

Independent Review Team – UEA/CRU

Final

Notes of Interview with David Palmer (Information Policy & Compliance Manager) and Jonathan Colam-French (Director Information Systems Department)

Interviewers Sir Muir Russell & Prof. Jim Norton

Interview carried out at UEA on 30th March 2010

Background

1. Sir Muir Russell and Jim Norton briefly summarised the purpose of the Review. It was noted that we were particularly interested to make forward looking recommendations to improve the overall effectiveness of processes

FoIA/EIR processes

2. David Palmer explained the Freedom of Information Act (FoIA)/ Environmental Impact Regulations (EIR) processes within UEA. He gave an example of concentric circles. He was at the centre and would:
 - always be the coordinator for FoI/EIR requests;
 - maintain the formal FoI/EIR log on requests received;
 - establish a case file for each request;
 - make the initial determination as to whether to treat a request under the FoIA or EIR regime;
 - determine, in cooperation with the faculty contact and relevant staff whether the information sought was indeed held in statutory terms; and then
 - identify and approach the key provider via the appropriate faculty or central unit contact.
3. It was noted that David Palmer was the key person with a detailed understanding of the FoIA and the EIR within the UEA. He would maintain liaison with the Information Commissioner's Office (ICO). He was the key training provider to others within UEA.
4. The next circle comprised FoIA/EIR contacts. These would receive initial training and then yearly updates on the detail of FoI/EIR administration, including areas such as the "public interest test". Initial training had originally been provided for half a day but more recently it had been spread over two days as two two-hour sessions. No particular problems had been experienced in motivating FoIA/EIR contacts to attend training. There were stated to be FoIA/EIR contacts in place for each of the four University Faculties and for each of the central units (such as Information Systems and the Registrar's Department) making a total of around 15 such contacts. Beyond the initial

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training, it was stated that much learning was “on the job”. It was noted that useful resources and intelligence were provided by both the Higher Education Funding Council for England (HEFCE) and the Joint Information Systems Committee (JISC) - funded by all the Higher Education Funding Councils – for example through Bulletin Boards.

5. The final circle comprised individual members of staff/researchers. An initial brochure had been sent to all units in the University when the FoI/EIR regimes became law. Awareness training was available on a voluntary basis.

Formality of FoI/EIR requests

6. It was noted that there was scope for confusion as to what comprised a FoI/EIR request. Many members of staff regularly dealt with informal requests for information. In order to be considered by the UEA as a formal FoI/EIR request the application must:

- be in writing;
- provide a contact name and details; and
- be sufficiently clear to be reasonable interpretable.

It did not need to formally reference the FoIA or the EIR.

7. It was noted that more formal guidance about what did (and did not) comprise a formal request would be welcomed by the University team.

Continuing education

8. It was noted that the University’s ‘Centre for Continuing Education’ ran courses every six months, open to all staff, covering areas such as Freedom of Information, Data Protection and Copyright. Take up was typically around 15 to 20 people at each session. It was noted though that participants were typically from the administrative staff rather than academic staff. None of the staff from the CRU had attended these courses, though they had been made fully aware of their responsibilities under the acts by Mr Palmer as part of the process of managing the requests. It was agreed that the original FoI/EIR awareness campaign carried out in 2005 was now something of a fading memory. It was agreed that it would be useful to:

- incorporate more information on FOI/EIR/DPA responsibilities in the induction processes for new staff members;
- develop rolling awareness campaign to focus the attention of established staff;
- issue annual reminders of key FoI/EIR/DPA responsibilities; and

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- have clearer formal publication policies.

Specific accusations

9. Mr. Palmer explicitly refuted the accusation (implicit in the leaked e-mails) that a policy had been developed by those managing the administration of the FOI process to always refuse FoI/EIR requests from the 'Climate Audit' community. It was noted that three requests had been temporarily lost due to a brief (24 hour) mail forwarding failure within the University. When these three requests had come to light after two months, the ICO had been informed immediately. Mr. Palmer stated that as the majority of requests were for data held locally by schools and departments that he was reliant on the staff in those areas to provide the relevant information being requested. Mr Palmer was not aware of the existence of the CRUBACK3 server, with its wealth of material, much of relevance to a range of FoIA/EIR requests. Mr. Palmer noted that he had been asked to reach judgements on material going back almost twenty years. He accepted that it was possible that he made some mistakes, but these were not deliberate and certainly not errors of commission.

Handing of FoI/EIR appeals

10. Mr. Palmer described the multi-stage operation of the 'Appeals' process – as detailed in the document 'Code of Practice for Responding to Requests for Information under the Freedom of Information Act 2000' already provided to the Review Team. This was stated to be consistent with the Lord Chancellor's Code of Practice. Any written expression of dissatisfaction with a response is treated as a complaint and thus activates the appeals procedure. It is acknowledged and the University sets a voluntary target (for FoI) of a response within 28 calendar days. The process operates through three internal stages of escalation:
 - Stage 1: informal resolution by the IPCM;
 - Stage 2: review by the Director of Information Services (unless Information Services are the subject of the complaint in which case review by the Registrar); and
 - Stage 3: review by the University's FOIA Complaints Adjudication Board. In practice this final stage has never been used, as there are concerns that this might be seen by complainants as a delaying tactic. Complaints not resolved at the end of stage two are referred to the Information Commissioner's Office.

Jim Norton

12th June 2010