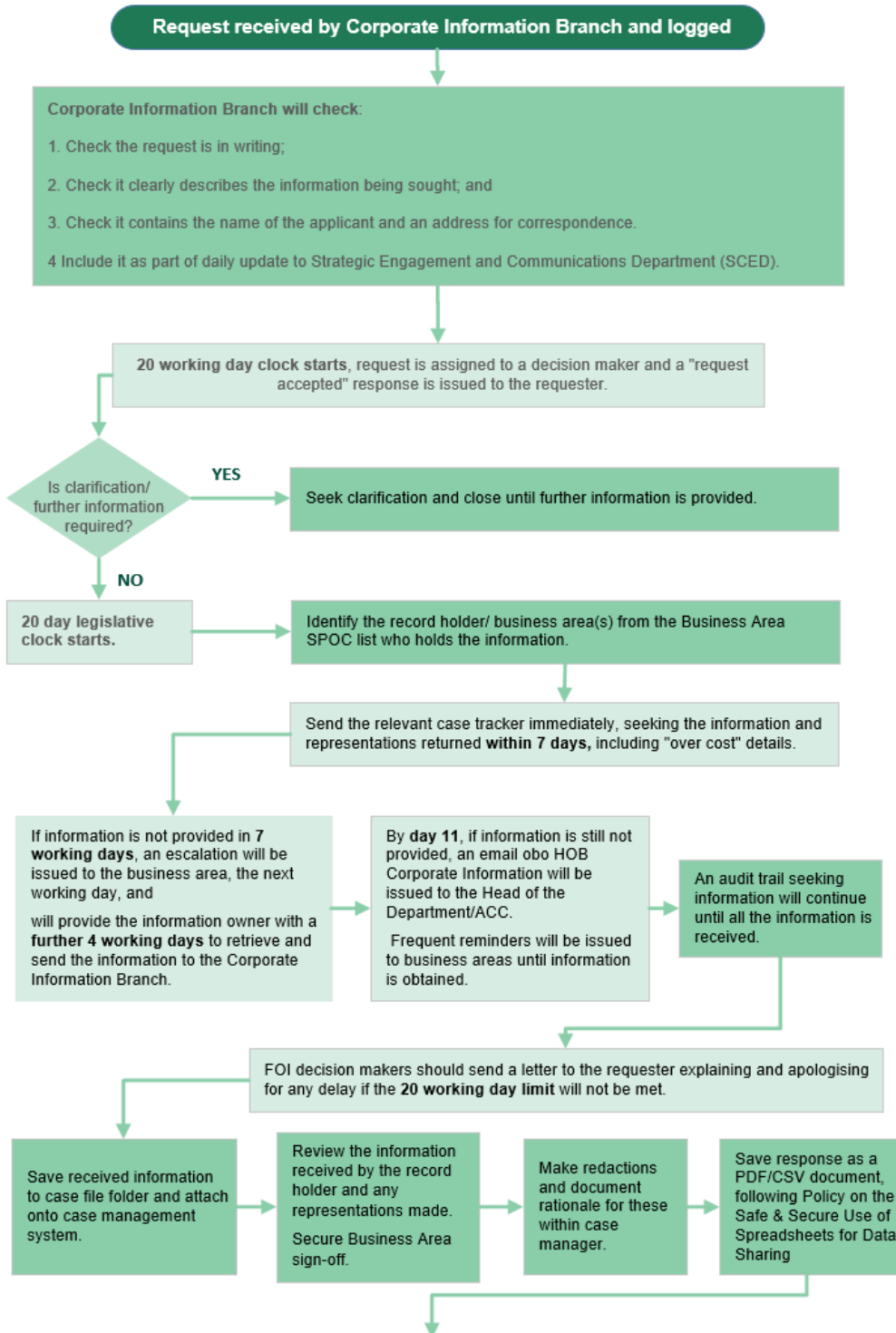
Exemptions – [Freedom of Information Act 2000](#)

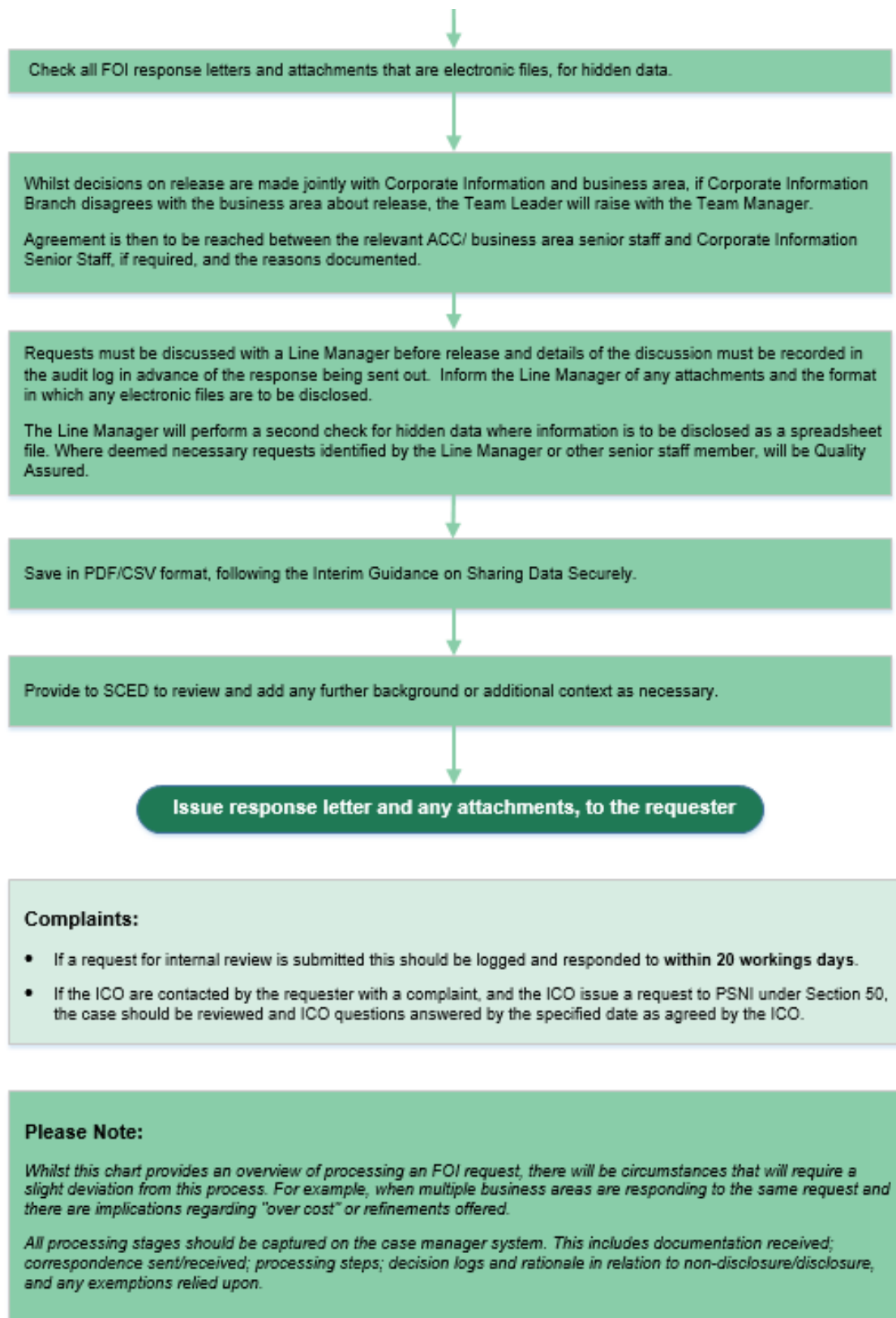
Exemptions - Freedom of Information Act
Section 21 Information reasonably accessible to the applicant by other means
Sections 22 and 22A: Information Intended for Future Publication and Research Information
Section 23: Security Bodies
Section 24: Safeguarding National Security
Section 26: Defence
Section 27: International Relations
Section 28: Relations within the UK
Section 29: The Economy
Section 30: Investigations and Proceedings
Section 31: Law Enforcement
Section 32: Court, Inquiry or Arbitration Records
Section 33: Public Audit
Section 34: Parliamentary Privilege
Section 35: Government Policy
Section 36: Effective Conduct of Public Affairs and Record of the Qualified Person's Opinion
Section 37: Communications with Her Majesty and the Awarding of Honours
Section 38: Health and Safety
Section 39: Environmental Information
Section 40: Personal Information
Section 41: Information Provided in Confidence
Section 42: Legal professional Privilege
Section 43: Commercial Interest
Section 44: Prohibitions on Disclosure

Exceptions – [Environmental Information Regulations 2004](#)

EXCEPTIONS - EIR
Regulation 12(4)(a): Information not held – please see ‘Holding information’ below
Regulation 12(4)(b): Manifestly unreasonable requests
Regulation 12(4)(c): Requests formulated in too general a manner
Regulation 12(4)(d): Material in the Course of Completion, Unfinished Documents and Incomplete Data
Regulation 12(4)(e): Internal communications
Regulation 12(5)(a): International Relations, Defence, National Security or Public Safety
Regulation 12(5)(b): The Course of Justice and Inquiries Exception
Regulation 12(5)(c): Intellectual property rights
Regulation 12(5)(d): Confidentiality of Proceedings
Regulation 12(5)(e): Confidentiality of Commercial or Industrial Information
Regulation 12(5)(f): Interests of the Person who Provided the Information to the Public Authority
Regulation 12(5)(g): Protection of the Environment
Regulation 12(9): Information on Emissions
Regulation 13: Personal Information

Appendix B Freedom of Information Process Flowchart





Appendix C Role and Responsibilities Description

Roles and Responsibilities

Senior Information Risk Owner

The Deputy Chief Constable, Operational Support, fulfils the role of Senior Information Risk Owner supported by the Information Security Unit assessing the information risk associated with each business process.

The *Cabinet Office Security Policy Framework* outlines the following: ‘**MANDATORY REQUIREMENT 3:**

- Departments and Agencies must have a designated Senior Information Risk Owner (SIRO);
- A Board level individual responsible for managing departmental information risks, including maintaining and reviewing an information risk register (the SIRO role may be combined with other security or information management board level roles).’

In addition, paragraph 5 of the framework states:

‘Whilst security is a collective responsibility for all Staff and Contractors, ultimate responsibility for security rests with Ministers, Permanent Secretaries, and / or other Accounting Officers and their respective Management Boards which must include a Senior Information Risk Owner (SIRO).

Head of Corporate Information

The Head of Corporate Information supervises and co-ordinates compliance with legislative requirements under the Data Protection Act 2018 and the General Data Protection Regulations (GDPR), Freedom of Information (FOI) Act 2000 and the Environmental Information Regulations.

Deputy Head of Corporate Information

The Deputy Head of Corporate Information will oversee the progression of casework throughout the Branch. They have primary responsibility for overseeing branch training, Staff performance, and briefing needs. They also have responsibility for the content and review of the FOI Service Instruction.

Corporate Information Team Manager

The Corporate Information Team Manager will manage the FOI request process and will have responsibility for carrying out or assigning internal reviews.

Corporate Information Team Leader

The Corporate Information Team Leader will manage the Corporate Information decision makers and will be responsible for the Quality Assurance of FOI cases.

Corporate Information Decision-Maker

The Corporate Information Decision-Maker will process FOI and EIR requests and initially respond to enquiries about requests. This involves obtaining all relevant information and compiling responses to requests and appeals, through liaising with business areas.

Information Asset Owner (IAO) / Record Owner in Business Area

An IAO is the person(s) responsible for PSNI information systems and assets. PSNI's Records Management Unit maintains a list of IAOs.

Single Point of Contact (SPOC)

The SPOC will be responsible for the retrieval of all records required to answer a FOI request. They will also be accountable for providing Corporate Information Branch with an appropriate "Harm Test" evidencing the likely harm in releasing the information, and send all of the information, with their contextualised response to the relevant Decision-Maker in Corporate Information Branch.

A SPOC may, where business needs dictate, delegate tasks arising from FOI. However, the onus remains with the SPOC that comprehensive searches are completed and all relevant information is conveyed to Corporate Information Branch, together with a completed HARM test, within the timescales specified in [Appendix 'B'](#) of this Service Instruction.

Signatory from Relevant Business Area

The signatory from a business area will typically be at Superintendent, Staff equivalent level or higher and will provide a sign-off function for FOI responses provided from their business area.

Appendix D Training Provision

Training		Police Officer	Police Staff	CIB Staff	CIB Managers	SPOC	Approving Senior Manager	SIRO	Deputy SIRO	Data Protection Officer
Training Modules	Method									
Mandatory learning:										
Module	Method									
FOI ACT	• e-learning									
Data Protection Act 2018	• e-learning									
FOI / SAR Decision Maker	• e-learning									
Specialist Training:										
Module	Method									
DP Subjects Rights Training (NPCC)	• e-learning									
FOI Introduction/Intermediate (NPCC)	• e-learning									
DP Fundamentals (NPCC)	• e-learning									
DP Practitioner Course (Act Now)	• e-learning									
FOI Practitioner Course (Act Now)	• e-learning									
Supplementary:										
Joint Educational Forums and related events	Workshops									

 Required Training

Appendix G Contact Us

Service Instruction Author

Deputy Principal - Corporate Information Branch

Branch Email

[zDataProtection](#) and [zFOI](#)