

ANNEX C LEVELS OF AUTHORITY

AUTHORITY TO RELEASE OR WITHHOLD INFORMATION IN RESPONSE TO NON-ROUTINE IND FREEDOM OF INFORMATION REQUESTS

ACTION TAKEN IN IND DIRECTORATE IN RESPONSE TO A NON-ROUTINE REQUEST FOR INFORMATION	MINIMUM LEVEL OF AUTHORISING OFFICER* IN IND DIRECTORATE FOR ACTION	ACTION TO BE TAKEN BY IND DIRECTORATES INVOLVING THE IND CENTRAL FOI TEAM OR OTHER PARTS OF HOME OFFICE
Use of a neither confirm nor deny answer in a response to an applicant where an exemption** is applied (see Section 5 of this IDI Chapter for further details)	Grade 7/AD or above	<p>Seek approval of final draft response on the use of exemptions from the IND Central FOI Team before a final reply is drafted.</p> <p>Ensure that non-routine response is notified to Ministers before a reply is sent as specified in para 5.1 of Section 2 of this IDI Chapter</p>
Preparing for Ministerial certificates under section 23(2) section 24(3) and section 53(2) (see Section 3 of this IDI Chapter for further details)	Grade 7/AD or above	Seek approval at the outset from the IND Central FOI Team.
Use of all substantive exemptions**, except section 21 and section 40 to withhold information (see Section 5 of this IDI Chapter for further details)	Grade 7/AD or above	<p>Seek approval of final draft response on the use of exemptions from the IND Central FOI Team before a final reply is sent.</p> <p>Ensure that non-routine response is notified to Ministers before a reply is sent as specified in para 5.1 of Section 2 of this IDI Chapter</p>

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Initial response to an applicant informing them that the public interest balancing test is being considered in respect of a qualified exemption and the response will exceed 20 working day target (see Section 5 of this IDI Chapter for further details)	SEO/HMI or above	<p>Template to be completed at Annex B: '<i>Notifying outcome of non-routine FOI requests to the IND Central FOI Team</i>' and sent to IND Central FOI Team.</p> <p>Alternatively IND Central FOI Team will also notify applicant.</p> <p>Use of section 36 exemption even to extend PIBT must be approved by Ministers (see Section 5 of this IDI Chapter for further details).</p>
Use of exemption** under section 21 where information is reasonably accessible to applicants by other means (see Section 6 of this IDI Chapter for further details)	HEO/CIO or above	<p>Template to be completed at Annex B: '<i>Notifying outcome of non-routine FOI requests to the IND Central FOI Team</i>' and sent to IND Central FOI Team.</p> <p>No further approval necessary.</p>
Use of exemption** under section 40 where information is considered under data protection grounds (see IDI Chapter 24 ' <i>Disclosing personal Information</i> ')	HEO/CIO or above	<p>Template to be completed at Annex B: '<i>Notifying outcome of non-routine FOI requests to the IND Central FOI Team</i>' and sent to IND Central FOI Team.</p> <p>No further approval necessary unless case warrants significant public interest.</p>

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Refusals in relation to vexatious requests under section 14 (1) (see Section 4 of this IDI Chapter)	HEO/CIO or above	<p>Seek approval on the classification of a request as vexatious from the IND Central FOI Team before a final reply is sent.</p> <p>Ensure that non-routine response is notified to Ministers before a reply is sent as specified in para 5.1 of Section 2 of this IDI Chapter</p>
Refusals in relation to repeated requests under section 14 (2) (see Section 4 of this IDI Chapter)	HEO/CIO or above	<p>Template to be completed at Annex B: '<i>Notifying outcome of non-routine FOI requests to the IND Central FOI Team</i>' and sent to IND Central FOI Team.</p> <p>No further approval necessary</p>
First responding to an applicant refusing their information request as it will exceed the £600 cost limit (see Section 4 of this IDI Chapter)	SEO/HMI or above	<p>Template to be completed at Annex B: '<i>Notifying outcome of non-routine FOI requests to the IND Central FOI Team</i>' and sent to IND Central FOI Team.</p> <p>Ensure that non-routine response is notified to Ministers before a reply is sent as specified in para 5.1 of Section 2 of this IDI Chapter</p>

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Refusal to follow on request in relation to £600 cost limit (see Section 4 of this IDI Chapter)	SEO/HMI or above	<p>Template to be completed at Annex B: '<i>Notifying outcome of non-routine FOI requests to the IND Central FOI Team</i>' and sent to IND Central FOI Team.</p> <p>Ensure that non-routine response is notified to Ministers before a reply is sent as specified in para 5.1 of Section 2 of this IDI Chapter</p>
First response to an applicant for clarification where their request is not clear about the information they want	Officer handling the non-routine request for information	None
Refusing a request where an applicant has failed, following initial communication from the officer, to be clear about what information they are seeking	Officer handling the non routine request for information	<p>Template to be completed at Annex B: '<i>Notifying outcome of non-routine FOI requests to the IND Central FOI Team</i>' and sent to IND Central FOI Team.</p> <p>No further approval necessary</p>
Responses where a search is conducted in an IND Directorate or IND but no information is found	HEO/CIO or above	<p>Template to be completed at Annex B: '<i>Notifying outcome of non-routine FOI requests to the IND Central FOI Team</i>' and sent to IND Central FOI Team.</p> <p>Ensure that non-routine response is notified to Ministers before a reply is sent as specified in para 5.1 of Section 2 of this IDI Chapter</p>

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Disclosure of information in response to a non-routine request	Grade 7/AD or above	<p>Ensure all steps for further consultation have followed as outlined at point 5.1 above and consultation has been carried out with IND Central FOI Team, The Chief of Staff Team and Press Office.</p> <p>Ensure that release is notified to Ministers before a reply is sent as specified in para 5.1 of Section 2 of this IDI Chapter</p>
Liaison with the DCA Clearing House	Officer handling the non-routine request for information	Refer request immediately to IND Central FOI Team
Requests which may relate to IND’s commercial interests or those of third parties who provide services for IND	Grade 7/AD or above	Refer request immediately to IND Central FOI Team if IND Directorate does not usually handle such requests or are in doubt about whether or not a request falls into these areas
Releasing information with “Secret” or “Top Secret” protective markings on document	Grade 7/AD or above	Seek advice from the IND Central FOI Team if the information is not withheld under a substantive exemption
Requests which may relate to the security service bodies or issues of national security	Grade 7/AD or above	

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Disclosure of management information which may not previously have been released into the public domain.	SEO/HMI or above	<p>Template to be completed at Annex B: '<i>Notifying outcome of non-routine FOI requests to the IND Central FOI Team</i>' and sent to IND Central FOI Team.</p> <p>Ensure that non-routine response is notified to Ministers before a reply is sent as specified in para 5.1 of Section 2 of this IDI Chapter</p>

* IND Directorates should seek to adhere to these levels of authorisation when dealing with non-routine requests, although these are minimum levels and Directorates can establish higher levels of authorisation at local level if this is deemed necessary. There will be some occasions where a person who is at a grade with a sufficient authorisation level may chose to delegate their authority to another officer. This should only be done on a temporary basis and to cover periods of absence from the office. Staff should not delegate their authority any further then one substantive grade below. For example a Grade 7/AD can only delegate their authority to a SEO/HMI. Where a delegation of authority has been agreed this should be recorded on local records.

** Where staff are applying an exemption they should also refer to **Annex F** contained in Section 5 of this IDI Chapter which has details on each individual exemption and contact details of the relevant members of the IND Central FOI Team who will be able to offer specialist advice on applying the exemption.