

**National Resilience Extranet policy overview
for the
FREEDOM OF INFORMATION ACT 2000
and
ENVIRONMENTAL INFORMATION REGULATIONS 2004**

The Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR) will apply to all information data placed in the National Resilience Extranet (NRE) by subscribers.

1) Definitions:

Information: This definition covers electronic assets produced and held in a digital or physical form, including but not limited to information contained in: emails, Word documents (*.doc), Excel files (*.xls) PowerPoint presentations (*.ppt), Access databases (*.mdb), PDFs (*.pdf) and JPEGs (*.jpg). Physical form may include any information that users may record from the NRE by other means, for example copying information down by handwriting onto notepaper or printing information out and then holding it within their organisation.

Information owner: the subscribing organisation and/or user who posts electronic information onto the NRE that either they or their organisation have created and who may also have rights to control the Workgroup Security levels of that information.

Information holder: any subscriber to the NRE or other user within the organisation that downloads or records information from the NRE and holds it within their organisations filing systems or storage networks.

NRE or NRE environment: the NRE application(s), Collaborate, AIMS, OPS LT and OPS as accessed via a web browser installed on a computer terminal, either desktop or laptop or mobile electronic device such as a PDA or BlackBerry.

The Service Provider: is British Telecommunications plc (BT) who provide the NRE on behalf of the Cabinet Office, Civil Contingencies Secretariat. BT has subcontracted the development and management of the service to Ultra Electronics. Ultra Electronics own the hardware the system is built on and the facilities in which it is housed. They are also the proprietors of the Atlas Collaborate Software.

2) Information owners:

a) Who owns what?

Cabinet Office, Civil Contingencies Secretariat (CCS) or the Supplier **does not** have ownership of or hold for FOI/EIR purposes all of the information placed by subscribers onto the NRE.

CCS and the Supplier only own the information that they have uploaded to the NRE themselves.

Individual users or their parent organisations who post information onto the NRE own or hold that piece of information for the purpose of the Act.

b) Access to others' information:

If you have been granted access to other users / organisations information that they have placed onto the NRE and you are viewing it within the NRE environment e.g. on your screen within the web browser then for the purposes of FOI and the EIRs you **do not** own or hold it.

For example: if a FOI request came into your organisation and the BBC website had information that was relevant to the request you would not be expected to include information from that website in any response. Just because you can see the BBC's website from machines within your organisation does not mean you hold the information contained within it for the purposes of the Act. This approach applies to information being viewed within the NRE as well.

c) Downloading others' information:

If another user or organisation has granted you access to their information and you download or record it and store it on your organisations storage area network or a local hard disk drive on your machine provided by your organisation then you (or your organisation) hold it for the purposes of the Act and the EIRs.

In the circumstances where the downloaded or recorded information is relevant to a FOI/EIR request submitted to your organisation, then you should consult the original owners of the information before releasing it. As you hold the information it will be your decision whether you release it or not. You should, however, take the views of the original owners into account when weighing the public interest.

This also applies to hard copy of material that you have printed out or copied out onto notepaper in handwriting and that you keep in a paper filing system e.g. in a filing cabinet.

3) **Protectively Marked Information:**

The NRE is accredited to hold information up to and including RESTRICTED information. Information that is protectively marked should only be downloaded / printed from the NRE for use on a "need to know" basis. The NRE is a high availability system that is accessible any time of the day from any location (subject to GSi and/or internet connectivity and the terms laid out in the EUSA) and therefore the information should always be available to you.

You should therefore keep to a “necessary minimum” what you download / print from the system. You do not need to download every document to your or your organisations electronic or paper filing systems simply because you have been granted access to it. By doing so you are creating more work for yourself should the material come under an FOI or EIR request.

A protective marking on a document does not exempt information from release, although it may indicate that one of the FOI/EIR exemptions is likely to apply for at least some of the information.

N.B. Your local electronic or paper filing systems must be accredited to the appropriate levels for the information you intend to store in them.

4) Exemptions:

Certain information contained within the NRE will be exempt from the Act and Regulations e.g. information supplied by or relating to the security services. Likewise certain “Commercial-in-Confidence” material supplied by private organisations such as telecoms or utility companies. Users should always refer to the meta-data forms to check any protective marking, release and/or copyright restrictions before releasing.

Under the EIRs there is an explicit presumption in favour of disclosure but there are a number of exceptions to release. Each of these exceptions is subject to a public interest test and where the arguments are equally balanced the information should be released. Information that relates to national security or commercial confidentiality is not automatically exempt. It is possible, in the case of national security, to neither confirm nor deny that the information is held if it is in the public interest to do so.

5) Applications made directly to the Civil Contingencies Secretariat:

The NRE Project Manager will handle all FOI/EIR requests made directly to CCS for information that may be held on the NRE. If necessary they will co-ordinate with other subscribers to ensure that there is a consistent approach to the response and will, so far as is reasonably practicable, consult subscribers who were responsible for placing material within the scope of the request on the NRE.

6) Applications made directly to the Supplier:

The Supplier will forward all FOI/EIR requests they receive onto CCS who will then decide upon the approach required to deal with them.

7) Applications made directly to subscriber organisations:

Organisations should treat the information which **they own and hold within the NRE** as another filing system that would be subject to a search under an FOI request. They should follow their own organisations procedures and deal with the request in the usual manner.

8) Other modules within Atlas Collaborate:

a) Discussion Forums:

This section refers to the discussion forum module accessible within the Atlas Collaborate application

The user or organisation that owns and holds the information held within discussion forum threads is, for the purposes of the Act and Regulations being applied to the Collaborate application within the NRE, the user or organisation deemed to have the dominant interest in the discussion forum thread.

b) Messenger:

This section refers to the messenger module accessible within the Atlas Collaborate application

Once a “messenger” thread has been closed it is logically deleted from the system. This means that the message thread is still stored within the NRE but it has been removed from **all users’** views. The only way that it can be retrieved is by placing a request to the SysOps at the Supplier for it to be recovered: it should be noted that this will incur a charge.

9) In all cases:

All organisations that have reason to hold another organisation’s material, in whatever format, having been made available to them via the NRE then downloaded or recorded and held in their own filing systems (whether it be paper, electronic or another medium) should consult the original owners of the information before releasing it.

All organisations should follow their own in-house FOI/EIR procedures and apply any tests and exemptions to material they own within the NRE or that they have downloaded from the NRE and hold in their own filing systems.

10) Copyright and Intellectual Property Rights:

Please refer to the appropriate sections within the EUSA and the NRE Connection Agreement for further details.

11) Further Guidance:

Guidelines on who to contact within CCS are at the end of this document, generic procedures to follow and timelines for responding along with a copy of this document will be held within the “Policy Documents” area in the Syntaxis portal of the NRE.

12) Information recovery for subscribers:

The NRE is a fully auditable system and as such data cannot be physically deleted (permanently erased) from it. Information is logically deleted whereby subscribers won't be able to see the data in the workgroup areas but it will be retained on the system. Information owned by the subscriber and held on the system can be recovered at any time if required. Prior notice must be given to the supplier and this service will incur an additional cost to be agreed between the supplier and the subscriber.

All data will be held on the NRE for seven years and one month from the date it is first posted. After this time it will be physically deleted from the system. If subscribers wish they should contact the supplier before this expiry date to organise the transfer of information onto a suitable medium for their own archive purposes. This information once removed from the NRE becomes the responsibility of the owner organisation. This also incurs an additional cost that is for negotiation between the subscriber and the supplier.

13) Contact details:

National Resilience Extranet – Project Manager
Civil Contingencies Secretariat
2nd Floor
22 Whitehall
LONDON
SW1A 2WH

Tel: 0207 276 5383

e-mail: NREenquiries@cabinet-office.x.gsi.gov.uk

Ultra Electronics Service Desk: 01772 907 600