

OFGEM Information Charter

1. Purpose

1.1 This charter explains:

- how personal and non-personal information is handled,
- what you can expect from us,
- what your information rights are, and
- how to address any concerns.

1.2 We need to process all sorts of information in order to provide services efficiently. We aim to manage that information well, in accordance with statutory duties, obligations and regulations that govern our duties and your rights. Other documents, policies and procedures describe what choices we have made in managing information.

1.3 In summary, we manage information to ensure that:

- it is functional – so we can carry out our job efficiently and effectively
- it is accurate – so we, and you, can rely on our information, and
- we are accountable – so we can reassure you that we do our job properly

And we want you to be able to:

- manage your dealings with us effectively, and exercise your rights
- confirm that we are doing our job properly
- make up your mind about matters of public interest

2. About your personal information

2.1 Personal 'data' is information that relates to living individuals, including Ofgem staff and Ofgem Authority members as defined in s1(1) Data Protection Act 1998 (DPA). The management of personal information is regulated by the DPA. Through the DPA and our internal policy we work to ensure that:

- where you have a choice about providing us with your information (or not), it is as easy as possible for you to do so
- if information about you is processed without your knowledge, it is only done where this is necessary for specific purposes such as public safety, statistical analysis, the protection of the economy, the prevention of crime or disorder, the protection of health or the protection of the rights and freedoms of others
- only information that we actually need is collected and 'processed'. Processed means anything that can be done with information including collecting, storing, sharing and deleting as defined in s1(1) DPA
- your personal information is only seen by staff who need it to do their jobs
- any information which we no longer need is deleted
- decisions affecting you are only made on the basis of reliable and up to date information
- your information is protected from unauthorised or accidental disclosure
- a copy of any information we hold about you will normally be provided to you, on request
- any inaccurate or misleading information is checked and corrected as soon as you bring this to our attention
- proper procedures are in place for dealing promptly with any complaints that you make about information we hold on you.

In return we ask you to help us to keep your information up to date by telling us about changes immediately.

3. 'Fair processing'

3.1 Whenever we request personal information from you we will tell you:

- who will see it
- how we hold and safeguard your personal information
- why it is needed
- how you can check and correct it
- what we will do with it
- how to pursue a query or complaint
- when we will delete it
- where to get more information

4. About non-personal information

4.1 From January 2005 you have been able to request access to non-personal information held by us under the Freedom of Information Act 2000 (FOIA) and our Freedom of Information Policy.

4.2 Through the Act and our policy we will ensure that:

- as much information as possible is published so that you can access it easily. We usually publish on our website www.Ofgem.gov.uk
- information is only withheld from you where this is necessary for reasons such as the protection of economic interests, law enforcement, health and safety, to ensure the proper conduct of public affairs, the protection of privacy and other exemptions set out in Part II, FOIA
- information is deleted or archived once it is finished with, to ensure efficient use of storage space and other resources

5. historic records are passed to the National Archives **About 'owning' information**

5.1 If you are a contractor, partner or another organisation working with us, or regulated by us, we may hold information that you "own". Under the Freedom of Information Act 2000 any member of the public has the right to ask for this information. If we receive a request for this information, we will inform you of the request and ask if you object to disclosure. You may own the copyright or have other legal rights over the information (e.g. rights under section 105 of the Utilities Act etc). These will always be respected.

5.2 However, even if you do object, we may still disclose it if it is in the public interest to do so. We have a duty to find the balance between whether disclosure is in the public interest or not.

6. About people in a public role

6.1 The DPA and our Data Protection Policy protect information relating to a person's personal, family or business life. However, if we receive a request for this type of information, and the person concerned has a public role – e.g. as a public servant, or is fulfilling one of Ofgem's public functions, in responding to the request we will try to balance their privacy and their public role. Section 40 and 41 of FOIA explains this more fully.

6.2 This means that if you are asking about a decision that Ofgem has made, and you need to know who made the decision, we will only withhold this information if an exemption applies.

6.3 Information relating to a deceased person is no longer classed as personal information and we will disclose it unless one of the exemptions applies. However, if we know that this will cause distress to a relative we will discuss the matter with the family first.

7. Electronic and other types of information

7.1 This charter applies to information held in almost all formats including:

- electronic files of numbers, text or other data
- scanned images of paper documents, stored electronically
- paper files and documents
- microfilm
- audio-visual records such as CCTV images or interview tapes.

7.2 An important exception is personal data held in unstructured paper files. We keep as little unstructured information as possible, since it is difficult to access and use. If information about you is kept in this way you can still ask for a copy of it, but if we cannot locate it reasonably easily we will tell you so.

7.3 In all formats information is stored and ordered in ways that make it efficient for us to use. It is not always stored in a way that will enable the items that you want to be easily found. Electronic data can often be searched to locate particular items, but this cannot be done in the same way with manual files. For this reason some requests may exceed the cost limit.

8. Fees

8.1 Freedom of information

If you make an enquiry under the FOIA that costs of less than £600 to administer it will be met free of charge. By administer, we mean the costs of determining, locating, retrieving and extracting the information. However, we may ask you to pay the cost of making copies, for postage and similar expenses. Copies will be charged at 10p per page.

If it is estimated that your enquiry will cost more than £600 we may refuse outright to answer it.

8.2 Data protection

If you request your own personal data, under the DPA, this will be provided upon receipt of a fee of £10.

8.3 Environmental Information Regulations

Enquiries under the Environmental Information Regulations 2004 (EIR) will be charged a fee in accordance with those Regulations.

8.4 Information in other formats

You can ask for information to be in any reasonable format, but there may be an additional charge for this. We will discuss the likely cost of your request with you so that you can decide whether to go ahead. We may be able to fit a reduced request to your budget if the full cost would be too high.

If someone else has copyright in the information you are seeking, you may have to pay them to use it. If so, access to this information and cost will be outside our control and will need to be negotiated with the copyright owner.

For further information on accessing any information held by us, please email: foi@ofgem.gov.uk or telephone us on 0207 901 7280