



Access to Information Policy

Version Date: October 2021

Version: V 3.0

Approved by: Executive Team

Policy Owner: DPICO

Review date: October 2022

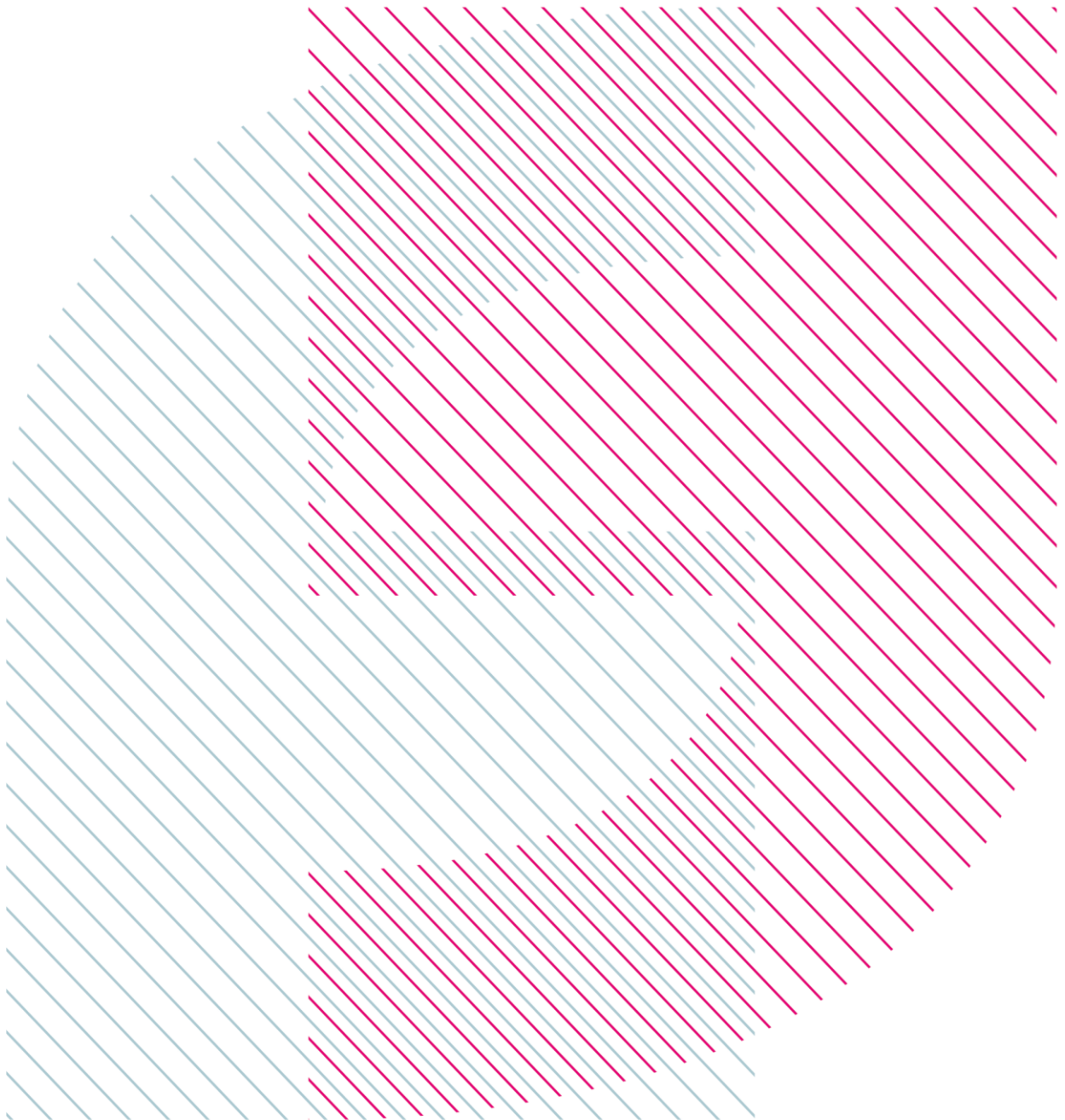


Table of Contents

Latest update	1
Purpose	2
Scope.....	2
Responsibilities	2
Policy statement.....	2
1.0 What we publish.....	2
1.1 What we spend and how we spend it	3
1.2 Procurement and contracting	3
1.3 Expenditure	3
1.4 Board and Executive Team expenses	3
1.5 What our priorities are and how we are doing	3
1.6 How we make decisions	3
1.7 Our policies and procedures.....	4
1.8 Lists and registers	4
1.9 The services we offer	4
2.0 What we publish.....	5
2.1 Freedom of Information Act (FOIA) 2000 & Environmental Information Regulations 2004.....	5
2.2 UK General Data Protection Regulation (GDPR)/Data Protection Act 2018.....	5
3.0 Confirming the requester's identity.....	6
4.0 What if the request is manifestly unfounded or excessive?.....	6
5.0 Will I be charged a fee?	6
6.0 Am I entitled to the Information?	7
7.0 How do I make a request for information?	7
Related documents	7
Further information.....	7

Latest update

Version	Date	Summary of Changes	Actioned by (role)
2.4	26/08/2021	Full document review	DPICO

3.0	02/2021	Full document review	DPICO/Security forum
3.0	07/2021	Decision on whether to publish Ombudsman photo on website	Executive Team
3.0	10/2021	Full document review	Executive Team

Purpose

LeO is committed to operating in an open and transparent manner. This policy sets out the information we will publish, and how you can request information we hold.

Scope

This policy provide staff with an understanding of information the organisation is obligated to publish and members of the public information they can request from the organisation.

Responsibilities

We will publish general information about our organisation: for example, our location, internal contacts and committees, and details about how we are organised and our Board.

- i. Biographies of our Board members (The OLC)
- ii. Biographies of Executive Team
- iii. OLC Board members' register of interests
- iv. How to contact us
- v. Web links to other related bodies and information (e.g. Legal Services Board, Law Society, British & Irish Ombudsman Association, The Legal Services Act 2007, etc.).

Policy statement

The Legal Ombudsman is committed to operating openly by:

- Responding positively to every reasonable request for information in order to maintain a high level of public and stakeholder 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 the Freedom of Information Act, the Data Protection Act, and the Environmental Information Regulations.
- Publish information about both our work, and that of our Board, the Office for Legal Complaints (OLC).

1.0 What we publish

1.1 What we spend and how we spend it

We will publish information about our finances: for example, our forecast and actual income, plus what we spend, what we buy, and the contracts we have with external suppliers.

- i. Annual Reports and Accounts
- ii. Business Plan
- iii. Board and Executive Team member expenses reports

1.2 Procurement and contracting

We will publish the following information about the procurement and contracting of services:

- i. All new tender with a value of over £10,000
- ii. All new contracts with a value of over £10,000.

1.3 Expenditure

We will publish:

- i. All new items of expenditure over £25,000
- ii. All new items of expenditure over £500 on Government Procurement cards

1.4 Board and Executive Team expenses

We will publish:

- i. Expenses incurred by, or on behalf of, members of the OLC and the Legal Ombudsman's Executive Team.

1.5 What our priorities are and how we are doing

We will publish information about our future plans and how well we're performing:

- i. Business Plan
- ii. Annual Reports and Accounts
- iii. Annual Senior Ombudsman report (see Annual Reports)

1.6 How we make decisions

We will publish information about our decision making processes and consultations.

- i. Public consultations
- ii. Responses to public consultations
- iii. Committee constitutions and terms of reference
 - a. OLC Board (the Legal Ombudsman Board)
 - b. OLC Remuneration and Nomination Committee
 - c. OLC Audit and Risk Assurance Committee
- iv. Agreed minutes of meetings
 - a. OLC Board (the Legal Ombudsman Board)
 - b. OLC Remuneration and Nomination Committee
 - c. OLC Audit and Risk Assurance Committee
- v. Board meeting papers will generally be published in full, although it may be necessary in some circumstances to extract or to redact specific information or, occasionally, to withhold publication.

1.7 Our policies and procedures

We will publish information about our more commonly requested policies and procedures:

- i. Service complaint procedure
- ii. Our scheme rules
- iii. Equality priority objectives
- iv. Our governance documents

1.8 Lists and registers

We will publish details of the various lists and registers of information we are required to publish, either by law or by other external regulations:

- i. Our gifts and hospitality register
- ii. OLC Board members' register of interests

1.9 The services we offer

We will publish general advice and guidance about our services: for example, booklets, leaflets and media releases.

- i. Publications
- ii. Summary of cases
- iii. Data relating to decisions we have made
- iv. News and events

2.0 What we publish

You can request information that has not already been published via our publication scheme under the following:

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

The Freedom of Information Act (FOIA) 2000 & Environmental Information Regulations 2004 provide a right to request any recorded information held by a Public or Arms' Length body such as the Legal Ombudsman.

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

Where a request does not give sufficient detail to enable LeO to process the request, the Information Rights and Security Team will contact the applicant and advise them of the clarification that is required to make their application more detailed. While clarification is sought there will be a pause on the time until response is received. The statutory timeframe for Freedom of Information request disclosure is 20 working days.

2.2 UK General Data Protection Regulation (GDPR)/Data Protection Act 2018

Under the UK General Data Protection Regulation (GDPR)/Data Protection Act 2018, you have the right to request personal information the Legal Ombudsman holds about you, whether on paper or in electronic records, referred to as subject access request (SAR). A third party can make a SAR on someone's behalf however the data subject permission would be required or the third party must be someone permitted to act on their behalf.

'Personal data' is defined as data that relates to a living individual who can be identified from the information held by the 'data controller' (in this case, the Legal Ombudsman).

This information you are entitled to under the legislations includes:

- a description of the data being used;
- what it's being used for;
- who might see or use the information;
- where the data comes from, if this is known; and
- the identity of the data controller.
- Where your data needs rectification or need to be erased
- Where you may object to further processing
- Informed decision in relation to automation and profiling

Disclosure of a Subject Access Request is 30 calendar days, if there are any delays with your request, the data subject will be contacted and inform accordingly.

3.0 Confirming the requester's identity

To avoid personal data about one individual being sent to another, either by a genuine request or as a result of deception, LeO need to be satisfied with the identity of the requester. LeO will endeavour to request information that is proportionate using 'reasonable means'.

Where information is related to the deceased, a copy of probate or power of attorney will be requested. If necessary, you may be advised that a court order may be required to access the information if no other official documentation can warrant disclosure to the third party.

When requesting information, please include the following details:

- For Subject Access Requests at least two official documents to verify your identity including your address and a description of the information requested
- For Freedom of Information (FOI)/ Environmental Information Regulations (EIR) requests please include your name and an address
- A description of the information or documents you would like to see.

If the request is made electronically, the Legal Ombudsman will provide the information in a commonly used electronic format. Consideration can be made if the data subject request to have the information sent in different format.

4.0 What if the request is manifestly unfounded or excessive?

Where requests are manifestly unfounded or excessive, in particular because they are repetitive, the Legal Ombudsman can charge a reasonable fee taking into account the administrative costs of providing the information or refuse the request.

Where the Legal Ombudsman refuses to respond to a request, LeO will explain why to the requester, informing them of their right to complain to the supervisory authority without undue delay.

5.0 Will I be charged a fee?

We do not charge a fee when a request is made.

In a case where the request is excessive and repetitive a fee might be charged.

For information requested under FOIA we may charge fees as set out by the Ministry of Justice (MoJ). If fees apply, we will let you know what they will be in advance. Under the MoJ fees guidance, if we estimate that the cost of:

- determining whether we hold the information; and

- locating it, retrieving it and extracting it is more than £600, we are not obliged to comply with the request. £600 is equivalent to three and a half days work at a set rate of £25 per hour. There is no appropriate limit for access to Environmental Information.

6.0 Am I entitled to the Information?

Although we are committed to providing the information you have asked for, some information you ask for maybe be exempt from disclosure. The reasons information can be withheld from disclosure are set out in the Data Protection Act, Freedom of Information Act, Environmental Information Regulations and the Legal Service Act 2007. If we are unable to provide you with the information, we will provide you with an explanation for refusal. In some instances, other legislation may prevent the Legal Ombudsman from disclosure under our obligations concerning access to information.

7.0 How do I make a request for information?

If you need advice or assistance, please contact the Legal Ombudsman Information Rights and Security Team at:

The Information Rights and Security Team
Legal Ombudsman
PO Box 6803
Wolverhampton WV1 9WF

E-mail: infosec@legalombudsman.org.uk

The Information Commissioner Office upholds information rights. Their website provides guidance and advice at <https://ico.org.uk/>

Related documents

Information and Data Protection Policy
UK General Data Protection Regulation (UK GDPR)
Data Protection Act 2018
Freedom of Information Act (2000)

Further information

If you have any queries, please email Information Rights and Security Team - infosec@legalombudsman.org.uk.