



Norfolk County Council at your service

Monday 1 September 2008

Dear Mr Smith

Thank you for your request, received by us today.

From a strict standpoint, we do not hold any information covered by your request as we do not believe we have made a 'complaint' about the What Do They Know website (and have no intention of doing so); however we did raise an issue for discussion about the website at the FOI Live conference.

An FOI Officer was scheduled to attend the conference and we in the corporate unit discussed the matter with them beforehand. A copy of an e-mail chain revealing the extent of our correspondence is included as an appendix to this document. We have informally discussed various issues relating to the website, as other public authorities may have done as well. As the FOI Live event is one of the main conferences for FOI practitioners, and was attended by representatives from the Information Commissioner's Office (ICO), it seemed to be the most appropriate platform at which to discuss these issues more widely.

The specific questions asked at the event referred to the practice of the website to publish all correspondence between the applicant and the authority. The Information Commissioner was asked whether he felt the site should automatically publish all correspondence when it didn't necessarily constitute the 'information' requested? It was also queried whether that correspondence is automatically considered to be in the public domain, as information released under the FOI Act is. We were simply keen to get the ICO's opinion on the matter and did not pose the questions as a 'complaint' against the website.

We also mentioned the What Do They Know website at our FOI/Records Management Team meeting in June (as suggested in the e-mail chain below) and a copy of the relevant item from the minutes is supplied below.

3.4 *A website has been launched called 'What do they Know?' which allows members of the public to make FOI requests via the website. All correspondence with the applicant, including the final response, is immediately published on the Internet.*

Again, this was not a case of raising a 'complaint' about the site, but simply making officers aware that all correspondence to a request submitted *via* the site is published on the Internet. The e-mails sent by the What Do They Know system do now carry a disclaimer to state this fact, but this was not the case originally. We felt it would be unfair on an officer to be corresponding with an individual, unaware that their e-mails were being published on the Internet; therefore we decided to bring it to their attention.

These matters are practical issues relating to the website though. Please be assured that they have not, and will not, alter our approach of replying to all FOI requests within the legal requirements as stated by the FOI Act and also within the spirit of openness that the Act promotes.

Yours sincerely

Matthew Smith
Freedom of Information and Data Protection Assistant

APPENDIX

-----Original Message-----

From: Gallop, Stephanie
Sent: 22 May 2008 08:27
To: Smith, Matthew
Subject: RE: FOI Live

I see what you mean.

So what we need to establish is whether the website should only be publishing the actual information released or seeking consent from the authority before it publishes any other letters, responses etc? Technically the content may only be contentious if we are refusing information and then the reasons for applying an exemption might be something we would want to keep between ourselves and the requestor. My only concern with that would be that if it were appealed up to the ICO then those reasons would be published in any decision notice and thus be in the public domain.

I will see if anyone raises it and if not i'll try.

Many thanks,

Stephanie Gallop
Records and Client Access Manager
Adult Social Services
Norfolk County Council

-----Original Message-----

From: Smith, Matthew
Sent: 21 May 2008 15:30
To: Gallop, Stephanie
Subject: RE: FOI Live

Yes, it could help with determining whether the request is vexatious, although the ICO notes in his guidance that there may be valid reasons why the applicant wants to see what info is held by different authorities on the same topic. So like all these things, it would depend on the specific circumstances of the case.

I'm not sure about the aggregating bit. The actual fees regulations specifically refer to "the public authority" in the section on aggregating costs and don't give any indication that we could aggregate with other authorities. I think this was something raised in the Fees consultation a year or so ago, but wasn't taken forward. I might be wrong though.

Matt

-----Original Message-----

From: Gallop, Stephanie
Sent: 21 May 2008 13:55
To: Smith, Matthew
Subject: RE: FOI Live

Doesn't this also help us to see which requestors are sending round robin requests and thus it can be rejected for being over the £450 limit? It could also help to identify vexatious requestors. But I do agree that they shouldn't really post our response without our consent, only the actual information that is requested is in the public domain if it's released.

Many thanks,

Stephanie Gallop
Records and Client Access Manager

-----Original Message-----

From: Smith, Matthew
Sent: 21 May 2008 12:23
To: Gallop, Stephanie
Subject: FOI Live

Hi Stephanie

Just a pre-FOI Live query.

A website has been created called What Do They Know? It is a system through which people can make FOI requests, meaning that all correspondence (acknowledgement, actual response etc) is immediately published on the Internet. We have recently received three requests *via* this method (as shown here: http://www.whatdotheyknow.com/body/norfolk_county_council) and will undoubtedly receive more.

We will mention it at our next FOI Team meeting so that all FOI Officers are aware of this, but I imagine that it is an issue that will be brought up at FOI Live, not least on the basis of whether they have the right to publish the information without our consent. If it is mentioned, we would be interested to know what is said.

Thanks

Matt