

## **Responses received to the GLA Group questionnaire on transparency**

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## GLA Group questionnaire on transparency

All data is requested for a 12-month period from November 2011 to October 2012 inclusive. In areas where you do not make information publicly available, please feel free to give reasons.

### Corporate view on confidentiality

1. What is the corporate or 'house' approach to dealing with confidentiality within your organisation, and do you have a corporate policy or guidance on this (in which case please include a copy of this with your response)? Please include responses to the following:
  - a. How do you ensure you are achieving the highest possible levels of transparency?
  - b. Does your organisation have a presumption that all information should be publically available unless there is a good reason for it not to be?
  - c. Where something is classified as confidential, how do you explain why?
  - d. Do you try to use redactions where possible, rather than confidential papers or appendices?
  - e. Do you try to include end dates on confidential information – i.e. specify a date by when it should be possible to make it publicly available?
2. In what circumstances is it justified for information to be classed as confidential – e.g. advice to the Mayor, commercial sensitivities etc? Please use examples and explain why these types of information should not be made available.

### Decision-making – written decisions approvals

3. Please provide a description of decision-making process, including below board level, at your organisation.
4. Please provide a list of **types** of formal decision approval documents specifying whether each type is published or not and how many of each type there were in the last year.
5. What percentage of the published documents were published in full over the last year?
6. What percentage of the published documents were published within five working days over the last year?
7. What process do you use to determine whether decision documents are published and whether there should be redactions and/or a delay before publication?
8. [For the GLA only] Please provide a list of the titles of items of formal (confidential) advice to the Mayor.
9. [For the GLA only] What consideration has been given to publishing more advice to the Mayor?

### Decision-making – meetings

10. Please provide a description of your board structure and a list of regular decision-making meetings. Please include full committees, sub-committees, panels etc.
11. Which of these meetings have agenda papers that are published in advance?
12. What percentage of published agenda papers were published in full over the last year?
13. Which of your regular decision-making meetings have published minutes?
14. What percentage of minutes that were published were published in full over the last year?

15. [For MOPAC only] What consideration has been given to an equivalent at MOPAC to the GLA's Investment and Performance Board with published papers and minutes?
16. Which of your board-level meetings open to the public?
17. If you have public meetings, what percentage of agenda papers were considered in public over the last year?
18. For meetings that are not public, what are the reasons why they are not open?
19. How are rules about public access determined in your organisation?

#### Contracts and tender documentation

20. What percentage of contract specifications did you make publicly available over the last year?
21. What percentage of these contained redactions?
22. What percentage of bids did you make publicly available in the last year?
23. What percentage of awarded contracts did you make publicly available in the last year?
24. What percentage of these contained redactions?
25. What percentage of contract values did you make publicly available in the last year?
26. For what percentage of contracts did you make the name of the supplier publicly available in the last year?
27. What information about payments under contracts do you make publicly available? (For published payments over £500, is any link made between the payments and the contracts under which they are made?)
28. What process do you use to determine whether tender documents and contractual information is made publicly available?

#### Performance data and progress against targets

29. What performance monitoring data does your organisation publish regularly? Please provide a list.
30. What outcome targets/expectations does your organisation have? Please provide a list.
31. What information do you publish regularly to monitor progress against these targets?
32. What criteria do you use to determine what monitoring data and progress information you publish?

#### Information requests

33. What processes/principles govern how ad hoc information requests from the Assembly and others are responded to?

#### Other

34. For what percentage of staff earning over £58,200 are names and salaries currently published as required by the DCLG's code of recommended practice?

## **A summary of responses to the transparency questionnaire**

### **Corporate view on confidentiality**

The way each organisation in the GLA Group aims to achieve transparency varies, as does the classification of confidential information. LFEPA refers to provisions specified under the Local Government 1972 and 2000 Acts. The GLA sets out the rationale for any deferral on deferred Mayoral Decision (MD) and Director Decision (DD) forms, including the legal advice sought. The LLDC and MOPAC describe common law obligations. The former also notes the guidance set out under the Data Protection Act (DPA) and Freedom of Information Act (FoIA). The MPS operates under the Information Commissioner's guidance and applies the public interest test for confidential information. TfL refers to internal policies and internal classification standards.

There are some similarities in how the GLA Group use redactions. The GLA and LLDC only use them for certain FoIA requests. The GLA, MOPAC and LFEPA do not use them for decision-making documents (confidential Part 2s are used) but the MPS and TfL do where it is deemed appropriate.

There are variations on whether end dates are provided on confidential information. The LLDC and TfL do not provide them. The GLA includes the dates on when decisions are made in MDs and DDs, but not when the information can be made publicly available. This is the same with the MPS. MOPAC decision forms include an option to include this information. LFEPA is working on a policy whereby report authors would review confidential items.

Almost exclusively, organisations refer to commercial confidentiality as the primary reason for classing information as confidential.

### **Decision-making – written decision approvals**

The decision-making processes vary across each organisation. In terms of publishing formal decision approval documents, the GLA publishes all MDs and DDs but not Delegated Authority Record (DAR) forms. LFEPA and TfL publish decisions via its committees. The LLDC does not publish decisions outside of Board and committee meetings but is currently reviewing this process. MPS internal boards are focussed on operational policing and reports are not published. Once agreed internally, non-operational reports (i.e. relating to money, people or buildings) and any novel and/or contentious issues are submitted to the Deputy Mayor and published via MOPAC. The below table provides a breakdown based on responses to the number of documents published in full over the last year.

	Decision documents published in full over last year	Of these, documents published in full within five working days
GLA	87%	70%
LFEPA	88%	100%
LLDC	planning notices published in full	all planning notices
MOPAC	43% of decisions taken by DMPC in full	not specified

MPS	none	none
TfL	77%	not specified

Generally, the processes by which decision documents are processed are similar, including when redactions are made. Reference is made to the confidential or exempt category set out under the 1972 Act and the exemptions listed under the FoIA.

There is no list categorising items formally considered 'advice to the Mayor'. This is done on a case-by-case basis under the terms of the FoIA.

### Decision-making meetings

The Board structures vary between organisations (see background document for details). With the exception of the MPS (its internal boards are focussed on operational policing and no reports are published) and MOPAC (MOPAC does not have formal decision-making meetings) all of the GLA Group's committees publish agenda papers five working days in advance (Mayoral Boards publish documents in advance but no statutory timeframe is adhered to). The below table provides a breakdown of the number of agenda papers and minutes published in full over last year:

	Agenda papers published in full over last year	Minutes of regular decision-making published in full over last year
GLA	all Assembly papers in full; at least one or two Mayoral Boards papers reserved under FoIA	100%
LFEPA	46%	100%
LLDC	76%	56%
MOPAC	n/a	n/a
MPS	none	none
TfL	77%	71%

Board-level meetings of LFEPA, LLDC and TfL are held in public. This is the same for the Assembly's committees but Mayoral Boards are not held in public. Similarly, MOPAC and the MPS do not hold equivalent operational board meetings in public. The percentage of agenda papers of those meetings published in full last year is listed below:

	Agenda papers of Board-level meetings open to public published in full over last year
GLA	100% [is this all Assembly meetings?]
Mayoral Boards	none
LFEPA	55%
LLDC	76%
MOPAC	Challenge board papers considered in public
MPS	n/a
TfL	77%

For those meetings not held in public, the reasons given vary. For Mayoral Boards, sections 22 (information intended for future publication) and 36 (prejudice to effective

conduct of public affairs) of the FoIA apply. LFEPA and LLDC refer to any contractual or personal matters. The latter also refers to legal professional privilege. MPS does not hold meetings in public because of commercial interests and matters of national security and. TfL's panels which are not held in public act only in an advisory capacity to its committees.

LLDC, GLA and TfL all cite the 1972 Act in respect of the rules about public access. LFEPA also refers to its standing orders. As well as the DPA and FoIA, the MPS refers to the Environmental Information Regulations 2004, Re-use of Public Sector Information Regulations 2005, and Protection of Freedoms Act 2012 in determining public access.

## Contracts and tender documentation

### Breakdown of responses to Q20-26

	<b>GLA</b>	<b>LFEPa</b>	<b>LLDC</b>	<b>MOPAC</b>	<b>MPS</b>	<b>TfL</b>
Q20 Contract specifications made publicly available	52 last year (over 90% through e tendering system)	Since 1 April 2012, all tender documents published	60% - 48 publicly advertised procurements; 33 sub-OJEU where thresholds did not require them to be advertised.	delegated to MPS	317	33 published through OJEU and 74 through Competefor (out of 261 calls for tender)
Q21 Contract specifications containing redactions	None	None	None	n/a	Not specified (works to principle that the tender document issued could be shared if asked for)	None
Q22 Bids made publicly available in last year	one, although bids not routinely published	none	seven under FoIA, but bids not routinely published	n/a	not made public	12 under FoIA, but value of bids not published
Q23 Awarded contracts made publicly available in the last year	Not specified but all Standard services contract and purchase order conditions of contract published on TfL website and by TfL on Contract Finder website	none routinely published unless FoIA request	Seven	n/a	publishes a list of awarded contracts over £50k on a quarterly basis as part of MPS publication scheme	Contracts published on Contract Finder where contract award is in excess of £10m (six within this criteria since July 2012)
Q24 Awarded contracts containing redactions	n/a	Only PFI contract for provision of operational vehicles and equipment released in full	Some commercially sensitive info redacted	n/a	not provided	not provided

Q25 Contract values made publicly available last year	88% of total value of contracts let by TfL on behalf of GLA (all contracts awarded over £500K)	none	none	n/a	Quarterly	149 contracts with total value of £917m: 92% of total value of contracts let by TfL in this period.
Q26 Contracts where name of supplier made available	88% (see answer to Q.25)	Since April 2012, all suppliers names provided.	Identities of the awardees of contracts above relevant OJEU thresholds. Will consider more systematic approach in future			92% (see answer to Q.25)

The GLA and LLDC publish all details of payments over £250 but no direct link is made between payments and the contracts under which they are made. From November, LFEPA has also published payments over £250 (previously it was £500), again, with no direct link. MOPAC, MPS and TfL publish payments over £500, with no reference made to any link.

GLA, LFEPA and TfL do not redact tender documents unless redaction is required under a FoIA exemption. The MPS/MOPAC do apply redactions and have adopted the Government Protective Marking System, which is incorporated within the MPS Information Management Policy. The protective markings are:

NOT PROTECTIVELY MARKED

PROTECT

RESTRICTED

CONFIDENTIAL

SECRET

TOP SECRET

These are awarded based on likely impact resulting from compromise to an asset; the more serious the higher the marking. The system operates on the basic principle of limiting access to protectively marked info to those with a 'need to know'.



## **Performance data and progress against targets**

Each organisation provides a variety of performance information and targets (see 29-32 of background document).

## **Information requests**

The processes/principles which govern how ad hoc information requests from the Assembly and other organisations is set out under the GLA's Member/Officer Protocol. For the other organisations, requests are broadly dealt with in the same way. Fol requests are, with the aim that responses are provided within 20 working days. TfL created a single point of contact for facilitating the written answers process. LFEPA receive very few information requests but did agree in 2009 that correspondence/enquiries from the Assembly would be treated as "urgent/priority business".

## **Publication of names and salaries of staff earning over £58,200**

### GLA

All posts are published, including job descriptions and value of directorate/unit budgets assigned. Staff can request that their name is not included in line with the DCLG code of recommended practice. This is the case for one-fifth of the posts.

### LFEPA

150 posts published in July 2012. Information includes post title, salary (in a £5k band) and the LFB directorate/department. The pay threshold cuts through grade/rank bands for LFEPA staff which has meant that more posts are published than is strictly required under the DCLG code. Of the 28% of total post published, 42 posts have no name associated with them.

### LLDC

Information to be published from Jan 2013

### MOPAC

Salaries and job titles of 100% of staff who earn over £58,200 published.

### MPS

Complies with Regulation 4 of the Accounts and Audit (Amendment 2) Regulations 2009. Requirement includes provision of:

- banded data (no of employees in the year to which accounts relate who remuneration fell in each bracket of a scale in multiples of £5k starting with £50k;
- senior employees and relevant police data (individual data on all senior employees and officers earning £150k and more by job title and name; the names of approx eight police officers and four police staff published in accounts. Approx 330 police staff with a salary of £58k+ which equates to 1.2% of force; individual data on all senior employees earning between £50-150k

### TfL

The information set out under the DCLG code is published for all roles in TfL where staff earn £58,200 or over. Names of all senior staff (those earning £150k or more), and those staff who do not opt out of name being included, also published.

# GREATER LONDON AUTHORITY

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**Our ref:** MGLA131112-2265

**Date:**

**17 DEC 2012**

Dear John

### **Investigation into GLA Group transparency**

Thank you for your letter of 8 November. I welcome the review you are undertaking and am appending the GLA's response to your transparency questionnaire.

Not only have I said that I want the GLA Group to be more transparent in its approach, I have also delivered a level of transparency that would have been regarded as unthinkable when I first came to office four and a half years ago. For example, the GLA led the way on transparency by being one of the first public bodies to publish a list of all its payments over £500.

I have also strengthened the accountability of Mayoral Advisors by making for the first time their expenses, interests, gifts and hospitality available via a dedicated section of the GLA's website.

You will recall that under the former Mayor's oversight, Mayoral decision forms were not routinely published. Indeed, Members seeking copies of Mayoral decision forms at the very least had to wait until after the next scheduled Mayor's question time to receive a copy; often Members had to wait as long as a month to receive a copy.

I have completely changed that position and the practice which has been in place since 2009 is that Mayoral decision forms are published on the GLA website within two working days of their being signed off, unless there is some pressing reason for publication to be deferred.

And I am answering an increasing number of Mayor's Questions: 580 in December this year, compared with 453 in 2011 and 399 in 2010.

In many other areas publication is now the norm where it was not before:

- Payments over £250 (half the threshold adopted by most other local government bodies);
- Registers of gifts and hospitality and of interests;
- Director decision forms; and
- All releases under the Freedom of Information Act.

# GREATER LONDON AUTHORITY

My pioneering London Datastore has freed a vast array of data – some 560 data sets and counting – much of which had previously been withheld from the public's gaze. The Datastore is a resource for all those who wish to review how London's services are performing. But it is about more than transparency. The Datastore describes the capital in numbers and in so doing puts City Hall in the vanguard of the 'Big Data' movement. Londoners and others with an interest can both gain and offer insight into the capital's challenges, crunch and present data in new and innovative ways and create apps to help people get the most out of the city.

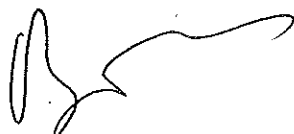
I want to make it easier for Londoners to hold my administration to account and to get information on how this city's vital public services are performing. So I have launched the London Dashboard. It provides a clear and simple read-out across nine themes of how the GLA Group is performing. The nine headline indicators are backed by more detailed performance and contextual indicators. I will continue to develop the Dashboard so that it is easier still for Londoners to judge how we are progressing against my commitments.

I support simple reforms to improve transparency, including those contained in DCLG's Code of Recommended Practice for Local Authorities on Data Transparency. Where more intricate arrangements are proposed, including the wholesale redactions of papers to allow for publication and regularly revisiting confidential papers to see if they can be published, staff resourcing implications will need to be weighed against the benefits which might accrue. At all times, value for money tests should apply. And there are instances where it is right and proper not to publish information, as enshrined in the exemptions permitted under the Freedom of Information Act.

I look forward to hearing the Committee's views on where the GLA's limited resources can best be put to use to further enhance transparency.

Finally, I have asked TfL to respond to your query about Cycle Hire sponsorship directly.

Yours ever,



**Boris Johnson**  
Mayor of London

Enc.

## Appendix: GLA response to transparency questionnaire

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All data is requested for a 12-month period from November 2011 to October 2012 inclusive. In areas where you do not make information publicly available, please feel free to give reasons.

### Corporate view on confidentiality

1. What is the corporate or 'house' approach to dealing with confidentiality within your organisation, and do you have a corporate policy or guidance on this (in which case please include a copy of this with your response)? Please include responses to the following:

- a. How do you ensure you are achieving the highest possible levels of transparency
- b. Does your organisation have a presumption that all information should be publically available unless there is a good reason for it not to be?

Yes, the GLA's presumption is that all information should be made publicly available – unless one of the exemptions set out in the Freedom of Information Act (FOIA) applies.

The Mayor is determined that the GLA leads the way in openness and transparency. This both sets the tone for the organisation as a whole and drives specific initiatives to proactively free the GLA's information. Examples include:

- Anticipating the Government's transparency agenda by publishing details of GLA spending and more recently senior staff pay ahead of other public authorities.
- Now going beyond the threshold in the Government's Code of Recommended Practice on Data Transparency by publishing all spending valued at £250 and over.
- Making all of the GLA's key governance documents – our policies, protocols and guidance – easily accessible via [london.gov.uk](http://london.gov.uk).
- Since July 2012 publishing on the web all information disclosed in response to FOI requests, rather than just that 'considered to be in the wider public interest' (the approach adopted by the Information Commissioner's Office and most other public bodies).
- Since March 2009 ensuring it is the norm to publish Mayoral Decision forms within two working days.
- Since November 2010 publishing on the web Directors' Decision forms.
- Since October 2012 publishing a list of the Mayor's principal board appointments.
- The pioneering London Datastore, launched in January 2010, now hosts about 560 datasets and the site receives over 35,000 unique visitors each month – both figures are increasing.

- The Mayor has pushed the GLA Group not only to free its data but to ensure it can be put to practical use. A good example is the TfL APIs that provide live data on bus arrivals, tube departures and traffic; together with data encouraging and supporting the use of Barclays Cycle Hire and Electric Vehicle Charge points.
- Launched in July this year, the innovative London Dashboard provides at the top level a headline performance figure and trend across nine thematic areas, backed by more detailed and varied performance and contextual information. Forthcoming Dashboard releases are publicly signposted and work is underway to increase the range of information available.

The Mayor has also recently instigated a monthly 'Ask Boris' Q&A on Twitter to further enhance permeability at City Hall. These Q&As complement the existing 'Talk London' series of events.

At an officer level the Governance Steering Group ensures new opportunities for increasing transparency are identified, the Mayor's transparency agenda is implemented and existing practices are rigorous. The Group also takes the lead role in reviewing Government expectations – for example, as set out in the DCLG's Code of Recommended Practice for Local Authorities on Data Transparency – and adapting GLA practices where that might be necessary. The Governance & Resilience Unit helps to ensure proper practice is followed in respect of Mayoral Decisions.

A small Information Governance team advises staff on the application of the FOIA, ensuring best practice is followed and exemptions are applied properly. Comprehensive guidance is available on the intranet (<http://intranet.london.gov.uk/pages/freedom-information>) and all staff receive FOI training.

- c. Where something is classified as confidential, how do you explain why?

Deferred Mayoral and Director Decision forms include a clear rationale explaining why there was a deferral. Legal advice and comment is always sought and recorded, ensuring that the use of a confidential Part 2 is justified.

- d. Do you try to use redactions where possible, rather than confidential papers or appendices?

We will redact specific information to facilitate responses to FOI requests. However, we do not routinely use redactions for decision forms. There is a value for money test to apply: redacting consumes significant officer time. Further, the same result can satisfactorily be achieved by separating out confidential information into a Part 2 of a decision form while publishing information that is not sensitive in Part 1 of the form.

- e. Do you try to include end dates on confidential information – i.e. specify a date by when it should be possible to make it publicly available?

Deferred Mayoral and Director Decision forms include the date both of the original decision and the date on which the form should be published.

2. In what circumstances is it justified for information to be classed as confidential – e.g. advice to the Mayor, commercial sensitivities etc? Please use examples and explain why these types of information should not be made available.

The GLA does not routinely class information as confidential: we do not use a protective marking scheme and take as our default position that information should be open. The only exceptions are those clearly set out in statute in the FOIA.

The exclusions most commonly applied in responding to requests for information are:

- *Section 22 - Information intended for future publication*  
Information intended for future publication which it is reasonable to withhold until publication; for example, information that is published in the London Plan.
- *Section 36 - Free and frank discussions/advice, prejudice to effective conduct of public affairs*  
Disclosure of the information would prejudice the ability to have free and frank exchanges of views or to give free and frank advice, or would prejudice the effective conduct of public affairs. The Mayor approves the use of this exemption in each case that it is used as prescribed under the Act.
- *Section 38 - Health and safety*  
This exemption is about protecting the health or safety of any person (not just GLA staff).
- *Section 42 - Legal professional privilege*  
Legally privileged information is exempt.
- *Section 43(2) - Commercial interests*  
Information is exempt if its disclosure would prejudice, or would be likely to prejudice, the commercial interests of the GLA or anyone else.
- *Section 40 - Personal information*  
We will withhold personal information if disclosure would breach one or more of the principles of the Data Protection Act.
- *Section 41 - Information provided in confidence*  
Information where disclosure would be a breach in confidence of common law.

The principal reason for deferring a decision or making use of a confidential Part 2 is prejudice to commercial interests.

We apply the FOIA's 'public interest test' when considering whether the application of an exemption to any particular request is justified (except in the case of Sections 40 and 41 where it is not applicable); that is: in all the circumstances of the case, does the public interest in maintaining the exemption outweigh the public interest in disclosing the information?

## Decision-making – written decisions approvals

3. Please provide a description of decision-making process, including below board level, at your organisation.

The GLA's decision making process is set out in some detail in the linked to document: [www.london.gov.uk/sites/default/files/GLA%20decision-making%202011.pdf](http://www.london.gov.uk/sites/default/files/GLA%20decision-making%202011.pdf).

The key points are summarised below.

The Mayor is the executive arm of the GLA. Most, but not all, decision-making therefore rests with the Mayoralty. Decisions taken by the Mayor are subject to a formal process, the principal instrument of which is the Mayoral Decision form (MD).

The Mayor may choose, with certain exceptions, to delegate decisions to the Mayoral team or to other GLA officers. The Scheme of Delegation ([www.london.gov.uk/sites/default/files/Mayoral%20Sch%20of%20Deleg%20FINAL.pdf](http://www.london.gov.uk/sites/default/files/Mayoral%20Sch%20of%20Deleg%20FINAL.pdf)) sets out the formal authority given by the Mayor to other persons and bodies to discharge functions of the Mayor. The Mayor may also delegate decision making powers at any time via an MD.

The two main types of decision currently taken at the GLA by the Mayor relate to GLA expenditure and planning decisions.

The Head of Paid Service, after consultation with the Mayor and the Assembly, may take decisions to appoint staff to ensure the proper discharge of the functions of the Authority. Delegations of the Head of Paid Service's decision making powers are also governed by a scheme of delegation: <http://legacy.london.gov.uk/about/corp-gov/docs/scheme-of-delegation-hops.pdf>.

Decisions taken by senior officers are progressed and recorded via a Directors' Decision form (DD). These forms are also published at: [www.london.gov.uk/who-runs-london/greater-london-authority/executive-team/decisions](http://www.london.gov.uk/who-runs-london/greater-london-authority/executive-team/decisions).

Financial decisions, budget setting and monitoring, financial administration and financial controls all take place within a formal framework laid down in the Authority's Financial Regulations ([www.london.gov.uk/sites/default/files/Financial%20Regulations%20July2012.pdf](http://www.london.gov.uk/sites/default/files/Financial%20Regulations%20July2012.pdf)) which is approved by the Mayor.

The Assembly's business is conducted through its plenary or committee sessions. Accordingly Assembly decisions tend to be taken in those forums.

4. Please provide a list of **types** of formal decision approval documents specifying whether each type is published or not and how many of each type there were in the last year.

Significant, contentious or novel decisions, as well as those involving non-routine expenditure of £50,000 or over, must be taken by the Mayor and recorded through an MD. MD forms cover not only decisions relating to expenditure but also those relating to policy and technical matters (e.g. approval for a strategy document or approval of borrowing limits). Mayoral decisions are published here: [www.london.gov.uk/who-runs-london/mayor/mayoral-decisions](http://www.london.gov.uk/who-runs-london/mayor/mayoral-decisions).

Between 1 November 2011 and 31 October 2012, 168 MDs were signed by the Mayor.

Decisions involving non-routine expenditure of under £50,000, or where decision making authority has been delegated from the Mayor to an officer, must be subject to the Director Decision process and recorded on a DD. These are also published, at: [www.london.gov.uk/who-runs-london/greater-london-authority/executive-team/decisions](http://www.london.gov.uk/who-runs-london/greater-london-authority/executive-team/decisions).

Decisions involving non-routine expenditure of up to £10,000 can be taken by Authorised Officers and are recorded on a Delegated Authority Record form (DAR). Decisions that are significant in policy terms cannot be authorised via a DAR and must be subject to an MD. Given they relate to decisions involving small sums and which do not have policy impacts, DARs are not published.

5. What percentage of the published documents were published in full over the last year?

Out of the 168 MDs signed by the Mayor during the period in question, 156 have been published. Of these, 136 had no confidential section and therefore 87 per cent of published documents were published in full. The other 20 had a private Part 2 in addition to the public Part 1.

6. What percentage of the published documents were published within five working days over the last year?

Of the 168, 70 per cent (117) were published within five working days. For those MDs that were deferred, 23 per cent (39) have since been published. The vast majority of deferrals were made on grounds of commercial sensitivity. Some were deferred for very short periods pending an announcement, for example the launch of a public consultation or Mayoral Strategy.

Overall, 93 per cent of all MDs signed in the twelve months to 31 October are now on the web.



7. What process do you use to determine whether decision documents are published and whether there should be redactions and/or a delay before publication?

Again, the touchstone for deciding to make use of a Part 2 or defer publication is the FOIA, together with consideration as to whether full and immediate release of the decision form would compromise implementation of the decision. This is made clear on the decision making forms:

*'Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the GLA website within 1 working day of approval. Any facts and advice that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.'*

Originating officers make the initial judgement as to whether a decision should be deferred or published in part rather than in full. There are rigorous checks and balances to ensure the reasoning is sound: the form is reviewed by the Governance & Resilience Unit, Legal and signatory directors.

8. [For the GLA only] Please provide a list of the titles of items of formal (confidential) advice to the Mayor.

The GLA does not maintain a list categorising the items that are formally considered 'advice to the Mayor' and which would be exempted from disclosure under the FOIA or the GLA Act.

All information requests – including those pertaining to Mayoral Decisions – are considered on a case by case basis under the FOIA. The test the GLA applies is not whether the information sought concerns 'advice to the Mayor', but whether an exemption under the FOIA is applicable, and where it applies, whether the 'public interest test' is met to justify refusing disclosure.

Additionally there are categories of 'Protected Information' set out in secondary legislation arising from Section 63 of the GLA Act. These categories are applicable in circumstances where the Assembly and its committees exercise their powers under Section 61 of the GLA Act to require information to be produced. Protected Information is exempt from disclosure in such proceedings.

The Protected Information categories are slightly different in scope from the FOIA exemptions and no public interest test is applicable. Whether any particular information sought by the Assembly falls within the Protected Information categories would be considered on a case by case basis.

9. [For the GLA only] What consideration has been given to publishing more advice to the Mayor?

See above.

The establishment of the Investment and Performance Board (a non-executive, deliberative body that does not of itself take decisions), and the practice of publishing the Board's papers that are not subject to FOIA exclusions together with the Board's minutes, has enhanced openness by ensuring more of the informal context and background informing Mayoral investment decisions is made publicly available.

#### Decision-making – meetings

10. Please provide a description of your board structure and a list of regular decision-making meetings. Please include full committees, sub-committees, panels etc.

##### Assembly

Details of the Assembly's committee structure are available on the web: [www.london.gov.uk/moderngov/mgListCommittees.aspx?bcr=1](http://www.london.gov.uk/moderngov/mgListCommittees.aspx?bcr=1)

##### Mayoral

This section is not strictly applicable to the Mayoral/executive arm of the GLA given that the power to make decisions vested in the Mayor is not delegated to a board or any other forum. However, information is provided below on the Investment and Performance Board (IPB), its sub-group the Housing Investment Group (HIG), the London Enterprise Panel (LEP) and Homes for London, though it is important to note these bodies do not take decisions.

IPB meets on an approximately monthly basis to discuss a range of matters relating to: investment; project approval, governance and performance; GLA finances and spend; GLA Group budget priorities; budget strategy and outcomes; and the Mayor's shared services agenda. It ensures there is robust and thorough pre-decision review before the GLA commits resources to a given area and that these resources then deliver the intended outputs.

IPB is chaired by the Mayor's Chief of Staff. Further details, together with the Board's papers and minutes, are available on the web: [www.london.gov.uk/who-runs-london/greater-london-authority/investment-performance-board](http://www.london.gov.uk/who-runs-london/greater-london-authority/investment-performance-board).

HIG is a sub-group of IPB with a particular focus on housing issues. Further details are at: [www.london.gov.uk/who-runs-london/greater-london-authority/ipb/housing-investment-group](http://www.london.gov.uk/who-runs-london/greater-london-authority/ipb/housing-investment-group).

Homes for London supports and advises the Mayor on housing challenges in the capital, helping to oversee the delivery of housing programmes including the affordable homes programmes and the use of newly acquired GLA land. More information is available here: [www.london.gov.uk/homesforlondon](http://www.london.gov.uk/homesforlondon).

The LEP is the local enterprise partnership for London. It is a consultative, advisory body co-chaired by the Deputy Mayor for Business and Enterprise and Harvey McGrath; its membership is drawn from London's business community and local authorities. More information about the LEP and its sub-group, the Skills and

Employment Working Group, can be accessed here: [www.london.gov.uk/business-economy/working-partnership/lep/about](http://www.london.gov.uk/business-economy/working-partnership/lep/about).

Corporate Management Team meetings take place roughly weekly with a view to promoting the effective administration of the Authority. It is an internal, officer-led meeting that has no formal decision making powers.

11. Which of these meetings have agenda papers that are published in advance?

Assembly

Agendas for all meetings are published in advance of the meeting.

In accordance with Section 100(B)(4) of the Local Government Act 1972, agendas for all formal Assembly meetings are published five clear working days in advance of the meeting. The exception is where an extraordinary meeting is called with less than five clear working days notice, to deal with business which the Chair of the Assembly or the relevant committee has determined is urgent.

Of the 107 formal meetings held between November 2011 and October 2012, agendas for 106 were published five clear working days in advance of the meeting. The agenda for one meeting was published less than five clear working days in advance as the meeting was an extraordinary meeting called at short notice to deal with urgent business.

Under the provisions of the Local Government Act 1972, the Chair may admit an urgent item to the agenda, by reason of special circumstances. A Supplementary Agenda, setting out one or more urgent items, was circulated in relation to 12 of the 107 formal meetings.

Mayoral

Papers for IPB, HIG, Homes for London and the LEP are published in advance. They can be accessed, together with minutes, via the links provided above.

12. What percentage of published agenda papers were published in full over the last year?

Assembly

The agendas for all of the 107 formal meetings held during this period were published in full.

Mayoral

While a majority of the papers accompanying agenda items are published, it is the norm for agendas to include one or more reserved items. This is because these are deliberative groups that contribute towards policy formulation, regularly consider matters that are commercially sensitive, and provide input into work that is at an early stage and which will be published in full at a later date. Items will only be reserved when an FOIA exemption applies.

13. Which of your regular decision-making meetings have published minutes?

Assembly

Minutes of all formal meetings are published (usually within two weeks of the meeting).

Mayoral

IPB, HIG, Homes for London and LEP minutes are published.

14. What percentage of minutes that were published were published in full over the last year?

Assembly

One hundred per cent.

Mayoral

One hundred per cent.

15. [For MOPAC only] What consideration has been given to an equivalent at MOPAC to the GLA's Investment and Performance Board with published papers and minutes?

16. Which of your board-level meetings open to the public?

Assembly

In accordance with Section 100A of the Local Government Act 1972, all meetings of the London Assembly and its committees are held in public.

However, the Assembly/relevant committee must exclude the press and public whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed to them in breach of the obligation of confidence (noting that 'confidential' in this context has a specifically defined meaning).

The body in question may also decide that the public interest would be best served by excluding the public and press from the meeting and considering a particular report in private, on the basis that it would involve the likely disclosure of exempt information, as defined under Schedule 12A of the Local Government Act 1972.

Mayoral

The meetings of non-executive, advisory groups such as IPB are not open to the public.

17. If you have public meetings, what percentage of agenda papers were considered in public over the last year?

Assembly

During the period in question 100 per cent of Assembly meetings were held in public.

Mayoral

Not applicable.

18. For meetings that are not public, what are the reasons why they are not open?

Assembly

As noted above, meetings of the sub-committees of the former Standards Committee were required to take place in private.

Mayoral

IPB, HIG, Homes for London and LEP meetings are not held in public. The reasons are:

- Opening the meetings to the public would not be conducive to the full and frank discussion of policy options. (This relates to section 36 of the FOIA.)
- Discussions at IPB and HIG are often part of the policy formulation process and inform advice and decisions that are published at a later date. (This relates to section 22 of the FOIA.)
- They are not decision making bodies.

19. How are rules about public access determined in your organisation?

Assembly

The public and press may only be excluded from a meeting of the Assembly or its committees in accordance with the provisions of Section 100A of the Local Government Act 1972.

Mayoral

Non-executive, advisory meetings are not open to the public for the reasons set out above.

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A note on the Standards Committee as it relates to questions 10 to 19

Until the relevant provisions of the Localism Act 2011 came into effect in July 2012, the Authority was, in accordance with Section 53 of the Local Government Act 2000, mandatorily required to establish a Standards Committee which was responsible for

discharging functions in relation to complaints that a GLA member had breached the Code of Conduct. In law, the Committee was a committee of the whole Authority.

During the period in question, the Standards Committee met on three occasions. All of those meetings were held in public, the agendas were published five clear working days in advance of the meeting and the minutes of the meeting were also published (usually within two weeks of the meeting).

The sub-committees of the former Standards Committee met on six occasions during the period in question. While the lists of agenda items for the meetings were published in advance, pursuant to Regulation 8 of the Standards Committee (England) Regulations 2008/1085 and guidance from the Standards Board for England, the reports which detailed complaints for assessment/review were restricted from publication and the meetings were held in private.

The minutes of those sub-committee meetings were ordinarily published as a matter of course and all formal decisions taken in those meetings / through those processes were published on the Authority's web site following the meeting.

#### Contracts and tender documentation

Note that the GLA's procurement function is delivered by TfL through a shared service arrangement.

20. What percentage of contract specifications did you make publicly available over the last year?

All contracts tendered through TfL's eTendering system (European Dynamics) are publicly accessible (except those using the simplified procedure and those that are competitions run against a framework agreement). During the year to 30 October 2012, 82 contracting opportunities were published via the system. It is not possible to say precisely what percentage of the total this represents because, for example, this total includes call offs against framework agreements which the system does not differentiate from tenders. However, a large percentage of the tendering process is done through the eTendering system – over 90 per cent.

21. What percentage of these contained redactions?

Contract specifications are not redacted.

22. What percentage of bids did you make publicly available in the last year?

Details of bids on specific contracts are generally made available in response to an FOI request, subject to any statutory exemption which may apply. In 2012, there was one such FOI request. The value of bids submitted or details of bidders are not routinely published.

23. What percentage of awarded contracts did you make publicly available in the last year?

Standard services contract and Purchase Order Conditions of Contract are published here: [www.tfl.gov.uk/businessandpartners/sellingtotfl/1337.aspx](http://www.tfl.gov.uk/businessandpartners/sellingtotfl/1337.aspx) (TfL and the GLA share the same standard terms and conditions). In addition, TfL is committed to publishing contracts on Contracts Finder ([www.contractsfinder.businesslink.gov.uk/?site=1000&lang=en](http://www.contractsfinder.businesslink.gov.uk/?site=1000&lang=en)) on behalf of the GLA where the contract award is in excess of £5 million.

24. What percentage of these contained redactions?

Not applicable.

25. What percentage of contract values did you make publicly available in the last year?

TfL published on behalf of the GLA details of all contracts awarded over £500,000 ([www.tfl.gov.uk/corporate/about-tfl/investorrelations/17950.aspx](http://www.tfl.gov.uk/corporate/about-tfl/investorrelations/17950.aspx)). Over the past year details of nine contracts with a value of over £500,000 have been published, totalling £18.3 million. That represents 88 per cent of the total value of contracts let by TfL on behalf of the GLA. Work is underway to publish all contract details.

26. For what percentage of contracts did you make the name of the supplier publicly available in the last year?

The contract details referred to above include the supplier's name.

27. What information about payments under contracts do you make publicly available? (For published payments over £500, is any link made between the payments and the contracts under which they are made?)

We publish details of all payments over £250 ([www.london.gov.uk/who-runs-london/greater-london-authority/expenditure](http://www.london.gov.uk/who-runs-london/greater-london-authority/expenditure)). No direct link is made between the listed payments and underlying contracts. To do so would be prohibitively costly given the systems development work that would be required.

28. What process do you use to determine whether tender documents and contractual information is made publicly available?

Tender documents (PQQs) are not redacted.

Contractual information is made available unless it requires redaction as a result of an FOI exemption applying.

## Performance data and progress against targets

29. What performance monitoring data does your organisation publish regularly? Please provide a list.
30. What outcome targets/expectations does your organisation have? Please provide a list.
31. What information do you publish regularly to monitor progress against these targets?

### Answers to questions 29-31

We publish a variety of performance information on both a cyclical and an ad hoc basis. The latter includes reports to the Assembly's various committees on specific topics. In respect of the former, prominent examples are:

- A four weekly finance and performance monitoring report to the Investment and Performance Board (November's report: [www.london.gov.uk/who-runs-london/greater-london-authority/ipb/20-november-2012-meeting](http://www.london.gov.uk/who-runs-london/greater-london-authority/ipb/20-november-2012-meeting)). The report details the Authority's revenue and capital position and forecast outturn for the financial year, an overview of the progress of each of the GLA's investment projects and detailed financials for each of these projects.
- A quarterly finance and performance monitoring report to the Budget Monitoring Sub-Committee (BMS) which covers the same ground as that above, but supplements the information with a review of performance against the GLA's corporate health PIs and the Mayor's housing commitments ([www.london.gov.uk/moderngov/ieListDocuments.aspx?CId=130&MIId=4671&Ver=4](http://www.london.gov.uk/moderngov/ieListDocuments.aspx?CId=130&MIId=4671&Ver=4)). Most of the indicators are monitored against targets (see section 2.3 of the report and appendix 3).
- The Mayor's Annual Report, describing achievements and progress during the previous financial year ([www.london.gov.uk/publication/mayor%E2%80%99s-annual-report-201112](http://www.london.gov.uk/publication/mayor%E2%80%99s-annual-report-201112)). A detailed appendix to the report sets out performance against a wider suite of corporate health PIs (see pages 6 to 9) and performance against 24 outcome indicators specified by the Assembly, many of which are led by the GLA.
- The London Dashboard already details performance against roughly 50 different measures across the GLA Group, grouped under nine themes (<http://data.london.gov.uk/london-dashboard>). We signpost forthcoming updates here: <http://data.london.gov.uk/datastore/data-release-schedule>. There are also myriad GLA-originated datasets on the London Datastore (<http://data.london.gov.uk/>). Of the 560 datasets on the Datastore, 60 have a transparency 'tag'.

Various other progress, monitoring and evaluation reports are published. For example, the Mayor's Annual Equalities Report ([www.london.gov.uk/publication/mayors-annual-equality-report-20102011](http://www.london.gov.uk/publication/mayors-annual-equality-report-20102011)), which among other things reports on progress against a suite of equalities indicators, and the Mayor's London Plan Annual Monitoring Report ([www.london.gov.uk/priorities/planning/research-reports/annual-monitoring-](http://www.london.gov.uk/priorities/planning/research-reports/annual-monitoring-)



[reports](#)) which tracks progress against 24 Key Performance Indicators (KPIs). Measures and targets are also routinely defined and set through Mayoral strategies.

We are constantly looking to improve our monitoring and increase the range of information we make publicly available. To this end we will also:

- From early next year report regularly on progress against Mayoral commitments to the Investment and Performance Board. The report will be published on the IPB section of the website.
- Bring and report together the Mayor's key targets against a set of outcome KPIs reflecting the broader remit of the GLA post-devolution.
- Continue to expand the Dashboard, including by publishing the aforementioned KPIs.
- Identify additional datasets to release on the Datastore.

32. What criteria do you use to determine what monitoring data and progress information you publish?

Our ambition is to make as much monitoring information available to Londoners as possible – hence, for example, the introduction of the London Dashboard. Broadly we will publish information if it is robust, not subject to FOIA exemptions and it is not prohibitively expensive to do so.

#### Information requests

33. What processes/principles govern how ad hoc information requests from the Assembly and others are responded to?

The Member Office Protocol ([www.london.gov.uk/sites/default/files/Member%20Officer%20protocol\\_Final.pdf](http://www.london.gov.uk/sites/default/files/Member%20Officer%20protocol_Final.pdf), paragraphs six to 11) provides the broad framework. The GLA aims to meet either the deadline set by the Committee/Member or, where there is no deadline or it is earlier, the corporate target to respond to all written correspondence within 20 working days.

#### Other

34. For what percentage of staff earning over £58,200 are names and salaries currently published as required by the DCLG's code of recommended practice?

We publish details of all posts (i.e. 100 per cent) for which the salary is over £58,200. For each of these posts we also publish job descriptions and specifications together with the value of directorate/unit budgets assigned to the post-holder.

As you will know, staff may request that their name is not published. This is standard practice and is in line with DCLG's guidance. The post-holder's name has therefore been withheld for about one-fifth of the posts.

The information is available at: [www.london.gov.uk/transparency](http://www.london.gov.uk/transparency).

## GLA Group questionnaire on transparency – LFEPA response

All data is requested for a 12-month period from November 2011 to October 2012 inclusive. In areas where you do not make information publicly available, please feel free to give reasons.

Question	LFEPA response
<b>Corporate view of confidentiality</b>	
<p>1. What is the corporate or 'house' approach to dealing with confidentiality within your organisation, and do you have a corporate policy or guidance on this (in which case please include a copy of this with your response)? Please include responses to the following:</p>	<p>LFEPA agreed a full statement on its commitment to openness (LFEPA report FEP362) in December 2002. The statement says:</p> <p><i>LFEPA has always been as open as possible with the information we hold and the work that we do. We believe in openness and honesty.</i></p> <p><i>We strongly believe that by publishing information about fires, other emergencies and how we manage our services we will achieve greater understanding, trust, engagement and openness with the public. Information about our services, particularly the provision of fire safety advice, is critical to achieving our principal aim: To make London a safer city by minimising the risks and social and economic costs of fire and other hazards.</i></p> <p><i>We aim to:</i></p> <ul style="list-style-type: none"> <li>• <i>Share our knowledge as widely as possible.</i></li> <li>• <i>Be open and transparent about the decisions we make.</i></li> <li>• <i>Identify the information that people want and make it as widely available as possible subject to any legal constraints.</i></li> <li>• <i>Provide the information that people want as far as possible.</i></li> <li>• <i>Listen to our stakeholders and the communities that we serve and seek to improve our services based upon their view.</i></li> </ul> <p>Alongside this LFB policy 619 – <i>LFB protective marking scheme</i> – outlines the situations when documents and data should be protectively marked. The policy generally reflects the Cabinet Office protective marking scheme used in government (in the version before the most recent revisions).</p> <p>In terms of decision-making by the fire authority itself and its committees, LFEPA follows the rules set out in Schedule 12A to the Local Government Act 1972 and regulations made under the Local Government Act 2000.</p>
<p>a) How do you ensure you are achieving the highest possible levels of transparency?</p>	<p>Our decisions are mostly made in public and the papers on which decision are made (unless they are classified as confidential as in question 2) are publicly available together with the minutes of those meetings on our web site.</p>

Question	LFEPA response
b) Does your organisation have a presumption that all information should be publically available unless there is a good reason for it not to be?	Yes. See the 'commitment to openness' above (Question 1).
c) Where something is classified as confidential, how do you explain why?	We use the provisions specified in Schedule 12A to the Local Government Act 1972 and regulations made under the Local Government Act 2000.
d) Do you try to use redactions where possible, rather than confidential papers or appendices?	For Authority and committee meetings, we put as much as possible in reports on Part 1 of the agenda, whilst restricting material in Part 2 reports to that which should not be in the public domain. We do not use redactions for decision making documents.
e) Do you try to include end dates on confidential information - i.e. specify a date by when it should be possible to make it publicly available?	In principal. Arrangements are being made to develop a policy and process for report authors to review confidential (Part 2) items against some standard criteria (reflecting FOIA considerations), so that Part 2 markings can be removed (or reports redacted) to allow publication.
2. In what circumstances is it justified for information to be classed as confidential - e.g. advice to the Mayor, commercial sensitivities etc? Please use examples and explain why these types of information should not be made available.	<p>The main categories of information which are confidential are:</p> <ul style="list-style-type: none"> <li>a) commercial matters – tender acceptances, performance metrics associated with contracts.</li> <li>b) personal matters – senior staff appraisals, medical retirements, Member-level interviews.</li> </ul>
<b>Decision-making – written decisions approvals</b>	
3. Please provide a description of decision-making process, including below board level, at your organisation.	<p>The Authority is governed by legislation that applies to all local authorities / fire authorities / the London Assembly in respect of its decision-making structures and meetings. The principal decision making body and has matters reserved to it by law (e.g. agreeing budget matters). The Authority has established a number of committees which have delegated power to make decisions within agreed orders of reference (set out in the Authority's <a href="#">Standing Orders</a> available on our web site). Some matters are delegated to officers and a <a href="#">scheme of officer delegated authorities</a> is published on the external web site in accordance with Section 100G of the Local Government (Access to Information) Act 1985. The Scheme does not record authority given by virtue of the Authority's Standing Orders, Financial Regulations, Codes of Practice or the Staff Code; see this <a href="#">link</a>. Part C of LFEPA standing orders deals with delegation arrangements.</p>

Question	LFEPA response
4. Please provide a list of types of formal decision approval documents specifying whether each type is published or not and how many of each type there were in the last year.	All decisions made by the Authority or one of its committees will be on the basis of a report submitted by appropriate officers. These decisions will be taken either in a formal, public meeting or, if taken under delegated authority, will be taken following consultation with the relevant Members and reported back to the next relevant meeting. Officers are able to take urgent action outside of meetings, under Standing Order 64, by using the form (in annex A) and associated procedure. Otherwise, officers are able to discharge their responsibilities in accordance with the Authority-approved Scheme of Delegation of Functions to Officers, the statutory powers relevant to their positions, Brigade policies and their job descriptions.
5. What percentage of the published documents were published in full over the last year?	We calculate that 88 per cent of documents were published in full during the period November 2011 to October 2012 (see annex B).
6. What percentage of the published documents were published within five working days over the last year?	All agendas and reports for the Authority and its committees are published at least five clear working days before a meeting of any committee or sub-committee, excluding the date of despatch and the date of the meeting.
7. What process do you use to determine whether decision documents are published and whether there should be redactions and/or a delay before publication?	As outlined in 1(d) above, as much information as possible is made available as a Part1 agenda report, with only sensitive/confidential material contained in a Part 2 agenda report. Redactions are not used for reports to the Authority or its committees.
8. (For the GLA only) Please provide a list of the titles of items of formal (confidential) advice to the Mayor.	n/a
9. (For the GLA only) What consideration has been given to publishing more advice to the Mayor?	n/a

Question	LFEPA response
<b>Decision-making – meetings</b>	
10. Please provide a description of your board structure and a list of regular decision-making meetings. Please include full committees, sub-committees, panels etc.	<p>The main decision-making body is the London Fire &amp; Emergency Planning Authority which meets between five and seven times a year. The Authority established four committees in June 2012 and they have delegated authority to make decisions within specific orders of reference. These committees are:</p> <ul style="list-style-type: none"> <li>• Appointments and Urgency Committee</li> <li>• Strategy Committee</li> <li>• Resources Committee</li> <li>• Governance, Performance and Audit Committee</li> </ul> <p>Apart from the Appointments and Urgency Committee which meets when required, the other committees meet approximately four or five times each year.</p> <p>This committee structure was agreed at the LFEPA annual meeting in June 2012 and replaced slightly different arrangements that operated before that.</p>
11. Which of these meetings have agenda papers that are published in advance?	Papers for all meetings are published five clear working days in advance of the relevant meeting.
12. What percentage of published agenda papers were published in full over the last year?	Agenda and papers were published in full for 12 of the 26 meetings, i.e. 46 per cent. The 14 meetings where there was not full publication was because of Part 2 items being considered at the meeting. See the data sheet in the annex.
13. Which of your regular decision-making meetings have published minutes?	All the decision-making meetings outlined in the response to question 10 above have published minutes.
14. What percentage of minutes that were published were published in full over the last year?	100 per cent. All decisions, whether taken in Part 1 or Part 2 of the a meeting, are included in the minutes.
15. (For MOPAC only) What consideration has been given to an equivalent at MOPAC to the GLA's . Investment and Performance Board with published papers and minutes?	n/a
16. Which of your board-level meetings open to the public?	All the meetings described in the response to question 10 are open to the public. The press and public are excluded from exempt matters.
17. If you have public meetings, what percentage of agenda papers were considered in public over the last year?	88 per cent of papers are discussed in public (i.e. in Part 1 of the agenda). See attached details.

Question	LFEPA response
18. For meetings that are not public, what are the reasons why they are not open?	The main reasons why some matters are considered in private (part 2 agenda) are because they are (a) contractual matters (e.g. acceptance of tenders, contractor performance against contract metrics); and (b) personal matters relating to individual members of staff or Members (e.g. performance appraisal for senior staff, recruitment interviews, personal injury claims).
19. How are rules about public access determined in your organisation?	Standing Order 8 says that the public have the right to attend all meetings of the Authority and Standing Order 50 repeats that provision for committees and sub-committees of the Authority.
<b>Contracts and tender documentation</b>	
20. What percentage of contract specifications did you make publicly available over the last year?	Since 1 April 2012, all tender documents (which include contract specifications) have been published. They are available, with details of all contracts awarded by the LFEPA, on the <a href="#">London Contracts Register</a> .
21. What percentage of these contained redactions?	None of the tender documents (packs) contain redactions. These are pre-contract documents used for tendering purposes (i.e. to help find and select a contractor to provide the goods or services).
22. What percentage of bids did you make publicly available in the last year?	No bids received in response to tenders are published. Our Code of Practice prohibits the information about prices being disclosed.
23. What percentage of awarded contracts did you make publicly available in the last year?	No awarded contracts were routinely published. Contracts are published when there is a FOIA request and a redacted version of the contract (agreed with the contractor in line with ICO guidance) would be made available. In the last year only the PFI contract for the provision of operational vehicles and equipment was released as a result of an FOIA. This was, eventually, supplied un-redacted but the contract documents were 12 years old. .
24. What percentage of these contained redactions?	Only, the PFI contract for the provision of operational vehicles and equipment has been released in full
25. What percentage of contract values did you make publicly available in the last year?	None. Whilst contract details are available on the London Contracts Register, actual contract values are not available to view as they are often estimates or dependent upon usage during the life of the contract. Publishing contract values may also undermine the Authority's ability to obtain cost reductions as they would set a target for prospective tenderers to bid.
26. For what percentage of contracts did you make the name of the supplier publicly available in the last year?	Since 1 April 2012 the successful suppliers name has been published with the details of all contracts awarded by the LFEPA, on the London Contracts Register. Where contracts were subject to advertising in the Official Journal of the European Union (OJEU) then a Contract award notice would be published in OJEU naming the successful contractor.

Question	LFEPA response
27. What information about payments under contracts do you make publicly available? (For published payments over £500 is any link made between the payments and the contracts under which they are made?)	All payments over £500 are published (£250 from November 2012). No explicit link is made to contracts.
28. What process do you use to determine whether tender documents and contractual information is made publicly available?	All tender documents are now published as described in the response to question 20. Contracts are published when there is a FOIA request and a redacted version of the contract (agreed with the contractor in line with ICO guidance) is made available. Efforts are being made to agree a 'public' version of major contracts that can be routinely published.
<b>Performance data and progress against targets</b>	
29. What performance monitoring data does your organisation publish regularly? Please provide a list.	<p>A wide range of performance information is published on a quarterly basis as part of submissions to Authority committees. The following are reported regularly:</p> <ul style="list-style-type: none"> <li>• Performance against performance indicators in the Fourth London Safety Plan (quarterly to Resources Committee and Governance, Performance &amp; Audit Committee)</li> <li>• Progress with key corporate projects (quarterly to Strategy Committee)</li> <li>• Progress delivering commitments in the Fourth London Safety Plan (quarterly to Strategy Committee)</li> <li>• Financial performance against the budget (quarterly to Resources Committee)</li> <li>• Other financial and fiscal performance information (e.g. treasury management quarterly to Resources Committee); internal audit action plan (quarterly to Governance, Performance &amp; Audit Committee).</li> </ul>
30. What outcome targets/expectations does your organisation have? Please provide a list.	The service delivery targets/expectations for LFEPA are set out in the London Safety Plan (which is the Authority's integrated risk management plan required by the fire & rescue service national framework and also its corporate plan). The current Plan (the Fourth London Safety Plan or LSP4) run for a three year period 2010-2013; a Fifth London Safety Plan (covering 2013 to 2016) is currently in preparation. The LSP4 includes (appendix 2B) a list of all the corporate indicators and targets, and also key three year headline targets. Indicators and targets are reviewed annually; the last review took place in March 2012, was carried out by the former Performance Management Committee ( <a href="#">report FEP 1886</a> ) for the 2013/14 year and is available on our web site.
31. What information do you publish regularly to monitor progress against these targets?	As set out in answer to question 29. An annual document showing performance against indicators is also published. The version for 2011/12 is available on our web site here ( <a href="#">Our Performance 2011/12</a> ).

Question	LFEPA response
32. What criteria do you use to determine what monitoring data and progress information you publish?	The quarterly monitoring report for key performance indicators has a selection of the main indicators including any three year headline targets. The selection is agreed by Members, although a quarterly digest of all the agreed performance indicators (with targets) and service measures (without targets) are available to Members of the relevant Committee.
<b>Information requests</b>	
33. What processes/principles govern how ad hoc information requests from the Assembly and others are responded to?	We receive very few requests of this nature. The Authority agreed (November 2009) guidance for staff on working with the London Assembly based on <a href="#">report FEP1466</a> this sets out that "... <i>correspondence and enquiries from individual Assembly Members and/or the London Assembly and its committees [be treated] as urgent / priority business</i> ". LFB policy 348 – <i>Duties of officers and the Authority's decision making framework, rules and procedures</i> – deals with requests for information received from Members and from MPs, MEPs, etc. Requests from the Assembly would generally be handled in line with these arrangements by the lead head of department.
<b>Other</b>	
34. For what percentage of staff earning over £58,200 are names and salaries currently published as required by the DCLG's code of recommended practice?	Details of 150 posts were published in July 2012 and the information includes post title, salary (in a £5k band), LFB directorate/department. The pay threshold (£58,200) cuts through grade/rank bands for LFEPA staff so staff with similar pay and responsibilities would be treated differently. We decided to publish details of all staff who were in the grade/rank band which includes £58,200 which means that a few more posts are published than is strictly required by the DCLG Code. Staff were given the opportunity (in line with the Code) to have their name withheld and some posts are published without the name of the postholder; 42 posts have no name associated with them (28per cent of the total post published).



## Officers urgent action outside of meetings, under Standing Order 64



### STANDING ORDER 64 – ACTION ON BEHALF OF THE AUTHORITY

**TO:** CLERK TO THE AUTHORITY  
GROUND FLOOR, 169 UNION STREET, LONDON SE1 0LL

**FROM:**

**DATE:** **EXT:**

I propose to take the action set out in Part A below in accordance with Standing Order 64 which is of -

\* (a) a minor nature

\*(b) cannot await the next meeting of the Authority on .....

\* delete as appropriate

\*\*I concur in the following proposal

Signed ..... (for) Director of Finance and Contractual Services

\*\* to be completed when expenditure exceeds £20,000

**SIGNED:** ..... (signature of Head of Service or officer acting on their behalf)

**SUBJECT/TITLE OF PROPOSAL**

.....

**A. DECISION:**

.....

**JUSTIFICATION/REASONS FOR SPECIFIC ACTION**

.....

### B. ENDORSEMENT

The Chairman of the Authority and the Leaders of the Labour and Liberal Democrat Groups (or their nominees) had no comments and the decision was not requisitioned.

Other -

Signed: ..... Democratic Services

Date: .....

### C. COMPLETION

(for) Head of Service - The action outlined in Part A above has been taken

Signed: .....

Date: .....

## LFEPA meetings - November 2011 to October 2012

Committee	Date	Reports in Part 1	Reports in Part 2	All reports	Why part 2	Notes
Performance Management	08/11/2011	7.0	0.0	7		<p>1) The list includes presentations and oral statements as items (although there was no written report).</p> <p>2) Where a report is split between parts 1 and 2 it is shown as 0.5 in each part. Where a report was wholly in Part 1 or Part 2 it is counted as 1.</p> <p>3) This list excludes minutes, and questions (from Members and the public) at Authority meetings which are always in public</p> <p>4) The committee structure changed from June 2012</p>
Finance & Personnel	14/11/2011	9.0	2.0	11	Tenders	
Audit	05/12/2011	6.0	0.0	6		
Appointments	08/12/2011	0.0	1.0	1	Recruitment interviews	
Standards	12/12/2011	2.0	1.0	3	Complaint against Member	
Community Safety	12/01/2012	4.0	0.0	4		
Finance & Personnel	16/01/2012	5.0	2.0	7	Contract matters	
Appointments	17/01/2012	0.0	1.0	1	Interview shortlisting	
Authority	26/01/2012	9.0	0.0	9		
Appointments	13/02/2012	0.0	1.0	1	Appointment interviews	
Audit	27/02/2012	8.0	0.0	8		
Community Safety	01/03/2012	3.0	0.0	3		
Performance Management	06/03/2012	8.0	0.0	8		
Finance & Personnel	12/03/2012	10.5	2.5	13	Contract/tender matters	
Authority	15/03/2012	11.5	0.5	12	Tender matters	
Authority	21/06/2012	5.5	3.5	9	Tender/contract matters; Staff personal	
Governance, Performance & Audit	10/07/2012	4.0	0.0	4		
Resources	16/07/2012	9.0	3.0	12	Contract matters	
Strategy	17/07/2012	6.0	0.0	6		
Governance, Performance & Audit	10/09/2012	9.0	0.0	9		
Strategy	11/09/2012	7.0	0.0	7		
Appointments & Urgency	17/09/2012	0.0	3.0	3	Appraisals/personal injury case	
Resources	17/09/2012	13.0	1.0	14		
Authority	27/09/2012	9.5	0.5	10	Contract matters	
Community Safety	10/11/2012	6.0	0.0	6		
Authority	24/11/2012	11.5	0.5	12	Tender matters	
		<b>163.5</b>	<b>22.5</b>	<b>186</b>	<b>12 per cent</b>	

13 December 2012

John Biggs AM  
GLA  
The Queens Walk  
London  
SE1 2AA

Dear John

**Transparency Review**

Thank you for your letter of 8 November 2012 about your investigation into transparency and openness across the GLA Group.

London Legacy Development Corporation (Legacy Corporation) is a relatively new body, which was established on 1 April 2012, and took on planning functions on 1 October 2012. The Corporation's role is "to promote and deliver physical, social, economic and environmental regeneration in the Olympic Park and surrounding area, in particular by maximising the legacy of the Olympic and Paralympic Games, by securing high-quality sustainable development and investment, ensuring the long-term success of the facilities and assets within its direct control and supporting and promoting the aim of convergence."

The Legacy Corporation is committed to transparent and effective delivery of legacy, and to providing value for money for taxpayers, including through commercial partnerships with developers and investors. Following the 2012 Games, the Legacy Corporation is currently commencing the transformation phase of its programme: clearing, connecting and completing the Olympic Park and venues, planning for re-opening, and continuing to secure tenants, operators and development partners for the long-term.

As a new organisation we are still developing and refining our systems and policies on transparency, governance and corporate reporting. At the Corporation's December 2012 meeting, which was my first since my confirmation in post as Chief Executive, the Board agreed a paper on transparency, which was intended to bring the Corporation in line with the Government's Code of Recommended Practice for Local Authorities (the Code), and with GLA practice on publishing information about expenses, declarations of interests and gifts and hospitality. The Legacy Corporation already goes beyond the Code's requirements in publishing expenditure above £250.

You have asked specifically whether the Legacy Corporation intends to respond to the Government's proposed changes to its Code on Transparency. Mayoral development corporations are not formally covered by the Code at the moment, but we are seeking to comply, and will consider whether to submit a response on that basis.

As we develop and implement our policies further in coming months, we welcome this review, and look forward to hearing the Assembly's recommendations.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D. Hone', with a stylized flourish at the end.

Dennis Hone  
Chief Executive

Copy to: Assembly Secretariat – Tim Steer

Enc: GLA Group Questionnaire on transparency

**GLA Group questionnaire on transparency**  
**London Legacy Development Corporation responses**

Information given relates to the period from April 2012.

GLA Question	LLDC answer
<p><u>Corporate view on confidentiality</u></p> <p>1. What is the corporate or ‘house’ approach to dealing with confidentiality within your organisation, and do you have a corporate policy or guidance on this (in which case please include a copy of this with your response)? Please include responses to the following:</p>	<p>The London Legacy Development Corporation (the Legacy Corporation) is currently updating its information policies, and is consulting on a new Information Management Policy, an Information Compliance Policy and an Information Charter.</p> <p>These set out the principles by which information will be managed, including a commitment to openness and transparency.</p> <p>Guidance to dealing with confidential information is contained within these policies, including the need to ensure the relevant levels of information security.</p> <p>In general, information will not be described as confidential unless it is commercially sensitive, covered by legal professional privilege, related to personal and sensitive personal data, or policy development.</p> <p>The Legacy Corporation is accredited to use the Government Protective Marking Scheme and is able to hold data to the level of PROTECT. There is guidance on this on the corporate intranet.</p> <p>The default position for the creation and management of data and information is ‘NOT PROTECTIVELY MARKED’. This helps to ensure a high level of openness and transparency.</p>
<p>a. How do you ensure you are achieving the highest possible levels of transparency?</p>	<p>The Legacy Corporation has a publication scheme on the internet which links to key classes of information as defined by the Information Commissioners Office. This includes:</p> <ul style="list-style-type: none"> <li>• Who we are and what we do</li> <li>• What we spend and how we spend it</li> <li>• Our priorities</li> <li>• How we make decisions – including the publication of Board papers (in compliance with the Local</li> </ul>

GLA Question	LLDC answer
	<p>Government Act 1972)</p> <ul style="list-style-type: none"> <li>• Policies and procedures</li> <li>• Lists and registers</li> <li>• Service we offer</li> </ul>
b. Does your organisation have a presumption that all information should be publically available unless there is a good reason for it not to be?	Yes. This is reflected in the publication scheme, in guidance to staff and through training and raising awareness.
c. Where something is classified as confidential, how do you explain why?	<p>It is explained in terms of commercial sensitivity, legal professional privilege, security, legally privileged, draft policy. This also covers personal and sensitive personal data and HR related data.</p> <p>Commercially sensitive data will be described in terms and conditions agreed between the Corporation and suppliers. Legal professional privilege data is defined by legislation and common law. Personal and sensitive personal data are described by the Data Protection Act. Section 40 of the Freedom of Information Act (FoIA), provides an exemption on the disclosure of personal data which is protected by the Data Protection Act.</p>
d. Do you try to use redactions where possible, rather than confidential papers or appendices?	<p>The Legacy Corporation will use redactions with certain freedom of Information requests. This generally applies to commercially sensitive information or personal data.</p> <p>Board papers are publicly available, except where they contain confidential, personal or financial information, to which one of the exceptions under the 1972 Local Government Act apply. Where there is exempt information that needs to be protected, the preferred approach is to publish this in an annexe that can be considered in private, rather than to exempt the whole paper.</p>
e. Do you try to include end dates on confidential	Not currently.

GLA Question	LLDC answer
<p>information – i.e. specify a date by when it should be possible to make it publicly available?</p>	
<p>2. In what circumstances is it justified for information to be classed as confidential – e.g. advice to the Mayor, commercial sensitivities etc? Please use examples and explain why these types of information should not be made available.</p>	<p>The Legacy Corporation seeks to abide by relevant legislation, including the Data Protection Act, the Freedom of Information Act and the Local Government Act, balancing exemptions with public interest considerations where appropriate.</p> <p>The principal circumstance in which the Legacy Corporation seeks to withhold the publication of information (from Board papers or in response to FoI requests) are where its publication would prejudice or would be likely to prejudice the Legacy Corporation's commercial interests in procurement, contractual negotiation and management, and other commercially sensitive activities. Examples would include the evaluation of tenders, agreement of potential budgets for packages of work, and agreeing negotiating remits for disposal of interests in land or venues.</p> <p>Personal and sensitive personal data will be classed as confidential in compliance with the Data Protection Act.</p>
<p><u>Decision-making – written decisions approvals</u></p> <p>3. Please provide a description of decision-making process, including below board level, at your organisation.</p>	<p>Decisions are taken by the Board, by the Planning Decisions Committee, or by officers, in line with the Legacy Corporation's schemes of delegation, which are published on the Legacy Corporation's website (<a href="#">planning</a> scheme and core <a href="#">scheme</a>). At present the Planning Decisions Committee is the only committee with delegated authority, though delegations are under review in order to give delegated decision-taking authority to other committees.</p>
<p>4. Please provide a list of types of formal decision approval documents specifying whether each type is published or not and how many of each type there were</p>	<p>The principal types of decision approval document (below Board level) are set out below. At present, the Legacy Corporation does not have a policy of publishing decisions taken outside of Board and committee meetings (with the exception of planning decision reports), but plans to review this in the New Year.</p>

GLA Question	LLDC answer				
in the last year.	Type	Description	Published	Number since 1 April 2012	
	Project initiation document	Used to agree expenditure <£250,000 or to agree commencement of project above that level	Not as a matter of course	84	
	Business Case	Used to authorise procurement of projects >£250,000. Above £10m also subject to Board approval	Not as a matter of course. Subject to Local Government Act 1972 at Board level.	11	
	Final Project Approval	Used to authorise award of contracts >£250,000. Above £10m also subject to Board approval	Not as a matter of course. Subject to Local Government Act 1972 at Board level.	6	
	Planning decision notices	Planning decisions on applications submitted	Yes, on planning register	44 since 1 October 2012	
5. What percentage of the published documents were published in full over the last year?	Planning decision notices are all published in full.				
6. What percentage of the published documents were published within five working days over the last year?	Planning decision notices are all published within five working days of decision being taken (NB, this may be some time after a committee resolution to grant permission where a section 106 agreement has to be negotiated).				
7. What process do you use to determine whether decision documents are	Planning decision notices are published in full. Other Board and committee papers are in the public domain by default, unless it is proposed that these should be exempt, in which case the papers set out the				



GLA Question	LLDC answer												
published and whether there should be redactions and/or a delay before publication?	basis on which this is proposed. The exemption is subject to decision by the Board or relevant committee that an exemption is justified under the terms of the 1972 Local Government Act.												
8. [For the GLA only] Please provide a list of the titles of items of formal (confidential) advice to the Mayor.  9. [For the GLA only] What consideration has been given to publishing more advice to the Mayor?													
<u>Decision-making – meetings</u>  10. Please provide a description of your board structure and a list of regular decision-making meetings. Please include full committees, sub-committees, panels etc.	<p>Our Board is appointed by the Mayor of London, and meets in accordance with the Localism Act 2011, the Local Government Act 1972, and its own <a href="#">Standing Orders</a>.</p> <p>The current committee structure was adopted in <a href="#">December 2012</a>, and comprises an Investment Committee, Park Opening and Operations Committee, Chairman’s Committee, Regeneration and Communities Committee, Audit Committee, Planning Decisions Committee. There are currently no sub committees or panels.</p>												
11. Which of these meetings have agenda papers that are published in advance?	All of these meetings have agendas published in advance. All papers that are not proposed to be exempt are also published in advance, at the same time as agendas, which are published five clear days in advance of meetings.												
12. What percentage of published agenda papers were published in full over the last year?	<p>Please see table below. The ‘number of exempt papers’ includes exempt appendices to public papers.</p> <table><tr><th>Board/committee</th><th>Number of published agenda items with papers (excluding minutes)</th><th>Number of papers published in full (excluding minutes)</th><th>Percentage of papers published in full</th><th>Number of exempt papers (excluding minutes)</th><th>Percentage of exempt papers</th></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>	Board/committee	Number of published agenda items with papers (excluding minutes)	Number of papers published in full (excluding minutes)	Percentage of papers published in full	Number of exempt papers (excluding minutes)	Percentage of exempt papers						
Board/committee	Number of published agenda items with papers (excluding minutes)	Number of papers published in full (excluding minutes)	Percentage of papers published in full	Number of exempt papers (excluding minutes)	Percentage of exempt papers								

GLA Question	LLDC answer					
	Board total	66	50	76%	16	24%
	Audit Cttee	10	10	100%	0	0%
	Investment Cttee	7	1	14%	6	86%
	Resource and Remuneration Cttee	5	2	40%	3	60%
	Communities Cttee	5	3	60%	2	40%
	Stadium Cttee	4	1	25%	3	75%
	Planning Decisions Cttee	5	5	100%	0	0%
13. Which of your regular decision-making meetings have published minutes?	They all do. Minutes are published once approved by the relevant Chairman and/or with papers for the next meeting.					
14. What percentage of minutes that were published were published in full over the last year?	<p>Out of 16 meetings for which minutes have been agreed since April 2012:</p> <ul style="list-style-type: none"> <li>Minutes of the public part of meetings and of decisions taken in private parts of meetings were published for all meetings</li> <li>For seven meetings (44%), additional minutes containing exempt information were agreed in private session.</li> </ul>					
15. [For MOPAC only] What consideration has been given to an equivalent at MOPAC to the GLA's Investment and Performance Board with published papers and minutes?						
16. Which of your board-level meetings open to the public?	All Board and committee meetings are open to the public. Where appropriate, the Board takes the decision at the meeting in question to enter into private session on the basis of Local Government Act 1972 exemptions.					
17. If you have public meetings, what percentage of agenda papers were considered in public over the last year?	Please see Question 12.					

GLA Question	LLDC answer
18. For meetings that are not public, what are the reasons why they are not open?	<p>All meetings are convened in public. Where meetings go into private session, this is based on the relevant exemptions in the Local Government Act 1972. These include:</p> <ul style="list-style-type: none"> <li>• Information relating to any individual.</li> <li>• Information which is likely to reveal the identity of an individual.</li> <li>• Information relating to the financial or business affairs of any particular person (including the authority holding that information).</li> <li>• Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</li> <li>• Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</li> </ul>
19. How are rules about public access determined in your organisation?	<p>All Board and committee meetings are open to the public. Where appropriate, the Board takes the decision at the meeting in question to enter into private session on the basis of Local Government Act 1972 exemptions.</p>
<p><u>Contracts and tender documentation</u></p> <p>20. What percentage of contract specifications did you make publicly available over the last year?</p>	<p>Transparency is fundamental to all procurement and contracting activities. Any requests to make contract specifications available would be considered in line with FoI provisions.</p> <p>The Legacy Corporation published a Procurement Code in April 2012. This assists potential suppliers to understand the principles and practices that the Legacy Corporation will follow when sourcing. The Legacy Corporation also fully complies with the requirements contained in the Public Contract Regulations 2006 (as amended), where such an opportunity exceeds the relevant thresholds. The Code is available on our public website (link to Code <a href="#">here</a>).</p> <p>Advertisements for contracts that are over the EU minimum tender thresholds are placed in the Official Journal of the European Union (OJEU). The process is also managed through our e-tendering systems (Procure4London, Competefor and Contracts Finder - a government-wide e-tender system), which makes all contract specifications available to registered suppliers.</p> <p>So far this financial year the Legacy Corporation has made 48 publicly advertised procurements this figure includes full OJEU, further competition from frameworks and sub OJEU Contract notices. In the same</p>

GLA Question	LLDC answer
	<p>period the Legacy Corporation made 33 sub-OJEU procurements where the thresholds did not require us to advertise. Therefore 60 per cent of all procurements were publicly advertised.</p> <p>Following a review of Government guidance the Legacy Corporation is in the process of reviewing our approach to transparency in relation to contracts and tenders in early 2013.</p> <p>The Legacy Corporation has fully adopted an e-Sourcing portal for all procurements which streamlines processes for staff and makes submitting of Expressions of Interests and bids easier and quicker for suppliers. All potential suppliers are encouraged to register on the portal which is free and only takes 10 minutes. The Legacy Corporation's Legal and Procurement team have held evening events to promote and encourage SMEs and micro-businesses to bid for Legacy Corporation contracts.</p> <p>The Legacy Corporation has appointed a specialist company to focus on getting small and medium sized businesses within the host boroughs to be "bid ready" for contracts from the Development Corporation and its suppliers.</p>
21. What percentage of these contained redactions?	The contract specifications are not redacted.
22. What percentage of bids did you make publicly available in the last year?	Details of bids on specific contracts would be made available in response to an FOI request, subject to any statutory exemption which may apply. In 2012 we had seven such requests. The details of bids, including the value of bids submitted and details of bidders, are not routinely published because of commercially sensitive information or information protected under the Data Protection Act, especially procurement activity is ongoing.
23. What percentage of awarded contracts did you make publicly available in the last year?	Details of specific contracts would be made available in response to an FOI request, subject to any statutory exemption which may apply. In 2012 we had seven requests relating to contract scope and values, and this is a very small percentage of the Legacy Corporation's total number of contracts.
24. What percentage of these contained redactions?	Some commercially sensitive information was redacted in responding to these questions in compliance with the Fol Act and in accordance with duties of confidentiality in those agreements.

GLA Question	LLDC answer
25. What percentage of contract values did you make publicly available in the last year?	The value of contracts is not routinely published, but any request would be considered in line with relevant legislation.
26. For what percentage of contracts did you make the name of the supplier publicly available in the last year?	The Legacy Corporation publishes the identities of the awardees of contracts above the relevant OJEU thresholds, but we will consider a more systematic approach for publication in the future.
27. What information about payments under contracts do you make publicly available? (For published payments over £500, is any link made between the payments and the contracts under which they are made?)	The Legacy Corporation publishes details of all payments above £250, but this information is not linked to contractual information.
28. What process do you use to determine whether tender documents and contractual information is made publicly available?	Following a review of Government guidance the Legacy Corporation is in the process of reviewing our approach to transparency in relation to contracts and tenders in early 2013.
<u>Performance data and progress against targets</u>	The Legacy Corporation currently publishes a <a href="#">quarterly performance review</a> , and issues this to Board members. This includes financial information and information regarding performance against milestones.
29. What performance monitoring data does your organisation publish regularly? Please provide a list.	The Legacy Corporation is also developing systems for reporting on performance data (including Park outcome measures), to ensure that performance information can be captured and published consistently over time and across different elements of the business.
30. What outcome targets/expectations does your organisation have? Please provide a list.	These are the most recent set of targets that the Legacy Corporation are working to, although continued development of wider performance-targets (relating to a wider scope than just that of the Park) will be published in the future.

GLA Question	LLDC answer
	<p>The Legacy Corporation has identified the following performance targets and indicators, primarily relating to transformation works and the operation of the Park and venues. Further targets and performance measures are under development for the organisation as a whole and for specific work streamz:</p> <p>Estates and Facilities Management</p> <ul style="list-style-type: none"> <li>• 85% of the workforce have permanent residency in the Host Boroughs</li> <li>• 50% of the workforce are from BAME groups</li> <li>• 50% of the workforce are women</li> <li>• 10% of the workforce are disabled</li> <li>• 50 apprenticeship places in total for EFM</li> <li>• 1,000 volunteering opportunities to be created</li> </ul> <p>Venue Operations</p> <ul style="list-style-type: none"> <li>• 70% of the workforce have permanent residency in the Host Boroughs</li> <li>• 55% of the workforce are from BAME groups</li> <li>• 50% of the workforce are women</li> <li>• 3-5% of the workforce are disabled</li> <li>• 36 apprenticeship places per year.</li> </ul> <p>Long-term Legacy Communities Scheme outputs include</p> <ul style="list-style-type: none"> <li>• 7,000 new homes proposed (42% family homes, 35% affordable housing)</li> <li>• up to 4,000 new jobs;</li> <li>• three new schools (two primary, one secondary); nine new nurseries; two walk-in health centres; one primary care health centre; and community, leisure and cultural facilities</li> <li>• 100% lifetime homes and 10% wheelchair homes</li> </ul> <p>Potential for a further 3,500 jobs in press and broadcast centres</p> <p>Tier 1 Transformation employment targets:</p> <ul style="list-style-type: none"> <li>• 25% of the workforce have permanent residency in the Host Boroughs</li> <li>• 10% of the workforce were previously unemployed</li> </ul>

GLA Question	LLDC answer
	<ul style="list-style-type: none"> <li>• 25% of the workforce are from BAME groups</li> <li>• 5% of the workforce are women</li> <li>• 3% of the workforce are disabled</li> <li>• 3% of the workforce are apprentices.</li> </ul>
31. What information do you publish regularly to monitor progress against these targets?	The Legacy Corporation is currently mobilising on site. Once the Park has re-opened (from July 2013), a wider range of data will begin to be collected. Performance against key targets will then be reported on a quarterly basis.
32. What criteria do you use to determine what monitoring data and progress information you publish?	The Legacy Corporation is currently developing its reporting systems and these will continue to evolve as the Park re-opens. Performance data will be published in relation to Park and Venues usage, employment, housing and regeneration targets.
<u>Information requests</u>  33. What processes/principles govern how ad hoc information requests from the Assembly and others are responded to?	The Legacy Corporation aims to meet the deadline set by Assembly Members, MPs, MEPs and local authorities. If no deadline has been stipulated we will aim to respond to all written correspondence within 20 working days.
<u>Other</u>  34. For what percentage of staff earning over £58,200 are names and salaries currently published as required by the DCLG's code of recommended practice?	The Legacy Corporation Board agreed to start publishing this information (and other transparency information) at its <a href="#">5 December 2012 Board meeting</a> . Information will be published from January 2013.

**John Biggs AM**

Member of the GLA Oversight Committee

City Hall

The Queen's Walk

London SE1 2AA

14 December 2012

Dear John,

Thank you for your letter dated 8<sup>th</sup> November relating to your investigation on behalf of the GLA Oversight Committee on transparency and openness in the GLA family. I welcome the opportunity to demonstrate how transparent MOPAC is, and to learn from other members of the GLA family and from your recommendations how to improve our levels of transparency wherever possible.

Whilst, unlike fellow members of the GLA family, we are not subject to the conduct and publication rules outlined in the Greater London Authority Act (1999) and the Local Government Act (1972), we are committed to the highest levels of transparency for both our own organisation and as part of our oversight responsibilities for the Metropolitan Police Service. I wish to note here that the publication of information online is subject to the refresh of the GLA website, so we are working to ensure that the impact of this on our publication of materials is minimised.

We are governed by the Police Reform and Social Responsibility Act (2011) which has placed upon the organization a number of duties and requirements, notably different from those which governed the previous police authorities. MOPAC is a new body, and our systems and policies are subject to review as they develop. It should be noted here that a number of our meetings are also new.

I believe, therefore, the MOPAC is going above and beyond our requirements to ensure that information is made available both to the Assembly and to the public. I look forward to receiving your investigation report and its findings, and look forward to understanding better how agencies across the GLA family and the Assembly can learn to be more transparent.

Yours sincerely,



Stephen Greenhalgh

**Deputy Mayor for Policing and Crime**



## GLA Group questionnaire on transparency: MOPAC Response

As noted in the cover letter (attached), MOPAC is not subject to local authority conduct and publication rules as outlined in the Greater London Authority Act (1999) and the Local Government Act (1972). Rather, the fundamental intention of the Police Reform and Social Responsibility Act (2011) was to establish a powerful new office in each police area, which will exercise executive decision-making.

MOPAC is required to publish the information which it considers to be necessary for Londoners to assess the performance of MOPAC and the MPS. It must also provide information to the Police and Crime Panel (subject to a number of exemptions), and abide with The Elected Local Policing Bodies (Specified Information) Order 2011.

MOPAC is responsible for the totality of policing in London. This means that its executives and officers are subject to the Official Secrets Act and are regularly exposed to sensitive operational materials. Special consideration must be given prior to any disclosure in order to ensure that the interests of national security, crime prevention and detection, or the safety of any individual is not jeopardized. The Policing Protocol Order 2011 makes clear that MOPAC should not disclose information that is operationally sensitive.

However, MOPAC is committed to the highest levels of transparency within these constraints and we are grateful for the opportunity to provide the Oversight Committee with the following information.

### Corporate view on confidentiality

1. *What is the corporate or 'house' approach to dealing with confidentiality within your organisation, and do you have a corporate policy or guidance on this (in which case please include a copy of this with your response)*

MOPAC Policies (attached)

- Information Security and Access Control (systems of protective marking e.g. protect, restricted, confidential, secret, top secret).
- Data Protection Statement.

Corporate approach

- MOPAC complies with the Lord Chancellor's Access Code, issued under section 45 of the Freedom of Information Act. We do not use confidentiality clauses in relation to contracts as this can purport to restrict the disclosure of information that we hold.
- MOPAC follows the Information Commissioner's guidance when dealing with confidentiality and apply a 'test of confidence'. This 3 point test involves determining the information has the necessary quality of confidence; that information was obtained in confidence, and its disclosure would constitute an actionable breach of confidence.

- a. How do you ensure you are achieving the highest possible levels of transparency?*
- MOPAC is committed to publishing information and has developed a publication scheme that meets our Freedom of Information Act (FoIA) obligations and the more specific requirements of the Elected Local Policing Bodies (Specified Information) Order with timelines for disclosure. Most of the information listed in our publication scheme will shortly be available to download
  - All DMPC decisions are reviewed by the Information Officer to ensure the transparency of decisions taken to spend public money.
- b. Does your organisation have a presumption that all information should be publically available unless there is a good reason for it not to be?*
- MOPAC adopts the presumption of openness when administering FoIA and adopts this presumption in all decisions – meaning that information is not withheld simply because we may do so legally.
  - The MPS, on our behalf, publishes expenditure over £500 and senior staff salaries in accordance with the Recommended Code of Practice. This is available at [http://www.met.police.uk/foi/c\\_what\\_we\\_spend.htm](http://www.met.police.uk/foi/c_what_we_spend.htm)
- c. Where something is classified as confidential, how do you explain why?*
- We explain that MOPAC is under an obligation of confidence imposed by the common law, contract, or statute. We are obliged to protect confidentiality owed to a third party. Information is classified as confidential when compromise of the information could place an individual in significant and real personal danger or impede security investigations or investigations of crime/fraud
- d. Do you try to use redactions where possible, rather than confidential papers or appendices?*
- MOPAC prepares papers for publication on our website as non-exempt/part 1. It is sometimes necessary for papers to have background documents/information which due to its content cannot be published and is marked as an exempt/part 2 paper. We proactively will publish any information that is not exempt in part 1 this negates the need for redactions.
- e. Do you try to include end dates on confidential information – i.e. specify a date by when it should be possible to make it publicly available?*
- MOPAC decisions proforma provides the option for deferment and the date can be entered showing when this information should be made publicly available.
- 2. In what circumstances is it justified for information to be classed as confidential – e.g. advice to the Mayor, commercial sensitivities etc? Please use examples and explain why these types of information should not be made available.*
- Information is confidential when it has the necessary quality of confidence and was given in circumstances under an obligation of confidence and disclosure could cause detriment to the confider. However, it can still be disclosed if it is in the public interest to do so, as this a defence against any legal challenge.
  - Circumstances when information can be classed as confidential information would include cases where disclosure would undermine the principle of confidentiality. An example of this is where officers would be discouraged from making free and frank deliberations or giving advice if they did not have a degree of certainty that such confidences would be respected. This example can be applied to any circumstance where there is need to maintain trust and the free flow of information.
  - Advice to the Mayor or DMPC from officials is exempt from disclosure on the grounds that disclosure would inhibit the provision of free and frank advice necessary to good decision making. Chapter Four of the PRSR Act specifically refers to advice to the DMPC, stating that

nothing in subsection (5)<sup>1</sup> requires a member of the staff of the Mayor's Office for Policing and Crime to give any evidence, or produce any document, which discloses advice given to the Mayor's Office for Policing and Crime by that person.

### Decision-making – written decisions approvals

3. *Please provide a description of decision-making process, including below board level, at your organisation.*

- The MOPAC decision-making process will ensure that a single, transparent model for taken decisions is operated across the organisation. All decisions relating to the MPS, which are taken by MOPAC in line with the scheme of delegation, are published on the MOPAC website. All decisions to approve MOPAC programme / project expenditure of over £50,000 and all other decisions of significant public interest are made available to the public via the MOPAC website.
- All decisions will go through internal consultation – including legal, financial and equalities advice – before being considered by the Chief Operating Officer and the Deputy Mayor for Policing and Crime (and in some instances the Mayor as Occupant of MOPAC).

4. *Please provide a list of types of formal decision approval documents specifying whether each type is published or not and how many of each type there were in the last year.*

- The DMPC approves all MPS spend over £500,000; sponsorship above £50,000; contract exemptions above £100,000; bids for grant funding above £500,000; all grants to secure crime reduction in London; settlements of legal claims of significant public interest and all of those above £50,000 (£200,000 for accident claims). Finally, all significant, contentious or novel decisions are to be agreed by MOPAC.
- The DMPC approves all MOPAC revenue and capital expenditure; all grants provided by MOPAC; the financial settlement of all legal claims; all contracts, variations, and extensions; and all business cases to acquire property. These lists are not exhaustive.

5. *What percentage of the published documents were published in full over the last year?*

- Since the creation of MOPAC on 16<sup>th</sup> January to 31<sup>st</sup> October 2012, 43% of decisions taken by the DMPC have been published in full. The remainder of those published had a Part 2 form.

6. *What percentage of the published documents were published within five working days over the last year?*

- MOPAC sends decisions to the GLA web team within one working day of the decision being taken. The web team then aims to update the site within three working days. In practice, the site is ordinarily updated within one working day.

7. *What process do you use to determine whether decision documents are published and whether there should be redactions and/or a delay before publication?*

- Part 1 decision forms are published in full. It is not the practice to publish decision documents in redacted form. If it is considered that there is additional information which needs to be brought to the attention of the Deputy Mayor but which should not be published it is included in a Part 2 form which states the reasons for exemption under the

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<sup>1</sup> Relating to London Assembly requirements to attend meetings or produce documentation

FOIA or the DPA. The part 2 forms are reviewed by the MOPAC senior information officer. If a request is made to delay publication, a date for publication is identified.

8. *Please provide a list of the titles of items of formal (confidential) advice to the Mayor.*  
For the GLA only
9. *What consideration has been given to publishing more advice to the Mayor?*  
For the GLA only

#### Decision-making – meetings

10. *Please provide a description of your board structure and a list of regular decision-making meetings. Please include full committees, sub-committees, panels etc.*
11. *Which of these meetings have agenda papers that are published in advance?*
12. *What percentage of published agenda papers were published in full over the last year?*
13. *Which of your regular decision-making meetings have published minutes?*
14. *What percentage of minutes that were published were published in full over the last year?*
- In response to questions 10-14 inclusive, MOPAC does not have a board structure. The Mayor as occupant of the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime hold statutory executive positions. Decisions are therefore taken by them, rather than through meetings.
  - The DMPC can convene meetings which advise him on the exercise of his authority. As soon as is possible (given the changes currently underway to the GLA website) we will be publishing agendas and notes of the Joint Investment Board, Joint Asset Management Panel, and DMPC-Commissioner bi-laterals will be published shortly, and routinely thereafter. The MOPAC-MPS Audit Panel is meeting on 19<sup>th</sup> December and will provide guidance on publication of their papers. This is in excess of the transparency requirements placed upon the organisation.
15. *[For MOPAC only] What consideration has been given to an equivalent at MOPAC to the GLA's Investment and Performance Board with published papers and minutes?*
- As noted above, the DMPC can convene meetings which advise him on the exercise of his authority and a Joint Investment Board (JIB) has been created to consider all MPS investment decisions which in accordance with the MOPAC Scheme of Delegation, require DMPC approval. As MOPAC is different to the GLA in statute and form, it is not possible to say whether this is equivalent to the GLA's Investment and Performance board.
16. *Which of your board-level meetings open to the public?*
- As noted above, MOPAC does not have a board structure. MOPAC Challenge meetings are held in public.
17. *If you have public meetings, what percentage of agenda papers were considered in public over the last year?*
- All MOPAC Challenge papers are considered fully in public.

18. *For meetings that are not public, what are the reasons why they are not open?*

- For the reasons noted above, no decision making meetings take place in public, though MOPAC does intend to publish a range of agendas and papers for meetings. As soon as is possible (given the changes currently underway to the GLA website) we will be publishing agendas and notes of the Joint Investment Board, Joint Asset Management Panel, and DMPC-Commissioner bi-laterals will be published shortly, and routinely thereafter.

19. *How are rules about public access determined in your organisation?*

- DMPC decisions are formally made through an open decision-making process (see answers to questions 3-7 inclusive). As meetings are not held in public, with the exception of MOPAC Challenge, we seek to publish all decisions online

#### Contracts and tender documentation

20. *What percentage of contract specifications did you make publicly available over the last year?*

21. *What percentage of these contained redactions?*

22. *What percentage of bids did you make publicly available in the last year?*

23. *What percentage of awarded contracts did you make publicly available in the last year?*

24. *What percentage of these contained redactions?*

25. *What percentage of contract values did you make publicly available in the last year?*

26. *For what percentage of contracts did you make the name of the supplier publicly available in the last year?*

- In response to questions 20 – 26 inclusive, in accordance with scheme of delegation day to day responsibility for procurement has been delegated to the MPS so majority of the responsibilities outlined are undertaken by the MPS on MOPAC's behalf.
- The DMPC is responsible for approving all requests to go out to tender above £500K in value and MOPAC officers ensure the relevant decision sheet contains the estimated value of the contract in the part one decision sheet.

27. *What information about payments under contracts do you make publicly available? (For published payments over £500, is any link made between the payments and the contracts under which they are made?)*

- The MPS, on our behalf, publishes expenditure over £500 and senior staff salaries in accordance with the Recommended Code of Practice. This is available at [http://www.met.police.uk/foi/c\\_what\\_we\\_spend.htm](http://www.met.police.uk/foi/c_what_we_spend.htm)

28. *What process do you use to determine whether tender documents and contractual information is made publicly available?*

- Please refer to the MPS response, as this function is undertaken by MPS on MOPACs behalf.

#### Performance data and progress against targets

29. *What performance monitoring data does your organisation publish regularly? Please provide a list.*

- In line with the Mayoral commitment to transparency, data relating to policing performance is available on the London Datastore. A full list of this data has been provided to the Police and Crime Committee of the Assembly.
- A MOPAC Challenge performance paper will be published quarterly on the website. This includes data on:
  - Neighbourhood crime.
  - Public Confidence.
  - Performance on the MOPAC targets on crime and confidence.

30. *What outcome targets/expectations does your organisation have? Please provide a list.*

- We are also developing a Police and Crime Plan which will outline internal targets and expectations. MOPAC has set the MPS a target of a 20% reduction in neighbourhood crimes over this mayoral term, a 20% improvement in confidence and a 20% reduction in the budget.

31. *What information do you publish regularly to monitor progress against these targets?*

- This will be part of the Police and Crime Plan, which will be published and regularly updated. Once the PCP has been published, MOPAC will also publish monitoring data.

32. *What criteria do you use to determine what monitoring data and progress information you publish?*

- As part of our duties under the PSRSA, we aim to publish sufficient data to allow the public to judge the performance of the police. The PCP, once published, will inform our monitoring data and progress information.

#### Information requests

33. *What processes/principles govern how ad hoc information requests from the Assembly and others are responded to?*

- We will do our best to accommodate all requests received from the Assembly members and aim to provide a response within 20 working days. Of course, we also aim to respond to members of the public within the same time frame.

#### Other

34. *For what percentage of staff earning over £58,200 are names and salaries currently published as required by the DCLG's code of recommended practice?*

- We have published the salaries and job titles of 100% of staff who earn over £58,200.

## MOPAC INFORMATION SECURITY AND ACCESS CONTROL FRAMEWORK

### 1. Purpose

- 1.1. This purpose of the Information Security and Access Control Framework (the “IS Framework”) is to ensure that the Mayor’s Office for Policing and Crime (MOPAC) securely handles, uses, stores, retains and destroys information to minimise any risk of misuse, loss or damage to information.
- 1.2. It gives guidance to MOPAC staff on how information should be classified and marked, to enable MOPAC to comply with this policy
- 1.3. It provides a common baseline for safeguarding information, particularly when it is received by or shared with stakeholders.
- 1.4. This policy applies to all new information created, modified or accessed from date of implementation of the policy.

### 2. Scope

- 2.1. This document applies to the whole MOPAC, being the Mayor, Deputy Mayor for Policing and Crime as well as all staff of MOPAC, including agency workers, secondees and consultants engaged to work with MOPAC.
- 2.2. This document covers all information held by MOPAC, and or staff of MOPAC and others who are engaged to work for MOPAC.

### 3. Definition of Information

- 3.1. For purposes of the IS Framework, “Information” is defined as information or knowledge in whatever form, recorded or unrecorded, (including, without limitation, in written, oral, visual or electronic form or on any magnetic or optical disk or memory and wherever located) related to the business of the MOPAC which is created, received or obtained, held, managed, developed or communicated by MOPAC, in the course carrying out its work or by staff of the MOPAC and others who are engaged to work for MOPAC.
- 3.2. The sensitivity of Information is determined by the likely consequences of that Information being compromised.

## **Policy Statement**

- 3.3. The Information is the property of MOPAC and a vital asset to the organisation. The MOPAC recognises the importance of this Information and will take all necessary measures to ensure it is secure from loss, unauthorised or unlawful processing, damage or destruction.
- 3.4. The policy aim is to ensure MOPAC applies a structured and consistent approach to treating documents in terms of their sensitivity and in compliance with legislation..
- 3.5. In doing this, MOPAC will use the UK Government Protective Marking Scheme (GPMS) as a framework.
- 3.6. MOPAC will consider using ISO 27001:2005 or equivalent (the International Standard on Information Security) as a benchmark against which to measure its progress.
- 3.7. MOPAC is committed to ensuring that its policies comply with all relevant legislation such as:
  - 3.7.1. Data Protection Act 1998,
  - 3.7.2. Environmental Information Regulations 1992
  - 3.7.3. Equality Act 200x
  - 3.7.4. Freedom of Information Act 2000,
  - 3.7.5. Greater London Authority Acts 1997 and 2007,
  - 3.7.6. Human Rights Act 1998,
  - 3.7.7. Limitation Act 1990.
- 3.8. MOPAC is committed to implementing a programme that will involve:
  - 3.8.1. Ensuring all people engaged by MOPAC should read and understand this document.
  - 3.8.2. Senior Management Team (SMT) authorising and overseeing all aspects of information security.
  - 3.8.3. Producing and communication guidance and procedure documents covering all applicable areas of information security and ensuring these procedures are complied with.
  - 3.8.4. Procuring and implementing systems, both manual and electronic, to ensure that Information is securely handled, used, stored retained and destroyed.
  - 3.8.5. Reviewing the IS Framework every 2 years.

## **4. Roles and Responsibilities**

- 4.1. The MOPAC Monitoring Officer will carry responsibility for compliance with and the implementation of the IS Framework.
- 4.2. Senior Management Team (SMT) will authorise and oversee all aspects of information security.



- 4.3. The Treasurer will lead and chair a IS Framework implementation group comprising Heads of service from the Business Management Unit, Human Resources Unit, ISIT Team, Facilities Management and representatives from the Directorate of the Deputy Chief Executive and the Directorate of Risk, Assurance and Audit. The group will also include specific key postholders, namely the Solicitor and the Senior Information Officer.
- 4.4. The Mayor, Deputy Mayor for Policing and Crime and all staff of MOPAC, including agency workers, secondees and consultants engaged to work with MOPAC, are responsible for implementing information security through compliance with the appropriate MOPAC policies and procedures.
- 4.5. Other specific roles and responsibilities will be set out in the relevant procedure documents.
- 4.6. The IS Framework notes MOPAC's key Information stakeholders, with whom it will seek mutual regard to information security policies, namely
  - 4.6.1. the Commissioner of the Metropolis and the Metropolitan Police Service
  - 4.6.2. the Greater London Authority
  - 4.6.3. Central Government departments
  - 4.6.4. Other public bodies with whom the MOPAC closely works, such as local authorities, the IPCC, HMIC, etc.
  - 4.6.5. MOPAC commissioned groups such as Community and Police Engagement Groups, and Independent Custody Visitor panels

## **5. The IS Framework and the Freedom of Information Act 2000**

- 5.1. The IS Framework does not override the requirements of the Freedom of Information Act 2000 (FOIA). Information must be considered on a case-by-case basis in relation to the exemptions set out in the FOIA. Information requests cannot be refused simply because they have a protective mark.

## **6. Review of the IS Framework**

- 6.1. The IS Framework will be reviewed every two years to ensure that it is up-to-date. The review will be carried out by the framework implementation group, reporting to SMT, who will, as appropriate seek further approval as necessary from the Mayor and Deputy Mayor for Policing and Crime.

# The Government Protective Marking System

## 1. Introduction

1.1. MOPAC will use a document marking scheme consistent with the UK Government Protective Marking Scheme (GPMS), particularly as MOPAC shares information with the MPS and other governmental agencies that do use the GPMS to protect their information. Our policy the 'MOPAC Information Security and Access Control' (ISAC) is consistent with the GPMS.

1.2. ISAC has five information classifications, these are:

- TOP SECRET
  - SECRET
  - CONFIDENTIAL
  - RESTRICTED
  - PROTECT (Cabinet Office mandate 28 February 2007)
- (UK Government Standard)

## 2. How ISAC works

2.1. When a document is created in hard copy or electronic form, consideration must be given to the need to apply a protective marking. The level of protective marking that is assigned to the document depends on whether the information within it should be freely available and, if not, the degree of restrictions that should be placed upon it.

2.2. The vast majority of MOPAC work is likely to be covered by the 'RESTRICTED' and 'PROTECT' mark.

## 3. Marking Documents

3.1. Documents should be marked top and bottom with the appropriate marking i.e. SECRET; CONFIDENTIAL; RESTRICTED; PROTECT / Public; PROTECT/Internal or PROTECT/Sensitive. . All pages must be numbered. The table below should be used on the front page of all newly created documents to show creation and author details and also assist with version control.

Protective Marking	Not Protectively Marked
Suitable for publication scheme?	Yes
Title	MOPAC Information Security and Access Control Framework
Version	1
Author	Y. Peart
Creating Branch	Business Management Unit
Date Created	1 May 2012
Review Date	1 May 2013
Document	

## 4. Questions

4.1. If you have any questions about the operation of this policy please contact Yvonne Peart, ext. 57185.

## 5. RESTRICTED classification

- 5.1. This relates to any information that is connected to highly sensitive cases, which could cause substantial distress to individuals, internally or externally or cause crime to be committed against the MOPAC or an individual.
- 5.2. This category of information also contains details of any security-related incident or investigation. Example information includes security reports, high-level briefings, highly sensitive client information, and cases relating to the immediate family of members of staff.
- 5.3. Staff should implement the need to know principle to prevent unauthorised access or disclosure of restricted information.
- 5.4. Access to Restricted information should be limited to staff that have CTC clearance or above (all MOPAC staff are expected to be cleared to at least CTC level).
- 5.5. When applying the 'Restricted' marking consideration must be given to the likely consequence of compromise of information marked 'Restricted' – is it likely to:
  - 5.5.1. cause substantial distress to individuals
  - 5.5.2. cause financial loss or loss of earning potential to, or facilitate improper gain or advantage for, individuals or companies
  - 5.5.3. prejudice the investigation or facilitate the commission of crime
  - 5.5.4. breach proper undertakings to maintain the confidence of information provided by third parties
  - 5.5.5. impede the effective development or operation of government policies
  - 5.5.6. breach statutory restrictions on the disclosure of information (except the Data Protection Act - which can be addressed by other impact statements and/or the e-Government Security Framework).
  - 5.5.7. disadvantage government in commercial or policy negotiations with others
  - 5.5.8. undermine the proper management of the public sector and its operations
- 5.6. Information should be protectively marked to ensure that those who handle it apply the appropriate level of protection, as outlined in both this policy and the appendices. However, it is important that information is not over classified as this can cause unnecessary access restrictions.

## 6. Storage

- 6.1. Restricted information should be kept under lock and key overnight and/or whenever a room is left unattended. To ensure the security of the 'Restricted' information the key should also be given appropriate protection.

## 7. Transmission

- 7.1. When 'Restricted' information is being transmitted externally use ordinary envelopes marked 'private and confidential'. Also consider using tamper-proof envelopes and/or the use of a trusted courier.

## 8. Disposal/Destruction

Copies no longer in use should be shredded or disposed of in confidential waste bins.

## 9. PROTECT classification

9.1. The 'Protect' mark operates at a level below 'Restricted'. Essentially this is information, which forms the bulk of everyday handling within MOPAC teams and is intended as a marker or reminder for staff to have regard before disclosing any of that information, as it could be exempt under Freedom of Information Act or Data Protection Act. There are three sub-levels to the Protect mark. The descriptors 'Public, Internal or Sensitive' must be used with the Protect mark.

9.1.1. **Public** - Any information that could reasonably be made available to the general public. This generally does not contain information that is considered sensitive or could prejudice the MOPAC in any of its dealings. Anything marked at this level would be intended to be included on the MOPAC Publication Scheme. The document may still contain information, which would need to be checked before disclosure to the general public. Example information includes annual reports, publicity material, brochures, advice leaflets, and Internet site information.

9.1.2. **Due care / internal use only** - Any information relating to the operation of our organisation which, if made available externally, might mean that we could not operate as efficiently as we might. Example information includes internal organisation communications, intranet site information, and internal operational information.

9.1.3. **Due care / sensitive** - Any information which relates to an individual and, hence, is covered by the Data Protection Act. Example information includes organisation plans, personnel files.

## 10. Storage

10.1. No requirements. However, when dealing with sensitive information consider keeping in locked storage overnight. Information with a Protect marking may be left, face down, on your desk for short periods during the day.

## 11. Transmission

11.1. Transmit using ordinary envelope through public mail system. Consider tamper proof envelope when transmitting sensitive information.

## 12. Disposal/Destruction

12.1. No requirements – recycle where possible. Sensitive information should be disposed in confidential waste bins or shredded.

### 13. CONFIDENTIAL classification

- 13.1. The Confidential marking is used, for example, when compromise of the information could place an individual in significant and real personal danger or impede security investigations or investigations of crime/fraud. Access to Confidential information should be restricted to staff who have been cleared to CTC level or in some cases SC clearance may be required.

### 14. 7.Storage

- 14.1. The whereabouts should be recorded and maintained in a register, which should be maintained by the Facilities Management team OR kept in security containers offering adequate protection. Further guidance on what type of containers to use can be obtained from MOPAC Facilities Management or MPS Physical Security Unit (ext: 62053).

### 7.2 Transmission

- 14.2. Movement of files should be registered. Items transmitted within DFS should be sent by a trusted hand or sealed envelope/container. Between MPS sites items should be sent in sealed envelope/container or by internal post addressed to an individual or appointment. The cover should show no security marking. Confidential items should not normally be sent by internal e-mail, fax and never over the Internet/Intranet.
- 14.3. Double covers must be used if sent to a non-Government address; the outer cover should show no security marking but must include recipient's name and/ or appointment, address and a return address. Inner covers must be similarly addressed and the protective marking and descriptor shown on the inner envelope only.

### 7.3 Disposal/Destruction

- 14.4. Downgrade by tearing into small pieces and place in confidential waste.
- 14.5. Sacks or Use a cross cut shredder that has been set to government standard (60 sq mm). **Keep secure when left unattended.**

## 15. SECRET classification

- 15.1. The 'Secret' marking is used, for example, when compromise of the information would directly threaten life or seriously prejudice public order or individual security or liberty. For example the naming of police sources, witnesses or terrorist cases. Access to regular Secret information requires staff to have an SC clearance although staff cleared to CTC may view items under supervision.

## 16. Storage

- 16.1. Documents should be kept in security containers offering adequate protection. Further guidance on what type of containers to use can be obtained from MOPAC Facilities Management or MPS Physical Security Unit (ext: 62053).
- 16.2. The document originator must annotate if copies are to be made. If copied the destination must be recorded on the original and all copies must be numbered.

## 17. Transmission

- 17.1. Movement of files must be registered. Items transmitted within DFS should be sent by a trusted hand, or using or sealed envelope/container. Between MPS sites items should be sent in a container or using double sealed envelopes both fully addressed but with the protective marking and descriptor shown on the inner envelope only. A return address must be shown on the outer envelope.
- 17.2. Documents sent to a non-Government address must be carried by trusted hand, or post or courier in a second container or using double envelopes. An approved tamper-evident envelope/ secure container must be used as an outer cover to include recipients name and/or appointment, address and return address. Inner covers must be similarly addressed and the protective marking and descriptor shown on the inner envelope only.

## 18. Disposal/Destruction

- 18.1. Use a cross cut shredder that has been set to government standard (60 sq mm).

## 19. TOP SECRET classification

- 19.1. The Top Secret marking is used, for example, when compromise of the information would be likely to lead to widespread loss of life – eg impacts on National Security. Access to Top Secret information requires staff to have clearance to DV or SC under supervision.

## MARKINGS AND IMPACT LEVELS

Table 1: Markings and Impact Levels

Impact on MOPAC	Impact on Individuals	Protective Marking
Extensive impact to MOPAC	Considerable distress	RESTRICTED
Large impact	Much distress	PROTECT (+ descriptor)
Minor Impact	Minor distress	
No impact	No distress (e.g. public domain information)	NOT PROTECTIVELY MARKED (optional)

PROTECT must always be accompanied by a descriptor:

Table 2: Summary of PROTECT descriptors

**DUE CARE / SENSITIVE**

PERSONAL	Intended only for the addressee e.g. payslip
PRIVATE	Sensitive information related to individuals or organisations – access limited appropriately;  e.g. references for ‘former employees’

**DUE CARE / INTERNAL USE ONLY**

POLICY	Sensitive information related to the development of Government or MOPAC policy, once policy applied, protective marking must be removed
STAFF	Personal confidences entrusted by staff to management  e.g. Staff related references from ‘On the Sofa’
MGMT	Concerning policy and planning affecting the interests of groups of employees
COMRC	Related to commercial undertakings, processes or affairs e.g. tenders or contracts
CONTRACTS	Tenders under consideration and the terms of tenders accepted
INVESTI	Investigations into disciplinary or criminal matters
REGULAT	Material which has come into the possession of government departments or the MOPAC in the course of carrying out their statutory regulatory duties
RESEARCH	Material relating directly to research linked to sensitive subjects, e.g. domestic violence



## MARKINGS AND IMPACT LEVELS

**PUBLIC**

<b>NOT PROTECTIVELY MARKED</b>	Material suitable for placing in the public domain	Must be applied to documents that are to be published to the wider world
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## Handling protectively marked documents

Table 3: Handling protectively marked document 'PROTECT'

	PROTECT
<b>Impact</b>	<p>The compromise of assets marked PROTECT would be likely to:</p> <ul style="list-style-type: none"> <li>• Cause distress to individuals</li> <li>• Breach proper undertakings to maintain the confidence of information provided by third parties</li> <li>• Breach statutory or mandatory restrictions on the disclosure of information</li> </ul>
<b>Marking</b>	Include in bold capitals, same size as body text, centre top and bottom of each page, with additional 'descriptor'.
<b>Storage of paper records</b>	Physically protect by one barrier within a secure building, e.g. a locked container.
<b>Disposal of papers</b>	Place in a designated secure disposal facilities.
<b>Disposal/re-use of magnetic media</b>	<p>Delete contents and re-use within organisation only.</p> <p>Should be destroyed by ISIT security if deemed appropriate.</p>
<b>Internal distribution</b>	<p>To recipient by email, sealed envelope through internal post, or deliver by hand.</p> <p>Protective marking shown.</p>
<b>Discussion by telephone</b>	Confirm who you are talking to and keep details to a minimum.
<b>Email</b>	Confirm the email address and keep sensitive detail to a minimum.
<b>Photocopying</b>	Permitted but only make as many copies as you need and control their circulation.
<b>External Distribution</b>	By post or courier in a sealed envelope. Show protective marking on the envelope

## MARKINGS AND IMPACT LEVELS

Table 4: Handling protectively marked document 'RESTRICTED'

	RESTRICTED
<b>Impact</b>	<p>The compromise of assets marked RESTRICTED would be likely to:</p> <ul style="list-style-type: none"> <li>impede the effective development or operation of government or MOPAC policies</li> <li>undermine the proper management of the public sector or the MOPAC and its operations</li> <li>be prejudicial to investigation, assist in commissioning of crime, disadvantageous to government in policy or commercial negotiation</li> </ul>
<b>Marking</b>	Include in bold capitals, same size as body text, centre top and bottom of each page
<b>Storage of paper records</b>	Physically protect by one barrier within a secure building, e.g. a locked container.
<b>Disposal of papers</b>	Place in a designated secure disposal facilities.
<b>Disposal/re-use of magnetic media</b>	<p>Delete contents and re-use within organisation only. Media must be marked and treated as RESTRICTED.</p> <p>CD/DVD/floppy disks must be securely destroyed. System data and hard drives require specialist disposal. Contact Information team or ISIT</p>
<b>Internal distribution</b>	To recipient by sealed envelope delivered by hand with protective marking shown
<b>Discussion by telephone</b>	In a private room with door shut. Confirm who you are talking to and keep details to a minimum.
<b>Email</b>	Email can only be sent if encrypted or via MOPAC secure mail system. Check that information is correctly marked – re-mark to PROTECT with descriptor if appropriate.
<b>Photocopying</b>	Permitted but only make as many copies as you need and control their circulation.
<b>External Distribution</b>	By post or courier, in a sealed envelope. Do not show protective marking on the envelope, internal envelope to have protective marking

## Security Clearance Levels

**Counter Terrorist Check (CTC)** is required for people who will be working in close proximity to public figures, or who will have access to information or material vulnerable to terrorist attack, or whose work involves unrestricted access to certain government or commercial establishments. A CTC does not allow access to, or knowledge or custody, of protectively marked assets and information.

**Security Check (SC)** is for people who will have substantial access to SECRET assets or occasional access to TOP SECRET assets and information.

**Developed Vetting (DV)** is the highest level of clearance produced by the Agency and is required for people who will have substantial unsupervised access to TOP SECRET assets, or for working in or with the intelligence and security agencies.

A small number of clearances are granted in spite of some reservations. Risk management requires follow-up work and monitoring of some cases. This activity is termed "aftercare", and may be required in connection with any of the above clearances.

## Employment Checks

**Baseline Personnel Security Standard (BPSS) (formerly Basic Check (BC)) and Enhanced Baseline Standard (EBS) (formerly Enhanced Basic Check (EBC)):** These are not formal security clearances. They are a package of pre-employment checks that represent good recruitment and employment practice. A BPSS or EBS aims to provide an appropriate level of assurance as to the trustworthiness, integrity, and probable reliability of prospective employees and should be applied to:

All successful applicants for employment in the public sector and Armed Forces (both permanent and temporary).

All private sector employees working on government contracts (e.g. contractors and consultants), who require access to, or knowledge of, government assets protectively marked up to and including confidential.

BPSS and EBS are normally conducted by the recruitment authorities or companies themselves to the agreed standard, and because they underpin the national security vetting process it is vital that they are carried out properly and thoroughly and before any further vetting is completed.

## DATA PROTECTION STATEMENT

This is a statement of the data protection policy adopted by the Mayor's Office for Police and Crime (MOPAC). Responsibility for the updating and dissemination of the policy rests with the MOPAC's Information Officer. The policy is subject to regular review to reflect, for example, changes to legislation. All staff are expected to apply the policy and to seek advice when required.

The MOPAC recognises that its first priority under the Data Protection Act is to avoid causing harm to individuals. This means that personal information must be dealt with properly however it is collected, recorded and used – whether on paper, electronically, or other means.

We fully endorse and accept the data protection principles as the safeguards for compliance.

### DATA PROTECTION PRINCIPLES

The eight principles are that personal data:

- 1) Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
- 2) Shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
- 3) Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- 4) shall be accurate and, where necessary, kept up to date;
- 5) Shall not be kept for longer than is necessary for the specified purpose(s);
- 6) Shall be processed in accordance with the rights of data subjects under the Act;
- 7) Should be subject to appropriate technical and organisational measures to prevent the unauthorised or unlawful processing of personal data, or the accidental loss, destruction, or damage to personal data;
- 8) Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### MOPAC RESPONSIBILITIES

The MOPAC will:

- observe fully conditions regarding the fair collection and use of information;
- meet its legal obligations to specify the purposes for which information is used;

- collect and process appropriate information only to the extent that it is needed to fulfil our operational needs or to comply with any legal requirements;
- ensure the quality of information used;
- ensure that the information is held for no longer than is necessary;
- ensure that the rights of people about whom information is held can be fully exercised under the Act (i.e. the right to be informed that processing is being undertaken, to access one's personal information; to prevent processing in certain circumstances, and to correct, rectify, block or erase information that is regarded as wrong information);
- be open and honest with individuals whose data is held
- take appropriate technical and organisational security measures to safeguard personal information;
- ensure that personal information is not transferred abroad without suitable safeguards.

To assist in achieving our commitment to the law and good practice the Information Officer will have specific responsibility for data protection within the MOPAC and will assist MOPAC staff in understanding and applying the data protection principles.

MOPAC is committed to ensuring that its policies and procedures are fair and do not discriminate unlawfully. The Data Protection Policy will undergo an Equality Impact Assessment (EIA). Review of the EIA will be conducted in line with our procedure for the review of policy.

RECEIVED  
18 DEC 2012

10 enclosures

John Biggs AM  
City Hall  
The Queen's Walk  
London SE1A 2AA

**Deputy Commissioner**

Room 836, Tower Block  
New Scotland Yard  
10 Broadway  
London  
SW1H 0BG

Telephone: 0207 230 2636

Facsimile:

Email:

[www.met.police.uk](http://www.met.police.uk)

Your ref: 218

Our ref:

12 December 2012

Dear Mr Biggs

**Investigation into GLA Group transparency**

You wrote to the Commissioner on 8 November concerning the investigation you have been asked to lead into GLA Group transparency and I have been asked to reply.

We have completed the questionnaire you enclosed with your letter and a copy of our comprehensive response is attached.

In so far as the consultation on the enforcement of the DCLG Code of Recommended Practice for Local Authorities on Data Transparency is concerned the MPS currently attempts to comply with the requirements of the Code although, as you will be aware, police forces are not specifically mentioned as being covered by it.

The MPS has made significant progress in the publication of, particularly, financial information (details of contracts, gifts and hospitality registers, etc), although we are continuing work to improve our compliance in this area. Therefore it does not feel that there would be any particular problems for it if the Code was to become enforceable.

Yours sincerely,



Craig Mackey  
Deputy Commissioner

## **MPS Response to Questions Raised under the Investigation into GLA Group Transparency**

On 8 November 2012 Assembly Member John Biggs wrote to the Commissioner to advise that he was leading an investigation for the GLA Oversight Committee concerned with transparency within the GLA Group. The purpose of the investigation is to identify areas where the GLA Group could be more transparent.

In the first instance the investigation is gathering information on current practice. This paper provides the MPS response to questions received.

### **Q1. What is the corporate or 'house' approach to dealing with confidentiality within your organisation, and do you have a corporate policy or guidance on this (in which case please include a copy of this with your response)?**

#### **House Approach to Security:**

The police service through the ACPO Community Security Policy<sup>1</sup> has adopted the Government Protective Marking System (GMPS). This is incorporated within MPS policy through our Information Management Policy<sup>2</sup>, supporting Standard Operating Procedures and the MPS Security Code (METSEC).

The application of protective marking system is based upon a process of assessment and requires the originator to consider whether a protective marking is required. The protective markings are:

- NOT PROTECTIVELY MARKED
- PROTECT
- RESTRICTED
- CONFIDENTIAL
- SECRET
- TOP SECRET

The protective marking is awarded based upon the likely impact resulting from a compromise to that asset. The more serious the impact the higher the protective marking and the greater the security measures applied to the protection of that asset. The underpinning objective is to maintain the Confidentiality, Integrity and Availability of our most valuable assets.

The system operates on the basic principle of limiting access to protectively marked information to those with a 'need to know'.

The Protective Marking System and associated measures are described within GEN 1 of the MPS Security Code METSEC<sup>3</sup> which supports the Information Management Policy.

#### **a) How do you ensure you are achieving the highest possible levels of transparency?**

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<sup>1</sup> <http://www.acpo.police.uk/documents/information/2009/200903INFCSP01.pdf>

<sup>2</sup> [http://www.met.police.uk/foi/pdfs/policies/information\\_management\\_policy.pdf](http://www.met.police.uk/foi/pdfs/policies/information_management_policy.pdf)

<sup>3</sup> [http://www.met.police.uk/foi/pdfs/disclosure\\_2011/august/2011080000125.pdf](http://www.met.police.uk/foi/pdfs/disclosure_2011/august/2011080000125.pdf)

The MPS Publication Scheme is the core vehicle for proactively making available information to the public. Information published to the Metropolitan Police Service (MPS) publication scheme is governed by Section 19 Freedom of Information Act 2000, (FoIA). This statutory obligation is reinforced by guidance from both ACPO and the Information Commissioner's Office (please refer to **Appendix A**). Disclosures include expenses and expenditure invoices paid over of £500<sup>4</sup>, in addition to gifts and hospitality registers.<sup>5</sup>

The MPS Public Access Office monitors business unit compliance with the requirement to proactively publish documents to the MPS Publication Scheme.

The MPS Transparency Board has been established to manage the MPS response to the Transparency Agenda and is chaired by the Director of Information.

**b) Does your organisation have a presumption that all information should be publicly available unless there is a good reason for it not to be?**

Yes, this is set in the Information Management Policy, as follows:

*"... The MPS will manage information to ensure that, subject to appropriate security considerations, it is made available to the public in an accessible and easily understandable manner..."*

**c) Where something is classified as confidential, how do you explain why?**

In the case of requests subject to the Freedom of Information Act, the MPS complies with the Information Commissioner's guidance and includes a Public Interest Test. If refused any response must include:

- The fact the request is refused
- The exemption(s) relied upon, and
- Why the exemption applies (Public Interest Test / Harm)

Provisions exist within the legislation that in specific circumstances allow the MPS to neither confirm nor deny that information is held. If the MPS elects to neither confirm or deny the information is held, it is still required to communicate the request is refused, the exemptions relied upon and why the exemptions apply, except where to do so would disclose information that would be exempt under the Act.

**d) Do you try to use redactions where possible, rather than confidential papers or appendices?**

Yes, where appropriate. For example minutes of meetings will be recorded in such a way as to attract a marking of 'NOT PROTECTIVELY MARKED'. Alternatively 'open' and 'closed' minutes are used that enable publication of the 'open' set. The closed set of minutes would be appropriately protectively marked, but subject to consideration for disclosure in the event that a relevant Freedom of Information request were received or publication under

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<sup>4</sup> [http://www.met.police.uk/foi/c\\_what\\_we\\_spend.htm](http://www.met.police.uk/foi/c_what_we_spend.htm)

<sup>5</sup> [http://www.met.police.uk/foi/c\\_lists\\_and\\_registers.htm](http://www.met.police.uk/foi/c_lists_and_registers.htm)



the scheme should the document subsequently be reviewed and downgraded.

Information marked as “CONFIDENTIAL” does not place any bearing on the disclosure decisions taken with regards to FoIA requests. The GPMS gives an indication around the sensitivity of the information to the business owner and possibly the organisation; however, it does not outweigh the public interest argument favouring the disclosure of that information. It is the considerations around the prejudice that the disclosure of that information will have on operational policing (for example) and likelihood of that prejudice taking place that are the relevant factors when considering FoIA disclosures. For example, the MPS has released historic Special Branch information under the FoIA, which was marked as “SECRET” or “TOP SECRET” on the basis that the informed review of that information determined that the operational impact of the disclosure of that information no longer existed.

- e) **Do you try to include end dates on confidential information – i.e. specify a date by when it should be possible to make it publicly available?**

All documents created by the Service must include the following metadata table at the very beginning with all boxes completed correctly in line with the MPS Security Code (METSEC):

Freedom of Information Act Publication Scheme	
<b>Protective Marking</b>	[See GEN1 of the METSEC Code]
<b>Publication Scheme Y/N</b>	
<b>Title</b>	
<b>Version</b>	
<b>Summary</b>	
<b>(B)OCU or Unit, Directorate</b>	
<b>Author</b>	
<b>Review Date</b>	
<b>Date Issued</b>	

The METSEC Code GEN1.5.2 requires the originator of a document to regularly review the protective marking with a view to downgrading or disposing of the document (subject to MPS retention policy).

- Q2. In what circumstances is it justified for information to be classed as confidential – e.g. advice to the Mayor, commercial sensitivities etc? Please use examples and explain why these types of information should not be made available.**

As mentioned in the preceding answers the overriding consideration is the likely impact that would arise from a compromise of the information. For instance information relating to the refuge address of a domestic violence victim, where subsequent threats of violence had been made by the partner

would attract a protective marking of at least **RESTRICTED**. Only those police officers and police staff directly involved in the support of the victim would have a 'need to know' the specific address, and therefore this information should not be made available to anyone outside of that group.

In such circumstances in the event of a FoIA request relating to such a case it would be likely that appropriate exemptions would be applied in order to protect that information and the domestic violence victim.

In terms of commercial interests information the MPS is both mindful of the requirements to remain as transparent around its commercial operations as it possibly can without causing negative impact upon our ability to successfully negotiate value for money contracts with suppliers and disclosing commercially sensitive information regarding both the supplier and the MPS. The MPS makes quite clear to its suppliers that any information held by the MPS is subject to consideration for disclosure under the FoIA, however, due regard will be taken around confidential information that is actionable in a court of law. The MPS policy also makes it quite clear that any attempt of apply a confidential rider to information in order to unjustifiably prevent its release under the FoIA may well be considered as a S77 criminal offence under the FoIA<sup>6</sup>. This follows the ICO's guidance in this respect.

In terms of advice provision, it is important that the Commissioner of the Metropolis is able to maintain a free and frank dialogue between elected officials, partner agencies and members of the public without fear around the potential for that information to be released into the public domain where the disclosure would, or would be likely to, inhibit:

- the free and frank provision of advice, or
- the free and frank exchange of views for the purposes of deliberation, or
- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs

This is not to say that such communications will always be withheld, however, the Commissioner of the Metropolis should feel confident that, where it is appropriate, requests for his advice or steer can be made in confidence without fear of disclosure. This is also true of advice / guidance provided to him. Not to do so would risk diluting the free flow of information and would have a detrimental impact upon the ability of the Commissioner of the Metropolis to make informed judgements that are in the interests of the public and of operational policing.

**Q3. Please provide a description of decision-making process, including below board level, at your organisation.**

Decision making takes place at the following levels:

- a) The MPS follows the MOPAC scheme of delegation which determines at what level decisions can be made within the MPS. All MPS funding requests above £0.5m and novel and contentious decisions are submitted

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<sup>6</sup> <http://www.legislation.gov.uk/ukpga/2000/36/section/77>

to the Deputy Mayor for approval. These decisions are published on the GLA website.

- b) Management Board is the primary strategic decision-making body.
- c) Performance and Change Boards are decision making boards that ensure strategies are in place to deliver the outcomes set by Management Board. Part of their role is to task the delivery boards.
- d) Corporate delivery boards take decisions within the agreed strategic framework. Any decisions required outside the framework are referred up to one of the key corporate boards.

**Q4. Please provide a list of types of formal decision approval documents specifying whether each type is published or not and how many of each type there were in the last year.**

MPS internal boards are focused on operational policing issues and associated reports are not published. Once agreed internally, non operational reports (i.e. relating to money, people or buildings) and any novel and/or contentious issues are submitted to the Deputy Mayor and published via his office (this activity is captured as part of the MOPAC response). All decision reports are written using a single template.

Decisions are recorded in the minutes of the relevant meeting and the minutes are published with restricted information redacted in line with the exemption assigned to the report.

**Q5. What percentage of the published documents were published in full over the last year?**

None.

**Q6. What percentage of the published documents were published within five working days over the last year?**

None.

**Q7. What process do you use to determine whether decision documents are published and whether there should be redactions and/or a delay before publication?**

The author/decision maker determines whether the document is suitable for publication and must state, where appropriate, the relevant Freedom of Information Act exemption. (but refer to 1d above) The Strategic Secretariat encourage full publication where possible and the use of redactions where necessary.

Where agreed, the publication of decisions is undertaken by the Strategic Secretariat. This activity does not begin until the subsequent meeting has approved the minutes at which the decision report was presented – i.e. at least one month after the decision is first presented.

**Q8. Please provide a description of your board structure and a list of regular decision-making meetings. Please include full committees, sub-committees, panels etc.**

Please also see the response to Question 3. The key corporate boards are:

**Management Board** - chaired by Commissioner

This is the primary strategic decision-making body. It sets the strategic direction and is responsible for the overall leadership, performance, governance and financial management of the organisation.

**Policy Forum** - chaired by Commissioner

Aim is to address operational and business issues at a corporate level, particularly where it is felt a broader debate facilitates better engagement. It is a consultative forum to help shape corporate ideas and policy and aid effective implementation across the organisation. It will implement its own decisions, though it may also choose to make a recommendation to Management Board if the issue is considered particularly contentious.

**Change Board** - chaired by Deputy Commissioner

Responsible for the delivery of the MPS Change Programme, ensuring timely delivery of projects and the achievement of stretching savings targets to close the budget gap. The board will report to Management Board on an exception basis.

**Performance Board** - chaired by Deputy Commissioner

Responsible for improving the overall performance of the MPS, ensuring it delivers against Management Board's objectives and holding responsible owners of performance areas to account. This will include making sure that the performance benefits described by the change programme are delivered.

The above boards are supported by a series of delivery boards.

**Q9. Which of these meetings have agenda papers that are published in advance?**

None.

**Q10. What percentage of published agenda papers were published in full over the last year?**

None.

**Q11. Which of your regular decision-making meetings have published minutes?**

Management Board, Commissioner's Policy Forum, Change Board and Performance Board.

**Q12. What percentage of minutes that were published were published in full over the last year?**

None.

**Q13. Which of your board-level meetings open to the public?**

None.

**Q14. If you have public meetings, what percentage of agenda papers were considered in public over the last year?**

N/A.

**Q15. For meetings that are not public, what are the reasons why they are not open?**

The content of the meetings include discussions on matters of national security, law enforcement, budget development and issues that may affect commercial interests. In particular they address the details (often including police tactics) that underpin the strategic decisions and policy positions that are made. It is therefore not appropriate for these details to be in the public domain, but the outcomes are then publicised through other communication channels where the key messages can be more effectively targeted. For example, Confidence & Satisfaction Board and Performance Board discuss the detailed analysis that shapes the launch of the Autumn Nights campaign; management Board discussed the findings of the Filkin Report before it was released; and Change Board (focusing on impact on future shape of MPS) and Management Board (agreeing a change to organisational objectives) discussed the new approach to Foreign and National Offenders before it was publicly launched.

**Q16. How are rules about public access determined in your organisation?**

The Metropolitan Police Service (MPS) are required to make available, either proactively or as a result of requests submitted to the Service, information to the public under the number of different Information Access regimes which are as follows:

- Data Protection Act 1998
- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Re-use of Public Sector Information Regulations 2005<sup>7</sup>
- INSPIRE Regulations 2009
- Protection of Freedoms Act 2012

It must be stressed that information disclosed by the MPS is subject to assessment around the suitability of release. The MPS are of the view that there is a distinct difference between what interests the public and what is in the public interest. Whilst our starting position is always the presumption of disclosure, minimising the impact that a disclosure will have on operational policing (including national security), and the public interests thereof, will be the overriding factor of any disclosure decision. In the avoidance of any doubt,

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<sup>7</sup> “...The...Regulations do not apply unless the document has already been provided to an applicant, or is otherwise accessible by means other than by making a request for it under access to information legislation. The provision of information under access legislation does not confer any automatic right to re-use the information...”  
<http://www.nationalarchives.gov.uk/documents/information-management/guide-to-psi-regulations-and-best-practice.pdf>

the MPS considers operational impact for both the MPS and the police service nationally when making any disclosure decision with the assistance of relevant Information Commissioner's Office and / or ACPO guidance / policies.<sup>8</sup>

The MPS also provides disclosures of information to partner agencies in furtherance of our policing objectives. There are three main gateways that allow policing information to be shared:

- Required by or under a statutory obligation
- Permitted by or under a statutory obligation
- Using Common Law

Such disclosures are not public disclosures, as the information largely involves personal information or information which could present operational difficulties if disclosed to a wider forum. For example, it is vital that the MPS and Social Services exchange information regarding vulnerable adults or children who may be at risk if early interventions are not taken. Whilst some partner agencies receive datasets in order to further define crime reduction policies / initiatives (for example) some datasets have every potential in identifying victims, witnesses, suspects or offenders when matched with other publicly available information. It is for this reason the MPS enshrines any sharing activity with an Information Sharing Agreement which allows the MPS to place conditions on the way information will be handled by the partner agency and vice versa. Further information regarding Information Sharing can be obtained by referring to the Guidance on the Management of Police Information 2010<sup>9</sup>.

Please note that the above information access regimes do not take in account the various other information disclosures made by the MPS to individuals such as those made under the Victims Charter or via legal proceedings, for example.

**Q17. What percentage of contract specifications did you make publicly available over the last year?**

The MPS advertised 317 tenders through the Bluelight system in 2011/12. The MPS uses the 'Bluelight' and 'Competefor' pan-UK tendering sites and systems for organisations to have access to its procurements and attendant documentation. If registered on Bluelight, any organisation can see the initial qualification documentation on any non-secret open tender, and in Competefor any registered organization can see the opportunity and associated tendering documentation. The MPS will share issued tendering documentation with FOIA requestors when asked but does not pro-actively publish Tender documentation (including specifications) in an open manner to the general public (e.g. on the MPS website)

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<sup>8</sup> - ACPO FoIA Manual of Guidance:

[http://www.met.police.uk/foi/pdfs/other\\_information/corporate/acpo\\_foi\\_guidance.pdf](http://www.met.police.uk/foi/pdfs/other_information/corporate/acpo_foi_guidance.pdf)

- ACPO DPA Manual of Guidance:

<http://www.acpo.police.uk/documents/information/2010/201002INFDPMOG01.pdf>

<sup>9</sup> [http://www.npia.police.uk/en/docs/Management\\_Of\\_Police\\_Information\\_2010.pdf](http://www.npia.police.uk/en/docs/Management_Of_Police_Information_2010.pdf)

**Q18. What percentage of these contained redactions?**

Unless secret, the MPS works on the principle that the tender document issued can be shared with all (if asked for).

**Q19. What percentage of bids did you make publicly available in the last year?**

The MPS does not make bidder's proposals public.

**Q20. What percentage of awarded contracts did you make publicly available in the last year?**

The MPS publishes a list of awarded contracts over £50k on a quarterly basis as part of the MPS Publication scheme.

[http://www.met.police.uk/foi/c\\_lists\\_and\\_registers.htm](http://www.met.police.uk/foi/c_lists_and_registers.htm)

**Q21. What percentage of these contained redactions?**

See the answer to question 18

**Q22. What percentage of contract values did you make publicly available in the last year?**

The MPS currently publishes contract values on a quarterly basis - these are available here - [http://www.met.police.uk/foi/c\\_lists\\_and\\_registers.htm](http://www.met.police.uk/foi/c_lists_and_registers.htm)

**Q23. For what percentage of contracts did you make the name of the supplier publicly available in the last year?**

The MPS publishes the names of suppliers for all open awarded contracts over £50k on a quarterly basis as part of the MPS Publication scheme.

[http://www.met.police.uk/foi/c\\_lists\\_and\\_registers.htm](http://www.met.police.uk/foi/c_lists_and_registers.htm)

**Q24. What information about payments under contracts do you make publicly available? (For published payments over £500, is any link made between the payments and the contracts under which they are made?)**

The MPS currently publish contract payments over £500 on a quarterly basis - which are available through the following link -

[http://www.met.police.uk/foi/c\\_what\\_we\\_spend.htm](http://www.met.police.uk/foi/c_what_we_spend.htm).

**Q25. What process do you use to determine whether tender documents and contractual information is made publicly available?**

Please see the answers provided for Questions 1 and 2.

**Q26. What performance monitoring data does your organisation publish regularly? Please provide a list.**

A list of the published reports is attached at **Appendix B**. The MPS also publishes information about reported crime via its Crime Mapping website.

**Q27. What outcome targets/expectations does your organisation have?  
Please provide a list.**

A list of MPS targets for 2012/13 is attached at **Appendix C**

**Q28. What information do you publish regularly to monitor progress against these targets?**

Performance data is released through MOPAC to the London Datastore on a monthly basis. In addition the MPS Publication Scheme gives access to various reports published on a regular basis on the MPS performance at a corporate or borough level. Statutory returns are provided to the Home Office who will use these for national reporting and analysis.

**Q29. What criteria do you use to determine what monitoring data and progress information you publish?**

Performance information is published that illustrates progress against the corporate targets in the Policing London Business Plan, relevant Mayoral strategies (e.g. in relation to equality and diversity, ethical procurement etc.) or as required by MOPAC

**Q30. What processes/principles govern how ad hoc information requests from the Assembly and others are responded to?**

The MPS External Relationships Team manages requests for information from the Mayor's Office for Policing and Crime, London Assembly Members and the Mayor's Office. The majority of these requests are routed via MOPAC asking for MPS input. The External Relationships Team also deals directly with requests from London Assembly Members. In addition, correspondence from elected representatives - including Assembly Members, MPs and councilors - is received directly through the Commissioner's Private Office.

The types of request can broadly be split into three categories:

- 1 - Requests from MOPAC to support them in effectively holding the MPS to account
- 2 - Requests from MOPAC to enable them / the Mayor respond to a query from a member of the public
- 3 - Requests from elected representatives to support them in scrutinising the MPS, either direct from elected representatives or via MOPAC

While requests managed through the External Relationships Team and CPO are not submitted as FOIA requests, the same principles apply when considering how the MPS should respond.

The range of requests makes it difficult to follow a hard and fast protocol in responding to them all, however there are some basic principles governing how requests are managed. In essence the MPS is committed to being as open as possible within the boundaries of what is appropriate in relation to the



individual request, e.g. taking into account whether information requested is legitimate in relation to the effective discharge of their relative duties.

Specifically, in relation to requests for information from London Assembly Members, the extract of the letter from Sir Edward Lister to the Chair of the Police and Crime Committee, Joanne McCartney (dated 30 October 2012) (**Appendix D**) articulates the broad position. This makes it clear that MOPAC, and by extension the MPS, is committed to supplying as much information as possible to Assembly Members.

**Q31. For what percentage of staff earning over £58,200 are names and salaries currently published as required by the DCLG's code of recommended practice?**

Currently the MPS/MOPAC complies with Regulation 4 of the Accounts and Audit (Amendment Number 2) (England) Regulations 2009 (SI 2009 No. 3322). The requirements include the provision of the following information in the Annual Accounts:

**i. Banded data**

- The number of employees in the year to which the Accounts relate whose remuneration fell in each bracket of a scale in multiples of £5,000 starting with £50,000.

**ii. Senior Employees and relevant police officers data**

- Individual data on all senior employees and relevant police officers earning more than £150,000 by job title and name

The names of, approximately, 8 senior police officers and 4 senior police staff are published in the accounts. There are currently approximately 330 police staff with a salary of over £58,200 (basic pay only), which equates to 1.2% of the total workforce.

- Individual data on all senior employees (for this purpose this refers to Management Board members) and relevant police officers earnings between £50,000 and £150,000 by job title only.

**Consultation on the enforcement of the Code of Recommended Practice for Local Authorities on Data Transparency through regulations.**

The MPS has no specific comments to make on the proposal and does not intend to make any representations. The Code, as it currently stands does not specifically refer to police forces, although the MPS has agreed to comply with the spirit of the Code and now publishes the relevant information. Further work to improve our compliance with the Code's requirements will continue and an examination of options for greater transparency will be taking place in the New Year.

## APPENDIX A - ACPO GUIDE TO POLICE SERVICE PUBLICATION SCHEME

Introduced: 1<sup>st</sup> October 2011

LAWFUL REQUIREMENT ICO POLICE SECTOR DEFINITIONS DOCUMENT	ACPO MINIMUM STANDARDS TO ENSURE COMPLIANCE	SCHEDULE	GUIDANCE NOTES
	<p><b>Forces are required to publish the following information only if it is held.</b></p> <p>Information or parts thereof listed below may be withheld from publication if exemptions apply</p> <p>Terminology is as generic as possible but there may be local variations</p> <p>The information published on 1 Jan 09 will be that which is in existence on that date. E.g. if your Business Interest Register was last updated on 1 July 08 that is the version to publish. If you are creating information in order to publish it, it should be up to date as of 1 Jan 09</p>		
<b>Who We Are and What We Do</b> <i>Force structure</i>	<p>i. Map of the force area with the ability to identify the geographical area covered by each Safer Neighbourhood Team</p> <p>ii. Organisational Chart showing Chief Officers areas responsibility and the generic Department titles, e.g. Finance,</p>	<p><b>i. &amp; ii.</b> Updated when changes occur</p>	<p><b>ii.</b> Do not include details of sensitive units</p>

	ICT, Scientific/Forensic Services	iii. Updated quarterly	
<i>Profiles of chief and senior officers</i>	<p>iii. Officer and police staff establishment at force level</p> <p>Photograph and brief career outline. All senior officers down to head of BCU/OCU/Borough/Dept as per Force Structure above</p>	Updated within 3 months of changes occurring	Should be links within force structure to this information if possible.
<i>Identity of senior police staff</i>	Minimum details to include name, post title, brief outline of role and duties for heads of departments as listed in the force structure. This must include as a minimum HR, Legal Services, Finance, Corporate Communications, Estates and Facilities and Procurement or Equivalent Post.	Updated when changes occur	Include photographs of those heads of department whose role/responsibilities are public facing and those who deal with external agencies or authorities
<i>Location of police stations (including mobile units) and public opening hours</i>	<p>i. Addresses and opening hours</p> <p>ii. Mobile police stations – dates, times, location</p>	i. & ii. Updated when changes occur	i. Should be links to and from map of force area if possible.
<i>Contact details</i>	<p>i. Emergency and non-emergency telephone numbers</p> <p>ii. Text number for general enquiries</p> <p>iii. Email address for general enquiries</p> <p>iv. Postal Address for general enquiries</p> <p>v. Contact details for local SNT</p> <p>vi. How to report a crime</p>	All updated when changes occur	

	<p>vii. How to make a complaint</p> <p>viii. Firearms Licensing</p> <p>ix. Freedom of Information requests</p> <p>x. Subject Access requests</p>		
<i>Relationships with other authorities</i>	<p>i. List the authorities/agencies, the force's relationship and where possible provide a link to a relevant web-site. Examples are:</p> <ul style="list-style-type: none"> <li>ii. Crime &amp; Disorder Reduction Partnerships</li> <li>iii. Local Criminal Justice Board</li> <li>iv. Local Safeguarding Children Board</li> <li>v. MAPPA</li> <li>vi. Casualty Reduction Partnership</li> <li>vii. Collaborative arrangements</li> <li>viii. Information sharing arrangements (subject to redaction to protect tactical/operational information where necessary) – Guidance Section 6 of MOPI <a href="http://www.npia.police.uk/en/docs/MoPI_refreshed_Guidance.pdf">http://www.npia.police.uk/en/docs/MoPI_refreshed_Guidance.pdf</a></li> </ul> <p>ix. Police Authority</p>	Updated when changes occur	
<i>Arrangements for special constables and civilian volunteers</i>	<p>Link to force's information/recruitment pages.</p>	Updated when changes occur	
<i>Sponsorship arrangements with business</i>	<ul style="list-style-type: none"> <li>i. Link to force policy on sponsorship arrangements (policies and procedures).</li> <li>ii. List any private company who provides sponsorship, what that sponsorship entails, and its monetary value (See ACPO Income generation Guide).</li> </ul>	Updated when changes occur	
<b>What We Spend and How We Spend It</b>			
	<b>All of the below may be subject to exemption/redaction to protect commercial and law enforcement interests where</b>		<b>Must comply with Transparency</b>

	<b>appropriate (purchase of covert equipment).</b>		Agenda Guidelines (insert link when available)
<i>Annual Statement of Accounts</i>	i. Normally available on the Police Authority web-site ii. If not, force to publish	Audited accounts for last 3 financial years	
<i>Force budget (as agreed by Police Authority or Board)</i>	i. Link to Police Authority web-site ii. If not on Authority website, force to publish	Budget for current and previous 2 financial years	
<i>Procurement procedures</i>	i. Force policy and procedure on procurement (link to policies and procedures) ii. Link to sites where your force advertises contracts for tender	Updated when changes occur	
<i>Details of contracts currently being tendered</i>	Link to sites where your force advertises contracts for tender or framework solutions exist e.g. Catalyst (OGCbuyingsolutions.gov)	Current information provided	
<i>List and value of contracts</i>	Contracts that have been through the formal tendering process, to include: i. The service provided ii. The name of the supplier iii. The value of the contract	Updated when changes occur	Removed s.31, 41, 43
<i>Expenses paid to chief officers</i>	All Police Officers of Supt rank and above and all Police Staff listed under ' <i>Identity of Senior Police Staff</i> ' Only relates to personal spend when on official business. Will include amount claimed for re-imbursement and spend on corporate credit card. Should be broken into categories headed: <b>Travel, Accommodation, and subsistence.</b> Should be total amount spent in each category by month with clear indication as to whether the published amounts include VAT.	Published quarterly – last four quarters to remain	Not to be routinely broken down into individual claims as this will require the level of detail to be assessed ensuring no-one is placed at risk. e.g. disclosure of

			a regular hotel used. Bear in mind Transparency Agenda £500 threshold
<i>Evaluation of police use of resources.</i>	i. Any reports additional to the Annual Statement of Accounts, evaluating how the force spends its budget. ii. Provide link to HMIC website.	Reports covering the last 3 financial years	
<i>Support for the provision of Police Community Support Officers</i>	<ul style="list-style-type: none"> <li>Your annual budget and source for the funding of PCSOs</li> </ul> Home Office ring-fenced funding, local authority schemes where another agency, public body or private company have provided funding for the provision of PCSOs.	Current and previous 2 financial years	
<i>Financial regulations</i>	List of regulations police forces are subject to. (Confer with Finance Depts.)		
<b>What Our Priorities Are and How We Are Doing</b>			
	<b>All of the below may be subject to exemption/redaction to protect operation and covert activities.</b>		
<i>Strategic Plan</i>	Force Strategic Plan.	For current and previous 2 financial years	
<i>Annual Policing Plan</i>	Annual Policing Plan/Force Control Strategy	For current and previous 2 financial years	
<i>Area Policing Plans</i>	Policing plans/Control Strategies to OCU/BCU/Borough level.	For current and previous 2 financial years	
<i>Chief officer's Annual Report</i>	Chief Officer's Annual Report (may be published by Police Authority in which case, a link should be provided).	For current and previous 2 financial years	

		years	
<i>Police performance assessments</i>	<p>i. Assessment of performance against the policing plan and performance indicators for current and 2 previous financial years.</p> <p>ii. HMIC Reports</p>	<p>i. For current year, quarterly reports as soon as possible after completion</p> <p>ii. For previous financial years, the end-year assessment</p> <p>ii. Link to force reports on HMIC website is recommended.</p>	
<i>Police force statistics</i>	<p>i. Publish in accordance with the Home Office Crime Mapping Project.</p> <p>ii. Link to the Home Office police service strength report.</p> <p>iii. Link to Home Office annual crime figures &amp; British Crime Survey.</p> <p>iv. Any other statistical information produced by the force that is suitable for public release.</p> <p>v. Provide links to statistical information published by the Police Authority as part of Committee papers and minutes.</p>	<p>i. Link to <a href="http://www.police.uk/">http://www.police.uk/</a></p> <p>ii. Provide current link</p> <p>iii. Provide current link</p>	
<i>Neighbourhood policing arrangements</i>	Links to Safer Neighbourhood Policing Teams areas of force website.	Updated as changes occur	
<i>Reports from independent custody visitors</i>	<p>i. Link to information published on their Police Authority website. If not currently published, forces should arrange for this with their Police Authority.</p> <p>ii. Provide link.</p>	Reports for most recent financial year and previous two financial years	
<i>Monitoring record of 'Stop and Account' and Stop and Search'</i>	<p>i. May be published by the Police Authority, in the force Annual Report.</p> <p>ii. Statistical breakdown by OCU, to include number of stops</p>	i. & ii. Minimum annually	ii. Ensure publication of the use of terrorist

	under PACE and ethnicity monitoring.		related powers conforms with the currently agreed levels of disclosure
<b>How We Make Decisions</b>			
<i>Agenda and minutes for the senior decision making committee</i>	<p>i. ACPO executive meetings and senior management team meetings of those departments listed in the organisational chart.</p> <p>ii. Minutes from Neighbourhood Policing Team Meetings (Senior Management Level) which highlight significant changes in Neighbourhood policing.</p>	<p>i. &amp; ii. Publish within 1 month of being agreed at the next subsequent meeting Minutes from the current and previous two financial years</p> <p>ii. Should appear on NPT pages</p>	<p>i. &amp; ii. Should comply with FOI Minute Takers Guidance</p>
<i>Feedback from public consultation and surveys</i>	<p>i. For example, public opinion surveys, customer satisfaction surveys and any other public feedback reports.</p> <p>ii. Published results should not include personal data.</p>	Published as reports become available	
<b>Policies and Procedures</b>			
	<p><b><u>All</u> policies should be suitable for publication on the force website. However, a case-by-case review of procedures must be undertaken to protect law enforcement and health and safety considerations</b></p> <p>Policies are why we do things and procedures are how we do them.</p> <p>i. All policies must be published.</p>		
<i>For the conduct of police force business</i>		i.-iv. Updated as changes occur	i. Policies should be assessed by authors to ensure there is no sensitive
<i>For the provision of</i>			



<p><i>policing services</i></p> <p><i>About recruitment and employment of staff</i></p>	<p>ii. Procedures should be published where it is safe to do so.</p> <p>iii. Forces that produce combined policy and procedure documents have to publish the policy section but assess the procedure part to ensure no sensitive information is published</p> <p>iv. Current vacancies in the organisation.</p>		<p>information and any redactions indicated on the published version. This would be the exception rather than the norm as publication is a legal requirement.</p> <p>ii. Procedures that contain sensitive information need not be published as there is no legal requirement to do so.</p> <p>iii. Combination of above.</p> <p>Remembering there is no requirement to show procedure redactions, simply remove from the published article.</p>
<p><i>Records management and personal data policies</i></p>	<p>i. Policies in accordance with requirements under the Code of Practice for the Management of Police Information.</p> <p>ii. Copy of Code of Practice.</p>	<p>Updated as changes occur</p>	
<p><i>Customer service</i></p>	<ul style="list-style-type: none"> <li>How to make a complaint.</li> </ul>	<p>Updated as changes</p>	

<i>standards and complaint procedure</i>	<ul style="list-style-type: none"> <li>• Link to the IPCC.</li> <li>• Handling requests for information.</li> <li>• Charter Mark procedures.</li> <li>• Response times.</li> <li>• Cost recovery policy.</li> <li>• Other Local Initiatives</li> </ul>	occur	
<i>Charging regime and policies</i>	Any service for which the public are charged, including the rates and how they are calculated, e.g. road traffic collision reports, subject access requests, police officer interviews/statements, and any local charging regimes.	Updated as changes occur	
<b><i>Lists and Registers</i></b>			
<i>Information held in registers by statute</i>	Currently there are no registers that the police service is required to publish by statute.		
<i>Asset registers and information asset register</i>	<p>i. Where forces already hold an Asset Register, after careful consideration of sensitive operational issues, this should be published. There is no requirement to create new information if not already held.</p> <p>ii. Producing an Information Asset Register is a requirement under the Code of Practice for the Management of Police Information and the Community Security Policy. After careful consideration of sensitive operational issues, this should be published.</p> <p>iii. Your Police Authority may hold information subject to the Re-Use of Public Sector Information Regulations, and you could provide a link to that information.</p>	i. & ii. Updated at least annually	i. & ii. Locally assess and remove information where sections 23/24/30/31/38/44 would normally be engaged.
<i>Register of interests</i>	The Force Register of Business Interests, to include the type of business and the number of staff registering this type of interest, but not to a level that would identify individuals. Do not include business names, locations, or staff names and use generic	Updated at least annually	Subsequent requests for more detail will need to be assessed on a

	groupings/headings, e.g. children's entertainer, consultancy.		case by case basis.
<i>Register of gifts and hospitality provided to senior personnel</i>	All persons who's expenses are published should be included in this section	Updated at least annually	As per force policy definition of what constitutes a gift. If recorded in register it should be published
<i>FOI disclosure log</i>	<ul style="list-style-type: none"> <li>i. It is an ICO and ACPO best practice recommendation that all forces should operate and publish an FOI disclosure log. The level of detail held in the log will be a matter for each force.</li> <li>ii. Forces are encouraged to work towards the publication of a Disclosure Log by Jan 2012</li> <li>iii. ACPO will be issuing guidance on the management of a FOI disclosure Log.</li> </ul>	Updated at least quarterly	
<b>Services Provided by the Police Force</b>			

<p><i>Advice and guidance for the general public</i></p> <p><i>Firearms and explosives licensing, firearms dealers licensing, abnormal loads escort, keyholder services</i></p> <p><i>Police college or learning centre</i></p> <p><i>Ceremonial duties</i></p> <p><i>Museum</i></p> <p><i>Local campaigns</i></p> <p><i>Media releases</i></p> <p><i>Details of the services for which the police force is entitled to recover a fee together with those fees.</i></p>	<p>Forces will be expected to provide information or links to information relating to local initiatives and service provision, for example:</p> <p>i. Links to local campaigns, e.g. drink driving, road safety, crime prevention, weapons amnesties.</p> <p>ii. Link to processes for obtaining licenses or services provided to the public.</p> <p>iii. Provision of any training services to the public.</p> <p>iv. Policing of events and the fees charged – link to ACPO policy and any local arrangements. Forces would be expected to publish details of events for which they have provided policing resources in excess of 300 officers, excluding VIP and Royalty protection, royal visits and security at sensitive locations such as military establishments. Would include community events such as football matches, fairs &amp; fetes, processions.</p> <p>v. A link should be provided to all press releases.</p>	<p>i. Remove once campaign has ended</p> <p><b>Alt.</b> Updated as changes occur</p>	<p>iv. Reminder of the need to refer any requests for more detail of VIP/Royalty protection regardless of previous disclosures.</p>
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## APPENDIX B- List of published MPS performance data

REPORT NAME	FREQUENCY
Crime Figures - Financial Year	Annual
Safer Neighbourhood ACPO Disorder Incident Report	Weekly mon
Personal Robbery Report	Weekly wed
Robbery Performance Report	Weekly wed
Knife Crime	Monthly 15th
Gun Crime	Weekly wed
SC&O 22 (3) Activities	Monthly 12th
Workforce Pivot Table	Monthly 12th
Activity Pivot table	Monthly 12th
Timeliness Report	Monthly 8th
PNC Bureau Management Information Report	Monthly 14th
Residential Burglary Report	Weekly wed
Taking of Motor Vehicle	Weekly wed
Theft Person Report	Weekly wed
Monthly Unconfirmed	Monthly 3rd
Unconfirmed Crime Lists	Monthly 3rd
Gun Crime	Monthly 15th
Expanded Cannabis Accused	Monthly 15th
Drugs	Monthly 15th
Theft From Motor Vehicle	Weekly wed
BOCU Crime Management Report	Monthly 16th
Current Domestic Violence Recording Accuracy Report	Monthly 20th
Current Domestic Violence Recording Accuracy Report TPC	Monthly 20th
Child Abuse Investigation. Command	Monthly 14th
Bus Related Crime	Monthly 15th
Victim Code Of Practice Monitoring	Monthly 14th
Common Assault	Weekly wed
Community Safety	Weekly wed
Knife Crime	Weekly wed
Stop and Search Monitoring Report	Monthly 22nd
Public Protection	Monthly 20th
Assault with Injury	Weekly wed
TP Offender Management Report	Weekly mon
Sexual Offences	Monthly 15th
Gun & Knife Crime Interventions	Monthly 20th
Sexual Offences Report	Weekly wed
SCD Scorecard	Weekly wed

End Of Year Management Board Briefing	Annual
MSC Monthly Management Report	Monthly 25th
Drugs Key Performance Indicator Report	Weekly wed
Criminal Justice & Custody Monthly Management Report	Monthly 20th
SCD Offender Management Report	Weekly mon
Borough Trend Matrix	Weekly wed
Violence with Injury	Weekly wed
Stops Monthly Management Report	Monthly 22nd
Met Volunteer Programme Monthly Management Report	Monthly 25th
Non-Residential Burglary	Weekly wed
Safer Neighbourhoods Incident Statistics Report	
Violence Against Women & Girls	Monthly 16th
Weekly Management Board Crime Summary	Weekly wed
Responding Safely Together Report	Monthly 12th
Repeat Victims by Borough	Monthly 20th
Op Reclaim & CUBO	Monthly
Crimefighters Exception Report	Weekly wed
Motor Vehicle	Weekly wed
Area Commanders Report	Weekly wed
ASB ( Anti Social Behaviour) Repeat Callers Report	Weekly mon
Management Board Briefings	Weekly wed
Performance Dashboard	Daily weekdays
End Of Year TP Scorecard	Annual
End Of Year SCD Scorecard	Annual
CARM Booking on Compliance	Monthly 12th
CARM Activity Planning Compliance	Monthly 12th
MSC Summary Hours Report	Monthly 12th
Safer Neighbourhoods Team Flex Report	Monthly 12th
Overtime Pivot Table	Monthly
Single Patrol Report	Monthly
SC&O Performance Dashboard	Weekly wed
Police Officer Cancelled Rest Day	Monthly 3rd
ASB Steering Group Report	Monthly 12th
BOCU Performance Dashboard	Daily weekdays

## APPENDIX C- List of MPS Targets 2012/13

	Indicator	Target 2012/13
KPI	<b>VIOLENCE</b>	
1	THE NUMBER OF VIOLENCE WITH INJURY CRIMES	-5%
2 I	THE NUMBER OF MOST HARMFUL GANG NOMINALS IN CUSTODY (NOMINAL IS AN IDENTIFIED NAMED INDIVIDUAL)	+ FROM 10% TO <b>20% (400)</b> OF THE TOP 2000
2 II	THE NUMBER OF MOST HARMFUL GANG NOMINALS SUBJECT TO JUDICIAL RESTRICTIONS (ANTI SOCIAL BEHAVIOUR ORDER, GANG INJUNCTION, SERIOUS CRIME PREVENTION ORDER, VIOLENT OFFENDER ORDER)	+ FROM 69 TO <b>200</b>
3	THE NUMBER OF SANCTION DETECTIONS FOR ALL RAPES	+6%
	<b>TRAFFIC</b>	
4	THE PERCENTAGE CHANGE IN THE NUMBER OF PEOPLE KILLED OR SERIOUSLY INJURED IN ROAD TRAFFIC COLLISIONS	-8%
	<b>PROPERTY CRIME</b>	
5	THE NUMBER OF PROPERTY CRIMES (INCLUDING ROBBERY)	-5%
	<b>ANTI SOCIAL BEHAVIOUR</b>	
6	THE PERCENTAGE OF PEOPLE WHO THINK THAT THERE IS A HIGH LEVEL OF ANTI SOCIAL BEHAVIOUR LOCALLY	-1% POINT
	<b>LOCAL POLICE DOING A GOOD JOB</b>	
7	THE PERCENTAGE OF PEOPLE WHO THINK THAT THE POLICE IN THEIR AREA ARE DOING A GOOD JOB	67%
	<b>USER SATISFACTION</b>	
8	THE PERCENTAGE OF VICTIMS SATISFIED WITH THE OVERALL SERVICE PROVIDED BY THE POLICE	+6% POINTS
9	LONDON 2012 OLYMPICS AND PARALYMPIC GAMES - READINESS ASSESSMENT FOR THE LONDON OPERATION (RED, AMBER, GREEN)	AMBER/ GREEN
	<b>EFFICIENT USE OF OUR ASSETS</b>	
10	DELIVER A BALANCED BUDGET AS SET OUT IN THE POLICING PLAN 2012-15	NIL VARIANCE OR BETTER

## **APPENDIX D - Extract of letter from Mayor's Chief of Staff to Chair of London Assembly Police and Crime Committee**

### **Provision of Information**

First, Stephen has made clear that MOPAC is committed to providing the Assembly with as much information as possible; and has recognised that more needs to be done – and indeed is being done- to improve performance in responding to requests. We are, for example, strengthening the MOPAC presence in City Hall to improve the processing of correspondence. Against this background, Stephen has said he will endeavour to respond within 20 days. His letter of 23 October provided what I consider to be a helpful response to a number of outstanding requests.

In return, I hope the Assembly will accept the difficulties that very large numbers of information requests causes in terms of producing timely responses. A proportionate approach would therefore be helpful going forward.

On your particular concern about the handling of information requests to MPS and whether these should go via MOPAC, I accept that individual Assembly Members are free to contact the MPS direct to seek information under FOI which is then provided or not depending on the particular issue. Our concern is, again, that the PCC should adopt a proportionate approach to information requests in keeping with its specific scrutiny role.

In the interests of making progress, I suggest we adopt, on a trial basis, the approach outlined in your paper ie that Committee requests for information are made to the MPS and copied simultaneously to the Deputy Mayor. The MPS can then respond directly to the Committee, again copying in MOPAC. We should review the position at the end of 6 months.

### **Greater transparency**

Stephen's letter of 23 October should provide you with the reassurance you seek about the future provision of regular performance and financial information. My intention would be that we provide no less information than was previously the case unless there are specific reasons for confidentiality.





John Biggs AM  
Member of the GLA Oversight Committee  
City Hall  
The Queen's walk  
More London  
London SE1 2AA

18 December 2012

**Peter Hendy CBE**  
Commissioner of Transport

Transport for London  
Windsor House  
42-50 Victoria Street  
London SW1H 0TL

Phone 020 7222 5600  
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Email [peterhendy@tfl.gov.uk](mailto:peterhendy@tfl.gov.uk)  
[www.tfl.gov.uk](http://www.tfl.gov.uk)

Dear John

## **Investigation into GLA Group transparency**

Thank you for your letter of 8 November 2012 about the investigation you are leading for the GLA Oversight Committee into transparency and openness across the GLA Group.

This is a welcome initiative. TfL is committed to operating in a transparent and open manner and we fully recognise the benefits that this brings, to our customers and stakeholders and to ourselves. Your work to establish a baseline for transparency across the GLA Group will be a valuable contribution, ensuring that we can judge the progress we have made in recent years and identify any gaps.

TfL makes a very extensive range of information publicly available, on all aspects of our operations, projects and organisation, through a variety of channels. The forthcoming redesign of TfL's website will provide better signposts to this information and a clearer presentation of it, particularly for performance data, customer contacts and our customer complaints procedure, which will further improve TfL's transparency.

Our focus has been on improving the information available to customers, to enable them to use our services more effectively, as well as making information available that enables TfL to be properly scrutinised and held to account.

To that end, we have, for example, opened up live feeds of operational data on our services which are used by web and app developers to give real time information to millions of customers and extended the information we provide on travel disruption (planned or unplanned) through new sources such as Twitter and social media.

Alongside the improvements to customer information, we have substantially changed the way information is made available about our decision-making (in accordance with the Localism Act 2011) and published the information required by the DCLG's Code of Recommended Practice for Local Authorities on Data Transparency. This means that a single webpage brings together newly published data as well as links to information which is already published and so provides a means of access to a comprehensive set of information on TfL's performance, finances, structure, expenditure, tender opportunities, contracts, property assets, governance and staff. This includes the extensive information on operational performance published each period by London Underground, London Buses, London Streets, London Overground and the DLR, Quarterly Operational and Financial Performance Reports and a Quarterly Investment Programme Report.

Further information on transparency, particularly as it relates to decision-making and contracts, is given in the attached response to the questionnaire which you provided.

You asked about the implications of the proposal which the DCLG is currently consulting on to incorporate the Code of Recommended Practice on Data Transparency in statute. TfL will be responding to the DCLG's consultation but we do not envisage that giving the Code a statutory basis will materially alter its impact on TfL.

You also asked for any other observations on transparency which may be useful for your investigation. One point which you may wish to consider is an aspect of the broader debate about transparency - its value for money. While we are clear that there are very real value for money arguments that support the delivery of more and better information about our services to customers, it is less apparent how far there are value for money benefits from routinely making information available where there is little discernible public interest. This was a point made in April this year by the National Audit Office, who found that the Government needs a firmer grip on measuring the success of its various transparency initiatives if its objectives are to be realised - it would be useful if your investigation was able to report evidence which might be relevant to the kind of evaluation sought by the NAO.

Yours sincerely



**Peter Hendy**

cc: Isabel Dedring, Deputy Chair of TfL and Deputy Mayor for Transport  
Tim Steer, Scrutiny Team Manager, GLA

## TfL Response to GLA Group questionnaire on transparency

All data is requested for a 12-month period from November 2011 to October 2012 inclusive.

### Corporate view on confidentiality

#### Question

1. What is the corporate or 'house' approach to dealing with confidentiality within your organisation, and do you have a corporate policy or guidance on this (in which case please include a copy of this with your response)? Please include responses to the following:
  - a. How do you ensure you are achieving the highest possible levels of transparency?
  - b. Does your organisation have a presumption that all information should be publically available unless there is a good reason for it not to be?
  - c. Where something is classified as confidential, how do you explain why?
  - d. Do you try to use redactions where possible, rather than confidential papers or appendices?
  - e. Do you try to include end dates on confidential information – i.e. specify a date by when it should be possible to publish?

**Answer:** The presumption in TfL is that information will be provided externally unless there is a clear and appropriate justification for not doing so. This presumption is set out in a number of corporate policy statements.

TfL's Code of Conduct, which applies to all employees of TfL and its subsidiary companies, requires that 'Employees of TfL should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.' It is the personal responsibility of every TfL employee, and anyone else who is conducting business on TfL's behalf, to act in accordance with the Code and the policies which underlie its content.

TfL has an Information Security Classification Standard which identifies those categories of internal information that should be regarded, at the time when the information is created, as unsuitable for public disclosure. Its objective is to identify information whose disclosure would cause harm, or breach a statutory restriction on disclosure – all other TfL information is considered under the Standard to be 'TfL Unclassified' and suitable for public disclosure.

TfL's policy on Information Access commits the organisation to compliance with the Freedom of Information (FOI) Act and other statutory regimes providing for access to information. It states that 'TfL will increase openness, promote transparency and demonstrate accountability by proactively sharing information with its customers, employees and the general public'. This policy was approved by the TfL Leadership Team, most recently in May 2012, when a revised version was prepared, and applies across the organisation. It requires each individual employee to actively support the policy. The policy commits TfL to providing information in a timely manner in response to information access requests, unless a statutory exemption applies. The use of these statutory exemptions is centrally controlled and managed by Information Governance specialists, who require each use of an

exemption to be justified with reference to the nature of the harm that would be caused by disclosure, the likelihood of that harm arising and, where necessary, an account of why the public interest in favour of the use of an exemption outweighs the intrinsic public interest in disclosure.

The classification of information as 'TfL Confidential' or 'TfL Restricted' in accordance with the Standard does not automatically mean that a statutory exemption would be applied to withhold it from disclosure in the event of an information access request - the reason for classifying the information as 'TfL Confidential' or 'TfL Restricted' may no longer be current when an information access request is received or the reason for classifying it may not justify the use of a statutory exemption, particularly when the public interest in disclosure is considered.

The Information Security Classification Standard explains why information would be classified as 'TfL Confidential'. This level of classification applies when there is a significant risk of accidental or deliberate compromise of the information causing:

- Prejudice to individual security or liberty;
- Impeding the investigation, or facilitating the commission of, serious crime;
- Shutting down or otherwise substantially disrupting significant national operations including London's transport infrastructure;
- Substantially undermining the financial viability of TfL or other major organisations;
- Working substantially against national finances or economic and commercial interests;
- Seriously impeding the development or operation of major central/local government policies.

'TfL Restricted' applies when there is a risk of accidental or deliberate compromise:

- causing financial loss or loss of earning potential or facilitating improper gain or advantage for individuals or companies;
- disadvantage in commercial or policy negotiations with others;
- undermining the proper management and operations of TfL or other public bodies;
- prejudicing the investigation or facilitating the commission of crime;
- impeding the effective development or operation of TfL policies, or those of other public bodies;
- causing disruption of a number of key transport systems for up to 24 hours
- causing distress to individuals;
- breach of statutory restrictions on the disclosure of personal information;
- breach of proper undertakings to maintain the confidence of personal information provided by third parties

In relation to Board and Committee papers, TfL seeks to publish as much information as possible but papers which cannot be considered in an open meeting will always set out the reason for this, in accordance with the definitions of 'Confidential' or 'Exempt' information, set out in the Local Government Act 1972 (as amended; LGA 1972).

If a statutory exemption has to be used to withhold information in response to an FOI request, documents will be redacted wherever possible rather than withheld in their entirety. Where there is information that the TfL Board or Committee needs to consider that falls within the definitions of 'Confidential' or 'Exempt' information set out in the LGA 1972, that information only is included in the closed paper on Part 2 of the Agenda. Therefore, most closed papers provide supplemental information to a fuller open paper on Part 1 of the agenda.

It is not generally current practice within TfL to specify end dates when security classifications for information will expire, though the Standard recognises that this can be done if practical. Requests to access information which is classified as 'TfL Confidential' or 'TfL Restricted' are reviewed in the light of the circumstances at the time of the request, against the requirements of the FOI Act. If a closed minute of a meeting of the TfL Board or its Committees is produced because commercial negotiations are ongoing, it is the intention to publish that minute once the commercial negotiations are concluded.

### **Question**

2. In what circumstances is it justified for information to be classed as confidential – e.g. advice to the Mayor, commercial sensitivities etc? Please use examples and explain why these types of information should not be published.

**Answer:** As described above, TfL's Information Security Classification Standard sets out those categories of internal information that should be regarded, at the time when the information is created, as unsuitable for public disclosure, and the risks that the Standard seeks to avoid or mitigate. Examples of information which should be classified as 'TfL Confidential' include:

- Third party intelligence, information or allegations provided under an express guarantee of confidentiality, relating to alleged or actual criminal activity, including fraud.
- Details of current or recent criminal investigations of serious offences or systemic fraud.
- IT security procedures.
- Building security procedures.
- Personnel security procedures.
- Documents where release would compromise TfL's ability to safely operate transport services.
- Transport infrastructure records eg technical plans and specifications.
- Operational disaster plans eg evacuation procedures.
- Debit or credit cardholder data comprising a Primary Account Number (PAN) and (if stored in conjunction with the PAN), the cardholder name, service code or expiration date.

Examples of information which should be classified as 'TfL Restricted' include:

- Personal contact details.
- Bank account details
- Personal comments about an individual.
- Oyster journey history data.

- Employee records (including: staff interview or counselling records; redundancy records; sick pay records; maternity pay records; income tax and National Insurance returns; salary/pension records).
- Sensitive personal data (including information about: racial or ethnic origin; political opinions; religious beliefs or other beliefs of a similar nature; trade union membership; physical or mental health or condition; sexual life).
- Commercial eg contracts.
- Minutes and papers of closed meetings of the TfL Board, its Committees and Panels.
- Management of departmental finances and staff.
- Risk management and business continuity plans.
- Policy development where availability could prejudice the free and frank exchange of ideas or views.
- Information provided under an express or implied guarantee of confidentiality.
- Investigations into suspected criminal offences (other than systemic fraud or serious crimes).
- Discovered material in relation to litigation unless used or referred to in court.
- Information relevant to on-going legal cases where unauthorised disclosure could prejudice the conduct of the case.
- Any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.

## **Decision-making – written decisions approvals**

### **Question**

3. Please provide a description of the decision-making process, including below board level, at your organisation.

**Answer:** TfL has adopted Standing Orders to regulate its decision-making processes and these are publicly available at <http://www.tfl.gov.uk/corporate/about-tfl/publications/2885.aspx> TfL must approve all Standing Orders and any amendments. The Standing Orders are used to:

- Determine the decision-making structure within TfL
- Regulate the conduct of meetings such as the TfL Board, Committees and Panels
- Set out the authorities of individuals to take decisions on behalf of TfL in respect of incurring expenditure, foregoing income and/or to commit TfL, by contract or otherwise.

### **Question**

4. Please provide a list of **types** of formal decision approval documents specifying whether each type is published or not and how many of each type there were in the last year.

### **Question**

5. What percentage of the published documents were published in full over the last year?

**Question**

6. What percentage of the published documents were published within five working days over the last year?

**Answer:** In relation to Board and Committee papers, all papers are now published five clear working days ahead of the meeting. See attachment for further data in response to Questions 4, 5 and 6.

**Question**

7. What process do you use to determine whether decision documents are published and whether there should be redactions and/or a delay before publication?

**Answer:** In relation to Board and Committee papers, TfL seeks to publish as much information as possible. Where there is information that the Board or Committee needs to consider that falls within the definitions of 'Confidential' or 'Exempt' information set out in the LGA 1972, that information only is included in the closed paper. As part of the sign off for Board and Committee papers, Secretariat and Legal staff review every request to include information on the closed part of the agenda to ensure that as much information as possible is provided in the public domain. Therefore, most closed papers only provide supplemental information to a fuller open paper on Part 1 of the agenda.

**Question**

8. [For the GLA only] Please provide a list of the titles of items of formal (confidential) advice to the Mayor.

Not applicable

**Question**

9. [For the GLA only] What consideration has been given to publishing more advice to the Mayor?

Not applicable

**Decision-making – meetings****Question**

10. Please provide a description of your board structure and a list of regular decision-making meetings. Please include full committees, sub-committees, panels etc.

**Answer:** The TfL Board consists of a minimum of 8 and a maximum of 17 Members. The Board has established three Committees:

- Finance and Policy Committee
- Audit and Assurance Committee ; and
- Remuneration Committee.

The Board has also established four advisory Panels, which have no decision making functions. These are the:

- Rail and Underground Panel;

- Projects and Planning Panel;
- Safety and Sustainability Panel; and
- Surface Transport Panel.

In addition, and within the structure established by TfL's Standing Orders, work may be progressed through Working Groups, Steering Groups and Project or Programme Boards established on an ad hoc basis for the management of particular workstreams, initiatives or projects.

#### **Question**

11. Which of these meetings have agenda papers that are published in advance?

**Answer:** Agendas and papers for all meetings of the TfL Board and its Committees are published at least five clear days in advance of the meeting. TfL also publishes the agendas for non-confidential papers taken to its Panel meetings.

#### **Question**

12. What percentage of published agenda papers were published in full over the last year?

**Answer:** See attachment. The Localism Act 2011 brought TfL's decision-making meetings within the meeting provisions remit of the LGA 1972 from 3 May 2012. Therefore, the data used to answer questions 12, 14 and 17 is split between the pre-LGA 1972 Localism position (November 2011-April 2012) and the current position (May-October 2012).

#### **Question**

13. Which of your regular decision-making meetings have published minutes?

**Answer:** All of the meetings of the TfL Board and Committees have published minutes.

#### **Question**

14. What percentage of minutes that were published were published in full over the last year?

**Answer:** See attachment. Since May 2012, the minutes of all the meetings of the TfL Board and Committees have been public, save for one minute. That minute is the subject of ongoing commercial negotiations and will be published when these are completed.

#### **Question**

15. [For MOPAC only] What consideration has been given to an equivalent at MOPAC to the GLA's Investment and Performance Board with published papers and minutes?

Not applicable

#### **Question**

16. Which of your board-level meetings open to the public?



**Answer:** All of the decision-making Board-level meetings are open to the public to attend. In accordance with the provisions of the LGA 1972, the Board or Committee may pass a resolution to exclude the press and public if it wishes to discuss a matter which it considers meets the LGA 1972 definition of 'Confidential' or 'Exempt' information.

**Question**

17. If you have public meetings, what percentage of agenda papers were considered in public over the last year?

**Answer:** See attachment.

**Question**

18. For meetings that are not public, what are the reasons why they are not open?

**Answer:** Panels are advisory and have no decision making powers. They provide a forum for Members to use their wider knowledge to help inform and shape strategy, policy and project development. Those policies and projects that do not require Member level approval benefit from Member-level discussion, while those that do will always be submitted to the appropriate Committee or Board, once a decision trigger has been reached.

**Question**

19. How are rules about public access determined in your organisation?

**Answer:** TfL complies in full with the rules on public access to meetings as set out in the LGA 1972.

Public notice of meetings is given at least five clear working days beforehand, both online and using noticeboards at Windsor House, City Hall and Palestra.

Agendas and papers for each meeting (except for confidential or exempt items):

- (a) are open for inspection to Members, the press and the public at least five clear working days before the meeting, at TfL's Head Office, at the meeting venue and online at [tfl.gov.uk](http://tfl.gov.uk);
- (b) are provided at each meeting for the press and the public in attendance and will be posted to newspapers on request;
- (c) remain available for inspection after the meeting at TfL's Head Office and online; and
- (d) include a list of background papers and contact details for a member of staff who can discuss the matter.

TfL has met the statutory deadlines for publication for every meeting held in public since May 2012.

A register itemising the members of the Board, Committees and Panels is maintained in the online document 'Subordinate Bodies of TfL' and the individual meeting papers page for each subordinate body also lists the current membership of that body. A list of the powers exercisable by officers is maintained in Standing Orders, which is also online.

A summary of the rights to attend meetings and inspect and copy documents is available for public inspection; and

Board meetings are held at City Hall and Committee meetings are held in Palestra. Both venues are appropriate and accessible for the public and press.

Public access to information is determined by the FOI Act, the Data Protection Act 1998 and other statutory regimes providing for access to information.

## **Contracts and tender documentation**

### **Question**

20. What percentage of contract specifications did you make publicly available over the last year?

**Answer:** 'Contract specifications' are available as part of the contract tender documentation. Tender documentation is available through a number of different systems such as "Link-Up" (hosted for the rail industry by Achilles), the Official Journal of the European Union (OJEU), the CompeteFor website and the eTendering system European Dynamics. In the past year 33 tenders have been over the European Union procurement threshold and published through OJEU and 74 have been published in total using CompeteFor. This is out of a total of 261 calls for tender placed by TfL (excluding Rail and Underground).

### **Question**

21. What percentage of these contained redactions?

**Answer:** No redaction is made of the contract specification

### **Question**

22. What percentage of bids did you make publicly available in the last year?

**Answer:** Details of bids on specific contracts are generally made available in response to an FOI request, subject to any statutory exemption which may apply. In 2012 we have had 12 such requests and this is a very small percentage of TfL's total number of contracts. The value of bids submitted or details of bidders are not routinely published.

### **Question**

23. What percentage of awarded contracts did you make publicly available in the last year?

**Answer:** TfL standard services contract and Purchase Order Conditions of Contract are published ([www.tfl.gov.uk/businessandpartners/sellingtotfl/1337.aspx](http://www.tfl.gov.uk/businessandpartners/sellingtotfl/1337.aspx)). In addition, TfL is committed to publishing contracts on "Contracts Finder" (<http://www.contractsfinder.businesslink.gov.uk/?site=1000&lang=en>) where the contract award is in excess of £10M. We have concluded six contracts since July 2012 that meet these criteria and they will be published by the end of December 2012. In addition, contracts provided in response to FOI requests will be published

on Contracts Finder. To date we have nine such contracts, which will also be available on Contracts Finder before the end of 2012.

All results of tenders to operate bus services are posted on the TfL website and identify the successful bidder, the awarded cost, the lowest bid, the highest bid and the total number of bids received for each route tendered.

**Question**

24. What percentage of these contained redactions?

**Answer:** With the exception of TfL's standard services contract and Purchase Order Conditions of Contract, published contracts will generally contain redactions made in accordance with FOI exemptions. Guidance published by the Ministry of Justice provides advice on how these exemptions can apply to procurement-related information - <http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/working-assumptions/foi-assumptions-procurement/>

**Question**

25. What percentage of contract values did you make publicly available in the last year?

**Answer:** We publish details of contracts awarded over £500K (see <http://www.tfl.gov.uk/corporate/about-tfl/investorrelations/17950.aspx>) . Over the past year we have published details of 149 contracts with a total value of £917M. This represents 92 per cent of the total value of contracts let by TfL in this period.

The awarded costs of all current London Buses contracts can be viewed on the TfL website.

**Question**

26. For what percentage of contracts did you make the name of the supplier publicly available in the last year?

**Answer:** The contract details above include the name of the supplier.

**Question**

27. What information about payments under contracts do you make publicly available? (For published payments over £500, is any link made between the payments and the contracts under which they are made?)

**Answer:** Details of all payments made by TfL over £500 are published online (there are typically some 11,000 of these in each of TfL's four-weekly accounting periods). See <http://www.tfl.gov.uk/corporate/about-tfl/investorrelations/17950.aspx> No direct link is published between the payments information and the underlying contract.

**Question**

28. What process do you use to determine whether tender documents and contractual information is made publicly available?

**Answer:** Tender documents (PQQs) are not redacted. Contractual information is made available unless it requires redaction because an FOI exemption applies and we consider it would not be appropriate to publish the information.

## **Performance data and progress against targets**

### **Question**

29. What performance monitoring data does your organisation publish regularly?  
Please provide a list.

**Answer:** Extensive information on operational performance is published each period by London Underground, London Buses, London Streets, London Overground and the DLR at  
<http://www.tfl.gov.uk/corporate/modesoftransport/2794.aspx>

This data is also incorporated into the City Dashboard compiled and published by the GLA.

A Quarterly Operational and Financial Performance Report and a Quarterly Investment Programme Report are submitted to the Board four times a year. These reports cover demand for all of TfL's services, the performance of those services, financial performance (operational and capital expenditure and balance sheet), savings from TfL's efficiencies programmes and staff numbers and a review of each capital project with a budget over £50 million or programme over £10 million a year.

TfL's first annual Complaints Report (for 2011/12) was published with the papers submitted to the TfL Board for its meeting on 20 September 2012. Future quarterly reports will be published as part of TfL's Operational and Financial Performance Report to the Board. Publication of this report is intended to underline TfL's commitment to improve its services by listening to customers while also enabling transport users to track where improvements are being made.

These are published at <http://www.tfl.gov.uk/corporate/about-tfl/investorrelations/1460.aspx>

TfL publishes an Annual Report and Accounts, an Annual Report on TfL's health, safety and environment (HSE) performance, the Annual Report of the Independent Investment Programme Advisory Group and the annual Travel in London report.

The Board also receives a report from the Commissioner which provides an overview of major issues and developments since the previous Board meeting and updates the Board on significant projects and initiatives.

The Finance and Policy Committee receives an Annual Report on TfL's performance against the financial Indicators which are required and defined by the CIPFA Prudential Code in order to demonstrate TfL has exercised prudence in assessing the affordability of the capital expenditure and debt necessary to support the TfL budget outputs.

The Audit and Assurance Committee receives an Annual Report on TfL's compliance with the Code of Corporate Governance and an Annual Report from Internal Audit on TfL's control environment.

Each meeting of the Rail and Underground Panel and the Surface Transport Panel receives a Managing Director's report describing the detail of operational performance in the proceeding period and providing updates on the status and progress of major investment projects and items of special interest.

These reports are all published with the papers for the relevant Board, Committee or Panel meeting.

Substantial operational data, including some in real-time, is published through the feeds available through the Developers' Area of the TfL website <http://www.tfl.gov.uk/businessandpartners/syndication/default.aspx> (and the London Datastore) for re-use by web and app developers to provide customers with information that enables them to monitor service performance and plan journeys. These data feeds cover all of TfL's services and reach millions of customers.

#### **Question**

30. What outcome targets/expectations does your organisation have? Please provide a list.

**Answer:** The TfL Business Plan (<http://www.tfl.gov.uk/corporate/about-tfl/investorrelations/1462.aspx>) defines the capital projects and programmes to be delivered, how they will be funded, and outcomes to be achieved to implement the Mayor's Transport Strategy over the period covered by the current funding settlement with Government (2011/12- 2014/15).

TfL's main operational targets are published in the Quarterly Operational and Financial Performance Report. These targets are for number of passenger journeys on each of TfL's services, the performance of those services (percentage of scheduled services operated, volume of lost customer hours or excess wait time and availability of services), customer satisfaction ratings, financial management (budget outturns), savings and efficiencies and staff numbers.

In addition, individual business areas of TfL have detailed targets specific to their responsibilities, which are reflected in the overall operational targets for TfL where appropriate.

#### **Question**

31. What information do you publish regularly to monitor progress against these targets?

**Answer:** TfL's Annual Reports and the Quarterly Investment Programme Reports publish information on progress against the Business Plan.

Performance against the operational targets is published in the Quarterly Operational and Financial Performance Reports.

**Question**

32. What criteria do you use to determine what monitoring data and progress information you publish?

**Answer:** TfL publishes monitoring and performance data of significant public interest, where this enables us to be held to account and contributes to an understanding of TfL's operations and delivery.

**Information requests****Question**

33. What processes/principles govern how ad hoc information requests from the Assembly and others are responded to?

**Answer:** The right of London's elected representatives to take up constituents' cases and issues of policy with TfL is an important part of the democratic process and underlines TfL's accountability to Londoners for the services it provides and the money it spends.

Assembly Members, Members of Parliament, peers and Members of the European Parliament, in addition to Ministers, rightly expect to be informed about and scrutinise TfL's decisions and policy-making and to have constituency casework investigated in a timely manner.

The London Assembly examines, in detail, the Mayor's transport policies and the full scope of TfL's activities through its meetings and committees.

Each year TfL responds to around 2,500 pieces of correspondence from Assembly Members and assists with responding to 2,000 questions to the Mayor on transport.

We take seriously our responsibility to provide Members with substantive replies to their letters and emails in good time.

From 1 January 2009, we made an explicit commitment to respond substantively to all correspondence from the Assembly within 20 working days or sooner or to provide Members with a holding response explaining why it has not been possible to reply in time. This applies across the organisation. To help facilitate and monitor this, we established a single point of contact and email address ([memberscorrespondence@tfl.gov.uk](mailto:memberscorrespondence@tfl.gov.uk)) so Members could be sure that their correspondence is being treated as a priority. Performance is also reported regularly to the Commissioner.

Since establishing this system we have received positive feedback from all political groups on the Assembly about the service they receive but we continue to review our performance at regular intervals in conversation with the Assembly with a view to identifying where we can make improvements if any are needed.

In addition to the above, Chief Officers and senior TfL managers regularly provide oral evidence to Assembly investigations on a diverse range of topics. TfL also regularly provides written submissions to Assembly investigations and responds to

every Assembly report which has recommendations for the organisation or significant findings relating to transport.

Select Committees in the House of Commons and the House of Lords regularly seek written and oral evidence from TfL as part of their inquiries.

More generally, every year TfL responds to around 2,500 Freedom of Information requests, which are processed in accordance with the Information Access Policy, and several million queries from the members of the public.

## **Other**

### **Question**

34. For what percentage of staff earning over £58,200 are names and salaries currently published as required by the DCLG's code of recommended practice?

**Answer:** The information required by the Code of Recommended Practice is published for all roles in TfL where staff earn over £58,200. The names of all senior staff (those earning over £150,000 a year) and those staff who did not opt out from having their name published (as provided for in the DCLG's Code), have been published.

## Transparency - Agenda and minutes for the 12-month period from November 2011 to October 2012

The tables below provide a comparison between meetings held from November 2011 to April 2012 and from May to October 2012 (separating the two periods before and after TfL implementation of the Localism Act provisions relating to meetings).

### Before Localism.

For all these meetings all open papers and minutes were published in full.

Meetings in November 2011 – April 2012	Papers	Open	Closed	% Open	Minutes	Open	Closed	% open
Board (x4)	66	33	33	50	8	4	4	50
Finance and Policy Committee (x7)	66	7	59	10	10	3	7	30
Audit and Assurance Committee (x2)	29	17	12	59	4	2	2	50
<b>Total</b>	<b>161</b>	<b>57</b>	<b>104</b>	<b>35</b>	<b>22</b>	<b>9</b>	<b>13</b>	<b>41</b>

### Since Localism

Meetings from May to October 2012	Papers	Open	Closed <sup>(ii)</sup>	published in full %	Minutes	Open	Closed	published in full %
Board - June and September	17	17	3	82	2	2	0	100
Finance and Policy Committee – May, July and October	15	12	3 + 3	60	4	3	1 <sup>(iii)</sup>	66
Audit and Assurance Committee – June and October	24	20	4	83	3	2	1	50
<b>Total</b>	<b>56</b>	<b>49</b>	<b>7 + 6</b>	<b>77</b>	<b>9</b>	<b>7</b>	<b>2</b>	<b>71</b>

(i) Papers do not include minutes or matters arising.

(ii) Closed papers marked in **bold** provide supplemental information to open papers. The related open papers are not counted as published in full. For example, 14 of the 17 Board papers in June and September did not have closed appendices, thus 82% were published in full.

(iii) Minutes are defined as complete sets for a meeting, and not individual minute items. Of the two Audit and Assurance Committee meetings, one had an open set of minutes only and the other had both open and closed minutes, thus 50% of its minutes were published in full. For the Finance and Policy Committee, only a single minute item was not published as the matter is still subject to commercial negotiations. That minute will be published when these negotiations are concluded.