

Health and Safety Commission/Health and Safety Executive Policy Statement on Openness

What sort of health and safety information can I get?

The Health and Safety Commission and Executive (HSC and HSE) have always been as open as possible with health and safety information and the work they do. They have continued and expanded that policy to make even more information available to the public under the Freedom of Information Act 2000 (FOIA).

In addition to the information that we already print and publish, we also make the following available:

- factual information on any health and safety matter that we deal with;
- environmental information;
- reports when HSC has directed HSE to investigate and make a 'special' report under the HSW Act, or where it is clearly in the public interest that a report should be published (eg where an accident gives rise to general public or local alarm leading to a need for explanation), or where lessons for improving health and safety have been learnt and should be widely circulated;
- public registers of health and safety information, such as:
 - lists of the names and addresses of firms that carry out hazardous operations and;
 - lists of firms and individuals convicted of breaches of health and safety law;
- quarterly inspection reports on nuclear sites;
- facts and analyses behind major decisions;
- copies of our internal instructions where these have an effect on people outside HSE;
- copies of HSC and advisory committee agendas, papers and minutes;
- copies of Board agendas, papers and minutes;
- information on our standards of service, costs, targets and results.

Sometimes we will not be able to give you all the information you would like, for example because:

- the law prevents it; or
- we consider that harm or prejudice of a type identified by one or more of the exemptions found in Part II of the 2000 Act would be caused by its release (such as prejudice to enforcement or prosecution, harm to people's health and safety, breach of confidence, prejudice caused by the disclosure of information in respect of which a claim to legal professional privilege or, in Scotland, so confidentiality of communications can be maintained).

In these cases, we will tell you why the information cannot be disclosed.

In most cases we will be able to give you the information you want within two or three days. There will be some cases where it will take us longer. For information requested under the FOIA we will normally comply with the time limit stipulated in the Act of 20 working days. However, if the request is complicated, we may need more time to deal with it and consider the public interest test. If that happens HSE staff will tell you:

- that more time is needed; and
- the new date when you will be informed if you can have the information. FOIA allows us to extend the time needed to deal with the request for an additional 20 days.

If the estimate of the cost of supplying the information is more than £600, we will not disclose the information until payment has been received (see paragraphs entitled 'Chargeable fees' and 'Fees notice').

Under the Environmental Information Regulations 2004 (EIRs) we have set ourselves a target of 20 working days as under the FOIA, but the actual maximum time allowed is 40 days.

Where do I go to get information from HSE?

If you would like information from HSE under FOIA or under the EIRs please contact:

HSE Infoline
Caerphilly Business Park
Caerphilly CF83 3GG
or telephone HSE's Infoline on
0845 345 0055
Textphone: 0845 408 9577
Fax: 0845 408 9566
e-mail: hse.infoline@natbrit.com

A FOI Enquiry form is available for completion on the HSE website which can be posted or sent in electronically to Infoline. You do not have to use this form, but it will help us deal with your request promptly if you do. If you prefer, you can make your request in writing (eg letter, email, fax or other form which we can use for reference).

You must include your name and address, contact details and details of the information you require in your request.

HSC/E makes much of its information available on the Internet under its Publication Schemes. HSE's homepage address is www.hse.gov.uk. Follow the links under 'Freedom of Information' to the FOI web page and publication schemes.

How much will information cost me?

Information will be supplied free of charge for requests costing less than £600 (the limit chargeable for central government departments).

No charges will be made where we refuse a request for information. Nor will there be a charge to appeal against our refusal to supply the information requested, or if you appeal against the charges we would make.

VAT is not payable on requests made under FOIA or the EIRs.

Chargeable fees

Where the request is likely to exceed £600 (calculated at £25 an hour for 3 days' work equivalent based on an 8-hour day). HSE will:

- reply, and charge you in advance, the full prescribed cost of the request;
- give careful consideration to requests that will cost £600 or more to provide the information. In these cases it is unlikely that the diversion of staff to handle the request, away from HSE's normal regulatory duties, will be seen as justified. HSE staff will discuss with you ways of refining the request to a more manageable level.

The limit of £600 will not apply to information requested under the EIRs as the regulations say that no information can be refused on the grounds of cost.

The prescribed fee is made up of the following costs:

- determining whether the information requested is held;
- locating and retrieving the information;
- extracting the information to be disclosed from other information; and
- communicating information which can include the time taken to write a response, edit or redact (black out) information.

HSE will also charge you for disbursements in all cases where costs exceed £35 – that is the cost of physically producing information and sending it out.

Disbursement costs include:

- photocopying or printing material at 3p per sheet;
- full postage costs;
- producing material in an alternative format at your request, such as putting it onto CD-Rom, video, or audio cassette. Actual costs incurred when providing information in other formats are as follows:
 - CDs at 40p each;
 - floppy discs at 20p each;
- providing extracts of databases;
- translating information into a different language at your request;
- allowing you reasonable opportunity to inspect a record containing the information (any staff time involved will be charged at a flat rate cost of £25 per hour).

HSE can charge for disbursements in all cases, whether or not we are also charging for the prescribed costs, but we have taken the decision not to charge in cases where the disbursement cost is low, i.e. less than £35.

HSE will try to provide the information in your preferred format, so far as we reasonably can. However, if these costs are high, HSE will contact you to discuss whether a free or cheaper alternative might meet your needs equally well.

We do not charge for the cost of putting the material in a different format where this is required by law, for example, the cost of producing material in Braille (as required by the Disability Discrimination Act 1995), or translating information into Welsh (as required by the Welsh Language Act 1993).

Where the information you want is available in a priced publication we will give you details of the publication and where to get it.

Fees notices

Where charges are indicated, a fees notice will be issued before the request is answered, giving an estimate of the costs involved. You have three months to pay. If payment is not received, HSE does not have to reply to your request.

If the actual cost of answering the request is greater than the estimated cost, HSE bears the additional cost. If the actual cost of answering the request is less than the estimated cost charged, HSE will refund the excess. HSE will refund all the money, minus disbursements over £35 if the actual cost proves to be less than £600.

How can I complain if HSE refuses to give the information I want or charges me too much?

If HSE refuses to supply all or part of the information you have asked for under either the FOIA or the EIRs, we will write to you giving our reasons for refusal. These will be based on the exempted categories of information in the Act or the Regulations.

The exemptions are listed on the Information Commissioner's website (www.informationcommissioner.gov.uk).

The right to appeal

If you are not satisfied with the reasons for non-disclosure you have the right to appeal. You may also appeal if you believe the fees we have charged to supply information are unfair. HSE has a procedure to consider appeals. Appeals should be made via the person from whom you received the refusal letter. That person will forward your appeal to HSE's Freedom of Information Unit who will act as a Secretariat to handle the appeal. The appeal will be allocated to a senior HSE Officer (Appeals Officer) who was not involved in the original decision whether or not to supply you with information, or with the assessment of fees.

The Appeals Officer will review the original request and will aim to reply to you within 30 working days. If this is not possible we will tell you when to expect a decision – that date is not to exceed 40 working days from receipt of the appeal. When a decision is reached, the Freedom of Information Unit will contact you.

The Appeals Officer's decision may be to:

- uphold the original decision to withhold information (in which case, you will be advised of further appeals procedures);
- overturn the original decision in part and give you some of the information;
- fully overturn the original decision and give you all the information.

If you wish to appeal following that decision you should write to:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: +44 (0)1625 545 700
Fax: +44 (0)1625 524510
Email: mail@ico.gsi.gov.uk
Website: <http://www.information.commissioner.gov.uk>

The Health and Safety Commission's policy statement on access to health and safety information by members of the public

The following is the full text of the statement.

The Health and Safety Commission (HSC) is committed to being open about what we do. This is a statement of our policy on openness.

HSC has a duty under the Health and Safety at Work etc Act 1974 (HSW Act) to ensure that employers, employees and the public are kept informed about health and safety at work matters. In practice, the Health and Safety Executive (HSE) carries out this duty on HSC's behalf, and HSE shares this policy on openness.

Our aims

Our aims are to:

- share what we know;
- find out what information held by us people need, and try to provide it;
- inform, consult and engage with others on important proposals;
- consider information and views received about health and safety; and
- be open about how and why we make decisions.

We believe these aims will help us:

- develop closer partnerships with everyone concerned with health and safety at work;
- be accountable;
- be trusted as a confident and independent enforcement and regulatory body; and
- succeed in delivering better health and safety.

In accordance with the Freedom of Information Act 2000, we will make all information we hold available, unless prevented by provisions under the Act.

Situations where it is unlikely that we will be able to disclose information include when:

- the law prevents it; or
- we consider that harm or prejudice of a type identified by one or more of the exemptions found in Part II of the 2000 Act (such as prejudice to enforcement or prosecution, harm to people's health and safety, breach of confidence, prejudice caused by the disclosure of information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained) would be caused by its release.

These aims and principles apply to all of HSC/E's activities and the points below explain some of the ways in which this will be achieved.

Providing information

Publication scheme

As required by the Freedom of Information Act 2000, HSC/E operates a Publication Scheme that explains:

- what information we make available, and how to obtain it;
- what information we do hold is available from our offices or website;
- what information we provide free; and
- what we charge for, and how much we charge.

Once information is listed and available under the Scheme it is exempt from the FOI Act requirements to supply information on request. In these circumstances enquirers will be advised how or where to get the information they want.

Sharing knowledge

Reports on incidents

HSE investigates many incidents, accidents and dangerous occurrences at work, and publishes reports:

(a) when HSC has directed HSE to investigate and make a 'special' report under the HSW Act;

(b) where it is clearly in the public interest that a report should be published, for example:

- (i) where an accident gives rise to general public or local alarm leading to a need for explanation;
- (ii) where we need to satisfy the public that the matter has been thoroughly investigated and all avenues for further action identified; and
- (iii) where lessons for improving health and safety have been learnt and should be widely circulated.

Research

We carry out scientific research into health and safety issues and publish the results. The criteria for carrying out research are published on the HSE website.

Informing and consulting on important proposals

When developing proposals for Regulations and Approved Codes of Practice, we ask the public for its views.

We have a commitment to:

- consult early;
- write documents in simple language;
- give people time to respond; and
- report back on results.

Receiving views and information

We want to receive views from as wide a range of people as possible. Their views will be taken into account when decisions are made.

Making decisions

We make information available about our decisions through:

Open meetings and papers, minutes etc of meetings

The agendas, papers and minutes of our meetings are available on the Internet and from HSE's Information Centre. We hold some of our meetings in public to give a better understanding of our work.

Advisory committees

HSC's Advisory Committees conduct their business openly and responsibly, and consult the public on policy issues. Agendas, papers and minutes are available on the Internet and some meetings are held in public.

Response to consultations

We publish the analysis of responses to consultations and the decisions we make.

This includes individual responses, unless respondents explicitly ask for their name not to be revealed.

In developing and improving this positive culture of openness, we will continue to consult and work in co-operation with the public.

Further information

HSE priced and free publications are available by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA

Tel: 01787 881165 Fax: 01787 313995

Website: www.hsebooks.co.uk (HSE priced publications are also available from bookshops and free leaflets can be downloaded from HSE's website: www.hse.gov.uk.)

For information about health and safety ring

HSE's Infoline Tel: 0845 345 0055 Fax: 0845

408 9566 Textphone: 0845 408 9577 e-mail:

hse.infoline@natbrit.com or write to HSE Information Services, Caerphilly Business Park, Caerphilly CF83 3GG.