

date – 5th September 2019

Trust in water

G1 Access to Information Policy

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1 Introduction

Ofwat takes its responsibilities with regard to transparency and openness seriously. This policy facilitates the efficient, effective and strategic use of Ofwat's information to deliver its corporate objectives. This policy will be reviewed periodically, to ensure it reflects any changes to existing legislation.

Ofwat routinely publishes information on its [website](#) and through its publication scheme. We aim to respond to every reasonable request for information in order to maintain a high level of public and stakeholder trust and confidence in our organisation.

2 Scope of the policy

This policy applies to all employees, non-executive directors, contractors, agents and representatives including temporary staff such as secondees and interims working for or on behalf of Ofwat.

The purpose of this policy is to ensure that Ofwat complies with the provisions of all access regimes to information including The General Data Protection Regulation (GDPR), Data Protection Act 2018, Freedom of Information Act 2000 (FOI), Environmental Information Regulations 2004 (EIR) and the Re-Use of Public Sector Information Regulations 2015.

3 Responsibilities

Ofwat recognises there is a corporate responsibility to provide the public with a general right of access to all information held by the organisation.

The Information Governance Manager (IGM) is responsible for drawing up guidance on access to information and promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely management of requests.

The IGM is responsible for monitoring and reporting performance to the Security and Information Assurance Group (SIAG) regarding responses to requests for information internally. Statistical data is also provided within Ofwat's annual report, and provided as part of Compliance and Assurance quarterly checks and externally to the Cabinet Office both quarterly and annually. Statistics supplied include quantity of requests, compliance times, legislation applied and exemptions used.

The IGM also provides an advisory service to the remainder of the organisation. Induction training is given to all new starters and corporate training is available quarterly.

All members of staff are responsible for familiarising themselves with all relevant policies and considering issues relating to access to information where relevant. Staff must also recognise that all recorded information may be provided to the public and that in every case the law requires that there will be full and unconditional disclosure unless one of the statutory exemptions/exceptions applies.

4 Available guidance

Guidance on the procedures necessary to comply with all the relevant policies is available for staff from the IGM and on Ofwat's [intranet](#).

Guidance is reviewed regularly and updated to incorporate any legislative changes.

5 What we publish

Ofwat maintains a publication scheme, in accordance with its obligations under FOI.

The type of information we routinely publish falls into the following categories:

Category	Description
Who we are and what we do	General information about our organisation: this includes our Board, senior leadership team members and their roles
What we spend and how we spend it	Information about our finances: for example, income and expenditure.
What our priorities are and how we are doing	Information about our future plans and how well we're performing, including as against statements of strategic priorities and objectives issued to us by the UK and Welsh Governments.
How we make decisions	Information about our decision making processes and consultations and the relevant legislation and powers that apply

Category	Description
Our policies and procedures	This section provides information about our more commonly requested policies and procedures including contacting us and how to make requests for information.
Lists and registers	This section provides details of the various lists and registers of information we're required to publish, either by law or by other external regulations: for example the Official register which Ofwat maintains under S195 of the Water Industry Act 1991 (WIA)
The services we offer	This section provides access to general advice and guidance about our services: for example, guidance, publications and media releases.

6 Requests for information

Access to information is principally governed by four main pieces of legislation. Each access regime has its own policy which can be found in Ofwat's [publication scheme](#).

All requests for information should be made in writing¹ and state clearly what information is required, together with a correspondence name and address. Ofwat will endeavour to consider any specific requests from applicants with access needs and/or format requirements. We aim to provide information free of charge but in some instances a fee may be required. Details of charges can be found on our [website](#). If a charge is applicable we will write to inform you and issue a fees notice.

Ofwat aims to provide reasonable assistance to the applicant, to help clarify the nature of the information sought. If the request is at all ambiguous, contact will be made to clarify the request at the earliest opportunity by the most appropriate method. Whilst clarification is sought, any time limit that applies to the provision of the information will be paused.

Public authorities have a duty to give effect to an applicant's preferred format for receiving information, so far as this is reasonably practicable.

Requests for information should be addressed to foi@ofwat.gov.uk or in writing to:

FOI, Programme Management, Ofwat, Centre City Tower, 7 Hill Street, Birmingham.
B5 4UA

¹ Requests can also be made verbally under the EIR 2004

7 Data Protection

The General Data Protection Regulation (GDPR) 2016 and the Data Protection Act 2018 (“DPA”) govern the way that Ofwat handles personal data. Ofwat has thirty calendar days to comply with requests made under this access regime. For further information please refer to Ofwat’s [Data Protection policy](#).

8 Environmental Information

The Environmental Information Regulations 2004 (“EIRs”) enable access to [environmental information](#) held by Ofwat. Ofwat has twenty working days to comply with requests made under this access regime. For further information please refer to Ofwat’s [Freedom of Information & Environmental Information Regulations policy](#).

9 Freedom of Information

The Freedom of Information Act (FOIA) 2000 governs the right of access to any information held that does not fall under the access regimes above. Ofwat has twenty working days to comply with requests under this access regime. For more information please refer to Ofwat’s [Freedom of Information & Environmental Information Regulations policy](#).

10 Reuse of Public Sector Information

The reuse of public sector information is governed by the [Reuse of Public Sector Information Regulations 2015 \(RPSI Regulations\)](#). To re-use information under the Regulations you will need Ofwat’s permission. If you would like to make a request to re-use information that Ofwat has already published, please email foi@ofwat.gov.uk. Your email should set out the specific information you would like to re-use, including dates and, if published on Ofwat’s website, the web address.

If the information is not already available, but you would like to request its release for re-use please email foi@ofwat.gov.uk outlining the information you require and that you would like to re-use it.

We will respond to these requests within 20 working days.

Where a request for re-use is permitted, Ofwat will issue a licence for re-use of the information. Wherever possible reuse of information will be free: however if there is a charge we will notify you as soon as possible.

11 Ofwat's public task

Ofwat is the economic regulator of the water sector in England and Wales. We are a non-ministerial government department, established in 1989 when the water and sewerage industry in England and Wales was privatised.

Ofwat's regulatory functions are set out in the legislation governing our activities, principally the Water Industry Act 1991.

Our duties include exercising our powers and duties in the manner best calculated to:

- further the consumer objective to protect the interests of consumers, wherever appropriate by promoting effective competition
- secure that the functions of each undertaker (that is, water company) are properly carried out and that they are able to finance their functions, in particular by securing reasonable returns on their capital
- secure that companies with water supply licences (those selling water to large business customers) properly carry out their functions
- further the resilience objective to secure the long-term resilience of undertakers' (that is, water companies') water supply and wastewater systems and to secure they take steps to enable them, in the long term, to meet the need for water supplies and wastewater services

Transfer of information for the purposes of carrying out our regulatory functions will be subject to the provisions relating to 'public tasks' for the purposes of the RPSI Regulations.

12 Complaints

If you are dissatisfied with a response to a request for information, under the terms and conditions of the FOIA and EIR legislation, you can request an internal review by contacting foi@ofwat.gov.uk. If you are not content with the outcome of

that review, you can complain directly to the [Information Commissioner's office \(ICO\)](#). The ICO is the independent regulator for Information Governance legislation.

If you are dissatisfied with a response under data protection legislation you may contact the ICO directly, however they may request you complain to Ofwat's Data Protection Officer (DPO) in the first instance via foi@ofwat.gov.uk

13 Links to Any Associated Documents

- ICT 2 Security Policy
- ICT 4 Retention and Disposal Policy
- ICT 5 Information and Technology Security Policy
- ICT 6 Acceptable Use Agreement
- Ofwat Code of Conduct
- G2 Data Protection Policy
- G3 Freedom of Information and Environmental Information Regulations Policy (FOI & EIR)
- G5 Privacy Policy

14 Document control

Version history

Version	Status	Date	Author	Summary of changes
0.1	Draft	April 2016	SA FOI	
0.2	Draft	11 May 2016	Dir PPM	Minor amendments and clarification questions
0.3	Draft	16.05.2016	SA FOI	Minor amendments & clarification responses
0.4	Draft	24.5.2016	SA FOI	Minor amendments & clarification responses
0.5	Draft	20/3/2018	Pr Legal	Minor amendments
0.6	Draft	04/09/2018	SA FOI	Minor amendments
0.7	Draft	24/04/2018	SA FOI	Minor amendments
0.8	Draft	03/09/2019	IGM	Minor amendments

Sign off

Job Title	Date	Version No.	Date of Next review
DPO	Sept 2019	0.8	Sept 2021