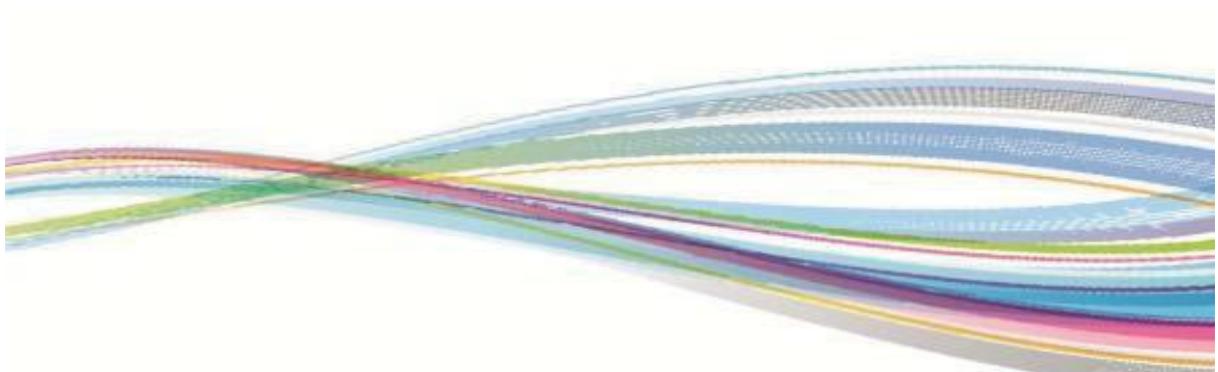


**London Pensions Fund Authority**



# Freedom of Information Publication Scheme October 2019



## 1. Introduction

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (EIRs) provide rights of public access to information held by public authorities. The Acts are designed to ensure greater accountability and to promote a culture of openness.

Section 19 of the Act requires public authorities to adopt and maintain a document called a Publication Scheme (this document). The aim of which is to inform the public of:

- The type or 'class' of information available
- The means by which access to that information can be gained
- The cost of obtaining that information

A publication scheme sets out the kinds of information that a public authority should make routinely available. From 2009 The Information Commissioner has developed a Model Publication Scheme which broadly states the way authorities can provide information and what they can charge for.

In April 2016, the London Pensions Fund Authority (LPFA) together with the Lancashire County Council (LCC) collaborated to launch the Local Pensions Partnership Ltd (LPP), a pension services business. This enabled LPFA and LCC to pool their assets and benefit from the cost and other economies of scale that joint management of investments and pension administration can offer. There may be certain information in the management of LPFA's pension fund assets and administration which is created by the LPP. LPP has its own Freedom of Information Publication Scheme but the two organisations work very closely and will clarify with the public the applicable publication scheme.

LPFA has adopted the Model Publication Scheme which fits best with its unique status as a Statutory Corporation - the scheme developed for Non Departmental Public Bodies (NDPBs).

Such schemes provide the framework within which significant amounts of public information can be made routinely available, without the need for individuals to request it specifically.

The scheme does not affect your existing rights to be given access to certain kinds of information (for example, the information already available under the Disclosure Regulations, which relate to the Local Government Pension Scheme); nor will it limit the amount of information we may publish outside the scheme.

The Freedom of Information Act became fully effective from January 2005. Anyone who asks a public authority for information must be supplied with it unless an exemption applies (exemptions are outlined in Appendix 2).

## 2. The London Pensions Fund Authority

London Pensions Fund Authority is a single purpose local authority pensions organisation with responsibilities for the administration of:

- The London Pensions Fund
- Residual GLC and ILEA employer responsibilities and compensation payments (the Levy)

The Authority must consist of not less than 7 and not more than 11 members appointed by the Secretary of State, and at least half of the members excluding the chairman shall be appointed following consultations with such representatives of local government in London.

In addition to the Board, there is an Audit & Risk Committee which is the only standing committee of the Administering Authority since the incorporation of the Local Pensions Partnership Ltd (LPP). Furthermore, LPFA were required under the LGPS 2013 Act to establish a Local Pension Board to assist the pension fund in its role as a scheme manager. The Terms of Reference of the Audit & risk Committee and Local Pension Board can be found in LPFA's Constitutional document on the corporate website.

To support the Board further, the Administering Authority created the Investment Panel for additional layer of governance for investment oversight of LPP. The Investment Panel has no-decision making powers and therefore, engages with the Audit & Risk committee and/or Board on recommendations for approval.

The Officers of the Pension Fund consists of the Managing Director, s.151 Officer and a Monitoring Officer.

### **3. London Pensions Fund Authority and Freedom of Information**

London Pensions Fund Authority is committed to the culture of openness which implementation of the Freedom of Information Act demands. The Authority sees the effective management of its information assets as a key priority, the focal point of which is LPFA's website.

- The LPFA's corporate website, containing information on the history, services and structure of the Authority is also the primary means of public access to the information referred to in this Publication Scheme <http://www.lpfa.org.uk/> The Members section of the website, contains information on the Local Government Pension Scheme including secure access to personal data for pension scheme members <http://www.yourpension.org.uk/LPFA/Home.aspx>
- The Employers section contains information on the Local Government Pension Scheme including secure access to employer specific data <http://www.lpfa.org.uk/Employers.aspx>

### **4. The Publication Scheme**

In adopting this Model Publication Scheme, LPFA has taken account of the public interest and the types of information usually requested from the Authority. The scheme is arranged by 7 'classes' or types of information and includes publications primarily in 'web friendly' pdf format but also, in some cases hard copy.

The scheme is not intended as a list of every LPFA publication since such a list would be extensive and subject to frequent change. It is, rather, a general guide to the Authority's published information assets. In many cases, class descriptions include examples of key publications to indicate the range of information provided.

LPFA has not provided an electronic link to the information through the seven classes, since the majority of the information is easily accessible via the "About us" section of the website.

For each class, the scheme gives the class title, an explanation and an example of the class and a description of the format. A charge will only be made for hard copy material or where research is required (see section 8).

The Scheme was formally approved by the LPFA Board on 18<sup>th</sup> December 2008.

### **5. What information is covered?**

This Publication Scheme relates to information created by London Pensions Fund Authority, or, in some cases, to information created by the Authority in partnership with other organisations.

The classes or types of information covered are included as Appendix 1 to this document.

Unless otherwise stated, all information within the scheme relates to the currently available or published version. In relevant cases, information within each class will be automatically updated and published as required. If the information you want is non-current or historical, it may be available from the Information Governance Manager at the address given in 10 (i) below.

### **6. What information is exempt?**

Draft documents intended for future publication, typically a draft plan, policy or report not yet approved for publication, will not be made available under this scheme.

Personal and private information relating to living individuals will not be made available under this scheme. In many cases access rights to such information exist for the individuals themselves under the General Data Protection Regulations and the Data Protection Act 2018. For guidance, contact the Information Governance Manager at the address given in 10 (i) below.

Information related to certain investments which is market sensitive or where disclosure may be in contravention of insider dealing legislation.

While the Freedom of Information Act provides a general right of access to recorded information held by public authorities, there are 23 exemptions to this right, some absolute, and some subject to a public interest test. For details see Appendix 2.

## **7. How is information accessed?**

Most of the information within this Publication Scheme is available free of charge in downloadable form on the Authority's corporate website <http://www.lpfa.org.uk/> . Any information not available from the website can be requested as hard copy or via electronic means provided it does not attract an exemption.

LPFA must inform the applicant in writing whether it holds the information requested and if so, communicate that information to the applicant, promptly, but not later than 20 working days after receipt of the request; section 10 (i). It is also LPFA's policy to acknowledge receipt of the request with 24 hours of receipt wherever possible.

For the availability of printed documents, contact the Information Governance Manager using the details given in 10 (i) below.

## **8. What will it cost?**

London Pensions Fund Authority wants to make information as freely available as is reasonably possible, but charges may sometimes be necessary. A charging schedule has been developed under Appendix 3 but in broad terms the following charging conditions will apply to information supplied under this scheme by the following means:

- Inspecting documents at Union Street: free of charge unless otherwise specified at the time of request
- Website: free of charge
- E-mail and Electronic documents: free of charge
- Hard copy: a charge may be levied to cover the cost of printing or copying and of dispatch
- Research: where the information requested requires LPFA to undertake a material amount of research a cost may be levied to cover the work

In any instance where a cost may be levied an estimate of the charge will be provided prior to any work being undertaken.

## **9. Comments and complaints about the Scheme**

If you have any comments about this Publication Scheme, or if you think we have failed to supply information in accordance with our scheme, you should write in the first instance to the Authority's Information Governance Manager at the address given in 10 (i) below.

If, after the investigation of your complaint, you remain dissatisfied, you may ask for the matter to be internally reviewed. If you are still dissatisfied, you may refer your complaint to the Information Commission at the address given in 10 (ii) below.

These procedures for making comments or complaints supplement and do not replace the Authority's existing complaints procedures, details of which are available on the Authority's website or from the LPP's Information Governance Manager.

Reviewed and updated October 2019

## **10. Contacts**

i) At the London Pensions Fund Authority

James Ahlberg – LPP's Information Governance Manager - responsible for maintaining the scheme and dealing with requests on behalf of LPFA.

London Pensions Fund Authority  
2nd Floor  
169 Union Street  
London  
SE1 0LL  
Tel: 020 7369 6058  
Fax: 020 7369 6111  
E-mail: [corporate@lpfa.org.uk](mailto:corporate@lpfa.org.uk)  
Website: <http://www.lpfa.org.uk/>

LPFA Managing Director is responsible for the overall operation of the Scheme

ii) The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK95 5AF

Tel: 03031 231 113 (local rate)  
Fax: 01625 524 510

E-mail: [casework@ico.org.uk](mailto:casework@ico.org.uk)  
Website: <https://ico.org.uk/>

This Publication Scheme is available on the London Pensions Fund Authority website, and paper copies are available on request. If you require a copy of the scheme, or a document to which it refers, in another language or a special format, e.g. large print or Braille, please contact the Information Governance Manager at the address given in 10 (i) above.

## Appendix 1 - LPFA Freedom of Information Publication Scheme

This guidance gives examples of the kind of information that LPFA provides in order to meet our commitments under the model publication scheme.

LPFA will make the information in this definition document available unless:

- LPFA does not hold the information;
- the information is exempt under one of the FOI exemptions or Environmental Information Regulations (EIRs) exceptions or its release is prohibited under another statute;
- the information is archived, out of date or otherwise inaccessible; or, it would be impractical or resource-intensive to prepare the material for routine release.

The guidance is not meant to give a definitive list. LPFA looks to provide as much information as possible on a routine basis, the focal point of which is the website. For those without web access the majority of this information will be available in hard copy by contacting the Freedom of Information Officer.

### Who we are and what we do?

Organisational information, structures, locations and contacts.

LPFA publishes (where applicable):

- Roles and responsibilities
- Organisational structure
- Information relating to the legislation relevant to the authority's functions
- Lists of and information relating to organisations with which the LPFA works in partnership
- Senior staff and board members
- The location and contact details for the authority

### What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.

LPFA publishes (where applicable):

- Financial audit reports
- Staff and board members' allowances and expenses
- Pay and grading structures
- Lists of contracts awarded
- Internal financial regulations

Plus any other documents that are subject to FOIA 2000.

### What are our priorities and how are we doing?

Strategies and plans, performance indicators, audits, inspections and reviews.

LPFA publishes (where applicable):

- Strategic and annual business plan
- Annual report
- Service standards

## How we make decisions

Decision making processes and records of decisions.

LPFA publishes (where applicable):

- Major policy proposals and decisions
- Background information relating to major policy proposals and decisions
- Public consultations
- Minutes of local pension board and standing committees
- Internal communications guidance and criteria used for decision making i.e. process systems and key personnel

## Policies and procedures

Current written protocols, policies and procedures for delivering services and responsibilities.

LPFA publishes (where applicable):

- Customer service
- Records management and personal data policies
- Charging regimes and policies
- Lists and registers
- Public registers and registers held as public records.
- Disclosure logs
- Register of gifts and hospitality provided to Board members and senior personnel
- Any register of interests kept in the department
- Other lists required by law

## The services we offer

Information about the services we currently provide including leaflets, guidance and newsletters produced.

LPFA publishes (where applicable):

- Regulatory responsibilities
- Services for public authorities
- Services for industry
- Services for other organisations
- Services for members of the public
- Services for which the NDPB is entitled to recover a fee together with those fees
- Leaflets, booklets and newsletters
- Advice and guidance
- Media releases

If you are unable to find a particular file on LPFA's website, or you require a hard copy of the file (which may be subject to LPFA's charging structure), please contact the Information Governance Manager using the details given in 10 (i).

## **Appendix 2 - Exemptions Under the Freedom of Information Act 2000**

### **Information accessible to the applicant by other means (absolute) section 21**

For example, information which the authority is required by law to communicate or publishes in the context of its approved publication scheme. The information must be 'reasonably' accessible to the applicant.

### **Information intended for future publication (public interest test) section 22**

This exemption applies where publication was planned at the time the request was made.

### **Information supplied by or relating to bodies dealing with security matters (absolute) section 23**

This exemption only applies to information supplied by or relating to one of the security bodies listed in the section.

### **National security (public interest test) section 24**

Information that is not covered by section 23 above, but exemption is needed to safeguard national security.

### **Defence (public interest test) section 26**

Information likely to prejudice national defence or the armed forces.

### **International relations (public interest test) section 27**

Information likely to prejudice the UK's international relations or interests.

### **Relations within the United Kingdom (public interest test) section 28**

Information likely to prejudice relations between the UK administrations: the UK government, the National Assembly for Wales, the Scottish administration, and the executive committee of the Northern Ireland Assembly.

### **The economy (public interest test) section 29**

Information likely to prejudice the economic interests of the UK or part of the UK, or the financial interests of the government or any of the national administrations in the UK.

### **Investigations and proceedings conducted by public authorities (public interest test) section 30**

Information held for the purpose of criminal investigations and proceedings, and information obtained from confidential sources relating to these or civil proceedings arising out of them.

### **Law enforcement (public interest test) section 31**

Information not covered by section 30 above, and which is likely to prejudice a wider range of investigations and conduct, including prevention of crime; assessment and collection of any tax; regulatory enforcement; health and safety; any civil proceedings.

### **Court records (absolute) section 32**

Information that is only held as part of the documentation for a court or tribunal case, or a statutory inquiry.

### **Audit (public interest test) section 33**

Applies to information held by public authorities which have functions relating to audit or examining the economy, efficiency and effectiveness of the use of resources of other public authorities; information is exempt if its disclosure is likely to prejudice those functions.

#### Parliamentary privilege (absolute) section 34

#### Formulation of government policy (public interest test) section 35

Information held by a government department or the National Assembly for Wales, relating to the formulation of government policy.

#### Prejudice to the effective conduct of public affairs (absolute for information held by either House of Parliament; for all other information covered by this section, public interest test) section 36

This section applies to information held by any public authority. With the exception of statistical information, however, a 'qualified person' is required to operate the exemption. For authorities not listed in the section, including local authorities in England and Wales, this is either a minister of the crown or someone authorised for this purpose by a minister.

#### Communication with Her Majesty etc. and honours (public interest test) section 37

This applies to information which relates to communications with Her Majesty, Members of the Royal Family or Royal Household, or the conferring of honours.

#### Health and safety (public interest test) section 38

Information that would, or would be likely to, endanger the physical, or mental health or safety of any individual.

#### Environmental information (public interest test) section 39

Environmental information does not fall within the FOI Act if it must be released in accordance with Environmental Information Regulations arising from the Aarhus Convention. However, if the information is subject to a discretionary exemption under the environmental regulations, then the FOI Act public interest test would apply.

#### Personal information (absolute exemption for subject access requests and in certain other situations; the public interest test applies to third party requests) section 40

This section operates as a gateway to the Data Protection Act 1998. Subject access requests are decided under the terms of the Data Protection Act. Third party requests for personal information are decided in accordance with the data protection principles, but within the overall framework of the FOI Act.

#### Information provided in confidence (absolute) section 41

This exemption applies where disclosure would constitute an actionable breach of confidence.

#### Legal professional privilege (public interest test) section 42

This exemption applies where a claim to legal professional privilege could be maintained in legal proceedings.

#### Commercial interests (public interest test) section 43

This exemption applies to trade secrets, and to information which if disclosed would, or would be likely to; prejudice the commercial interests of any person, including the authority holding it.

#### Legal prohibitions on disclosure (absolute) section 44

Information, the disclosure of which is prohibited by any other enactment, is incompatible with any community obligation, or would be a contempt of court.

## Appendix 3 - Charging Schedule

The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) give rights of public access to information held by public authorities.

LPFA tries to reasonably provide as much information as possible as per Section 8 of the Publication Scheme. However, on some occasions charges may apply.

### Overview

- Section 9 of the FOIA allows a public authority to charge a fee for providing information in response to a request.
- Such a fee must be determined in accordance with the Fees Regulations.
- Under section 12 of the FOIA a public authority does not have to comply with a request for information if the cost of compliance exceeds the appropriate limit.
- As well as explaining the appropriate limit, the Fees Regulations cover charging for information when the limit is not exceeded, charging for information when the limit is exceeded, and aggregation of requests.
- The Fees Regulations do not apply where a public authority is able to charge for the disclosure of information under any other statutory provision.

### Appropriate Limit

Section 12 of the Freedom of Information Act states that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with a request exceeds the "appropriate limit" set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (SI 2004/3244). Section 9A of the Data Protection Act makes the same provision for requesting personal information which is not held electronically, and is not held in a structured filing system.

The Regulations set the appropriate limit for requests to local authorities as £450, at a standard rate of £25 per hour. This means that LPFA will refuse a request for information if it estimates that the time taken to determine if the information is held, to locate and retrieve that information, and to extract the releasable information from any exempt information, will exceed 18 hours (£25 per hour for 18 hours being the £450 limit).

If your request exceeds the £450 limit, we will write to inform you of this, and offer advice as to how to revise and resubmit the request where possible, so that some information can be released without exceeding the £450 limit.

Where the appropriate limit is exceeded LPFA has the right to either:

- a) Refuse to comply with the request
- b) Provide the information and charge in accordance with the Fees Regulations.

If the cost of supplying information that you have requested can be processed within the £450 limit, then the information will not be charged for. The cost of sending the information to you can, however, be charged for. This cost covers all information sent to you, so for example it will include fax cover sheets.

Where a reasonable estimate has been made that the appropriate limit would be exceeded, there is no requirement for LPFA to undertake work up to the limit.

### Aggregation of costs

The Fees Regulations state that two or more requests to LPFA can be aggregated for the purposes of calculating costs if they are:

- by one person, or by different persons who appear to LPFA to be acting in concert or in pursuance of a campaign;
- for the same or similar information; and
- the subsequent request is received by LPFA within 60 working days of the previous request.

This prevents individuals or organisations evading the appropriate limit by dividing a request into similar parts.

### What charges can be made for sending you the information?

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 allow the LPFA to charge for the cost of printing, photocopying, postage and supplying the information in a particular format. These charges are set out below.

1. Paper Copies -           A4 10p per side  
                                  A3 20p per side  
                                  Paper plans (up to A0) - £5 per side
2. Specialist documents will be charged at the discretion of the department in question as a result of any discussion with the enquirer.
3. Binding -                 A4 Ring binders - £2 per binder
4. Packaging -               £1 per parcel irrespective of size/weight
5. Postage -                 At face value
6. CD/ DVD -               £1 per CD/ DVD

Please note:

- £5 is the minimum from which a fee will be charged.
- This scale of fees covers only those sundry costs where information is supplied in accordance with a request for information to be supplied in a form other than simple e-mail reply.
- These fees are designed to recoup any expenditure rather than include any profit element. As such, therefore, they will be uniformly applied throughout the LPFA.
- These fees do not apply to the provision of information under the terms of the LPFA's Publication Scheme (where other charges are specified) or where the provision of information is taking place in accordance with any legislation other than the Environmental Information Regulations, the Freedom of Information Act or the Data Protection Act.

The costs permitted to be charged by Regulation 6 (section 1 FOIA) are referred to as 'communication costs'. They are sometimes called disbursements and are limited to expenses actually incurred. The cost of staff time taken to carry out these activities cannot be taken into account.

### How do charges affect the time limit for supplying information?

If a charge applies, the fees must be paid in advance. The time limit within which a request must be answered by LPFA will take this into account, so effectively the number of days taken to answer the request does not include the time from which a charge is made and the time when the charge is paid in full.

If a charge is not paid three months after notification of a charge is sent to the requester, LPFA will consider the request to be closed and take no further action on it.

### Is there a charge for supplying information in formats such as Braille, large print or spoken word?

Under the Disability Discrimination Act 1995, LPFA will not apply charges when providing information in formats such as Braille, large print, or spoken word. LPFA reserves the right to communicate the information in the most cost-effective way whilst still meeting the needs of the person making the request.

### What if I wish to challenge any decision on charges?

If you are unhappy with any charge for an information request or any decision made by LPFA for refusing your request for information on the grounds that it would exceed the £450 limit, in the first instance, write explaining the nature of your complaint to:

## Freedom of Information Officer

You can contact LPP's Information Governance Manager in the contact details given in 10 (i).

If you feel that your complaint has still not been resolved, contact the Information Commissioner at:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK95 5AF

Tel: 03031 231 113 (local rate)  
Fax: 01625 524 510

E-mail: [casework@ico.org.uk](mailto:casework@ico.org.uk)  
Website: <https://ico.org.uk/>

## Change History

<b>Document Title:</b> LPFA Freedom of Information Publication Scheme October 2019						
<b>Policy Name:</b> LPFA Freedom of Information Publication Scheme						
<b>Version Nos</b>	<b>Description of change</b>	<b>Owner</b>	<b>Applicable to</b>	<b>Date of Issue</b>	<b>Approved by</b>	<b>Review Date</b>
1.0	First version	Governance Team	All Staff	01/12/2008	Corporate Management Team/ LPFA Board	As and when required
1.1	Formatting and rebranding	Governance Team	All Staff	01/12/2013	LPFA Board	As and when required
1.2	Document reviewed no substantial changes	Governance Team	All Staff	01/09/2014	LPFA Board	As and when required
1.3	Updated contact details	Governance Team	All Staff	01/08/2015	LPFA Board	As and when required
1.4	Reviewed and updated to reflect new LPFA/LPP structure	Information Governance Manager	All Staff	115*/10/2019	LPFA Managing Director	07/10/2020
1.5	Reviewed and updated to reflect new LPFA/LPP structure	Information Governance Manager	All Staff	24/10/2019	LPFA Board	14/10/2020