



# **THE FREEDOM OF INFORMATION ACT 2000 GUIDANCE FOR COMMITTEE MEMBERS**

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# 1. INTRODUCTION

- 1.1 The Freedom of Information Act 2000 (FOI Act) is intended to promote a culture of openness and accountability amongst public sector bodies by providing people with rights of access to the information held by them. It is expected that these rights will facilitate better public understanding of how public authorities carry out their duties, why they make the decisions they do and how they spend public money.
- 1.2 The legislation came into force on 1 January 2005. It gives people the right to make a request for any information held by a public authority (although this right is subject to a number of exemptions which permit the withholding of information) and the authority will be required to follow the provisions of the FOI Act in dealing with that request.
- 1.3 As a Non-Departmental Public Body, NILGOSC has a legal obligation to adhere to the requirements of the FOI Act and all requests for information have to be handled in accordance with the legislation. NILGOSC is fully committed to the implementation of the provisions of the Act.
- 1.4 "Information" is defined in section 84 of the Act as being information recorded in any form, and it covers any information held by the public body in connection with the operation of its functions.
- 1.5 NILGOSC has a Publication Scheme which sets out the information that NILGOSC routinely publishes. NILGOSC has adopted the model scheme produced and approved by the ICO, set out for all NI Non-Departmental Public Bodies. This is available on the NILGOSC website.

# 2. THE ROLE OF THE COMMITTEE MEMBER

- 2.1 A Committee member may act in one of five capacities:
  - i. They may act as a member of the Committee, holding a direct role in relation to decision making and leadership of NILGOSC for services provided directly by NILGOSC;
  - ii. They may act as a representative of NILGOSC at other meetings or conferences;
  - iii. They may act as a representative of an employer or group of employees;
  - iv. They may act as member or pensioner of the Scheme; and
  - v. They may act as a member of the public.
- 2.2 In the context of the FOI Act, the essential issue is not the role of the Committee Member, but the impact that the Act has on the Member. This can be considered under four headings:
  - i. Information held by Committee Members,
  - ii. Information held about Committee Members,
  - iii. Requests for information submitted to Committee Members, and
  - iv. Committee Members' rights of access to information held by NILGOSC.

## 3. INFORMATION HELD BY COMMITTEE MEMBERS

- 3.1 A Committee Member is an individual in their own right, as opposed to being a public body. As such, information held by a Member in an individual capacity is not subject to the general right of access contained in the FOI Act.
- i.e. it is information held by the corporate body that is subject to the requirements of the Act.
- 3.2 However information in the possession of a Committee Member will be accessible if also held by NILGOSC or another public body on which the individual Member is NILGOSC's representative. **Any information passed by an individual Member to NILGOSC or an Officer of NILGOSC will become information held by the public body accessible under the terms of the FOI Act.**
- 3.3 In the case of information held by NILGOSC, NILGOSC will be responsible for providing the information requested and for retaining copies of that information. This will include all Committee papers and any correspondence between NILGOSC and the Member (which will include all e-mails). Members should be aware of this as it may lead to information being disclosed.
- 3.4 In the case of information held by Members in their role as NILGOSC representatives with another public body, requests for information will be dealt with by that Body in accordance with its own FOI procedures. Where the Member is appointed to an organisation which is not a public body, NILGOSC will only be responsible for providing the information that it holds, if any, in relation to the other body.
- 3.5 It is important that Members bear in mind that all written correspondence between NILGOSC and Members will be accessible by the public, subject to any relevant exemption, and care must be taken in the wording of correspondence.

## 4. INFORMATION HELD ABOUT COMMITTEE MEMBERS

- 4.1 NILGOSC will make the following information available via its Publication Scheme for each Member:
- i. Name.
  - ii. Photograph
  - iii. Type of Member (Employer, Employee, Independent, Sub-Committee Chair, Deputy Chair, Chairperson).
  - iv. Brief Biographical details including current employer.
  - v. Details of attendance at meetings.
  - vi. Membership of Committees and representation on outside bodies.
  - vii. Declarations of interest.
  - viii. Amount of basic allowance paid (if any).
- 4.2 NILGOSC will make the following information available on request
- i. Amount of mileage/subsistence paid

## 5. REQUESTS FOR INFORMATION SUBMITTED TO MEMBERS

- 5.1 As outlined in Section 3 above, NILGOSC will be responsible for responding to requests for information under FOI. However Members may receive requests for information either verbally or in writing and should be mindful of the following points:
- (i) **Verbal requests.** If Members receive a simple verbal request to which they respond verbally, this is outside the remit of FOI. If the request requires a substantial amount of information or access to records held by NILGOSC, the Member should direct the requestor to NILGOSC's Governance Manager who can deal with the request verbally if this is possible. If not, the Governance Manager will suggest that the matter is dealt with in accordance with FOI procedures.
  - (ii) **Written requests.** If a Member receives a written request for information relating to NILGOSC, this will be regarded as an FOI request to NILGOSC. The Committee member should pass this to the Governance Manager immediately, bearing in mind that the 20 working day time limit for response commences on the day on which the request is received by them. The request will then be dealt with within FOI procedures. If the written request is for information relating to an issue involving another Public Body on which they serve, this will constitute an FOI request to the other public body, and the Member should pass the request to that body immediately.

## 6. MEMBERS' RIGHTS OF ACCESS TO INFORMATION HELD BY NILGOSC

- 6.1 Committee Members will generally, not be required to follow FOI procedures and pay associated charges in order to obtain information about NILGOSC. Committee Members are entitled to obtain documentation held by NILGOSC where they require the information in connection with their duties as a Committee Member, and there is no ulterior motive.
- 6.2 The provision of information has a cost and Members should ensure, where possible, that they are not used by members of the public as a conduit for access to information which is properly available through normal FOI access procedures.
- 6.3 The submission of a request for information by a Member on behalf of a member of the public would be considered as a request with improper motive if it is to avoid a charge for the information, and the request will be denied. It should be noted, however, that fees are only likely to be charged for complicated enquiries. Another example of improper motive would be a Member requesting information on behalf of, or to assist, a person who is in litigation with NILGOSC.

# 7. FURTHER ADVICE

7.1 For further advice on FOI issues please contact the Secretary, Deputy Secretary or the Governance Manager at:

NILGOSC

Templeton House

411 Holywood Road

Belfast, BT4 2LP.

Tel: 0345 319 7320

E-mail: [governance@nilgosc.org.uk](mailto:governance@nilgosc.org.uk)

7.2 The NILGOSC Publication Scheme, the document which outlines the Committee's policy on making information available, can be accessed on the NILGOSC website at <http://www.nilgosc.org.uk/freedom-of-information>