



POLICY STATEMENT ON **OPEN GOVERNMENT**



HEALTH AND SAFETY COMMISSION

What sort of health and safety information can I get?

The Health and Safety Commission and Executive have always been as open as possible with health and safety information and the work they do. The Citizen's Charter, the Environmental Information Regulations 1992 and the Code of Practice on Access to Government Information all introduced greater openness and HSC/E has continued to seek ways to make even more information available to the public.

In addition to the information that we already print and publish we also make the following information available:

- factual information on any health and safety matter with which we deal
- environmental information
- reports on incidents that cause serious public concern or where there are general lessons that will help prevent further risks to health and safety
- public registers of health and safety information, eg lists of the names and addresses of firms that carry out hazardous operations and lists of firms and individuals convicted of breaches of health and safety law
- quarterly inspection reports on nuclear sites
- facts and analyses behind major decisions
- copies of our internal instructions where these have an effect on people outside HSE
- copies of Health and Safety Commission and advisory committee agendas, papers and summaries of action agreed
- information on our standards of service, costs, targets and results

Sometimes we will not be able to give you all the information you would like because this could harm the nation, individuals or companies. When we cannot give you the information you have asked for, we will tell you why.

In most cases we will be able to give you the information you want within two or three days. There will be some cases where it will take us longer. For information requested under the Code of Practice we will follow the target in the Code of letting you have the information you want within twenty working days. Under the Environmental Information Regulations the maximum allowed is two months but we have set ourselves a target of twenty working days as under the Code.

You will find a fuller description of what we do and do not normally release at the end of this booklet in the Health and Safety Commission's full policy statement on access to health and safety information.

Where do I go to get information from HSE?

If you would like information from HSE under the Code of Practice on Access to Government Information or under the Environmental Information Regulations please write to:

HSE Information Services
Caerphilly Business Park
Caerphilly
CF83 3GG

or telephone HSE's InfoLine on 08701 545500

Fax: 02920 859260

e-mail: hseinformationservices@natbrit.com

The address and telephone number of your nearest HSE Office is in your local telephone directory.

Alternatively HSE is increasingly placing information on the Internet. HSE's Home Page address is www.hse.gov.uk

The Commission/advisory committee agendas and summaries may be accessed directly on www.open.gov.uk/hse/foi.htm.

Copies of the Code of Practice on Access to Government Information can be obtained free of charge by telephoning 0345 223242 or by writing to Open

Government, Room 417b, Office of Public Service and Science, 70 Whitehall, London SW1A2 AS.

How much will information cost me?

We will provide most information free of charge, but if we need to do a lot of work to answer your request we will charge for that work.

There are three possibilities:

- Free of charge. This includes facts and analyses behind major policy decisions, inspection of HSE's internal guidance on dealing with the public, reasons for administrative decisions to those affected, and information on our standards of service, costs targets and results. It also includes answering telephone queries, providing copies of free leaflets and inspection of registers at Area Offices.
- Photocopying costs and postage (plus a small administrative charge). This includes information which has already been prepared and where all we have to do is photocopy it or provide a computer printout. This includes copies of entries in the public registers and copies of HSE's internal guidance and explanatory material on dealing with the public.
- Information we charge for the time taken to locate and prepare for release. Our rate is £25 an hour. (Where the work can only be done by specialists- eg mining, nuclear or offshore inspectors the rate is £25 for the first hour and £45 per hour after that). We will give you an estimate in writing of the cost of providing the information. The cost will have to be paid in advance. We will then aim to give you the information within our target of 20 days.

VAT is not payable on requests made under the Code of Practice or the Environmental Information Regulations.

No charges will be made where we refuse a request for

information. Nor will there be a charge to appeal against our refusal to supply the information requested or where you appeal against the charges we would make.

Where the information you want is available in a priced publication we will give you details of the publication and where to get it.

How can I complain if HSE refuses to give the information I want or charges me too much?

If HSE refuses to supply all or part of the information you have asked for under the Code of Practice on Access to Government Information or under the Environmental Information Regulations 1992 we will write to you giving our reasons for refusal. These will be based on the exempted categories of information in the Code or the Regulations.

If you are not satisfied, you have a right to appeal to HSE to review its decision. You may also appeal if you believe the charges that we have made to supply information are unfair.

HSE has a panel to consider appeals. It consists of a member of HSE's executive body, another senior HSE official and an independent member from outside HSE. None of the members of the panel will have been involved in the original decision to refuse to supply you with information or with the assessment of the charges.

If you wish to appeal you should write to:

The Director General
Health and Safety Executive
Rose Court
2 Southwark Bridge
London SE1 9HS

Your letter of appeal will be acknowledged within three days and we have a target of six weeks to deal with your appeal.

If you are still dissatisfied after HSE's appeal panel has considered your complaint you can appeal further:

- For requests made under the Code of Practice, to the Parliamentary Commissioner for Administration (the 'Ombudsman'). Appeals to the Ombudsman must be made through a Member of Parliament. The Ombudsman will normally consider an appeal only if you have already appealed to HSE's internal appeal panel.
- For requests made under the Environmental Information Regulation, through the courts.

Future developments

The Government published a White Paper 'Your Right to Know: Freedom of Information' in December 1997 outlining its proposals for a Freedom of Information Act. The Health and Safety Commission will revise its policy on access to health and safety information once the Act has been passed by Parliament.

The Health and Safety Commission's policy statement on access to health and safety information by members of the public

The following is the full text of the statement.

Introduction

- 1 The Health and Safety Commission believes that public access to health and safety information improves public understanding of health and safety and helps to strengthen public confidence in the health and safety system. In 1986 it published its first policy statement on making information publicly available and supplemented it in 1991 with a statement on the publication of reports on incidents. The Policy was revised in 1994 in the light of the development of the Code of Practice on Access to Government Information, the Citizen's Charter and the Environmental Information Regulations 1992.

- 2 Recent developments, in particular the placing of information on the Internet, placing Commission/advisory committee papers in HSE's Information Centres and the revision of charges enable the Commission to issue this revised statement of its policy on making information available to the public.
- 3 A cornerstone of this policy remains the duty under Section 11 of the Health and Safety at Work etc Act 1974 to keep employers, employees and the public informed of matters relevant to the purposes of ensuring that risks to people's health and safety from work activities are properly controlled. The Commission has in practice delegated this task to the Health and Safety Executive. In addition, the Commission and HSE will always make any information in their possession available when that information is necessary to counter an immediate risk to health and safety.

Code of Practice on Access to Government Information

- 4 In line with its long-standing commitment to openness, the Commission welcomes the Code of Practice and fully supports its implementation. The Code establishes the principle that information should be made available to the public, but it recognises that, in the Commission's case, a number of safeguards are necessary. The availability of information should not:
 - undermine the willingness of employers, employees and others to provide HSC/E with information;
 - restrain the regulator's ability to take the action most appropriate in the particular circumstances; or
 - place an excessive call on HSE's resources at the expense of other priorities
- 5 HSC/E will make the following types of information available, subject to the exemptions in the Code:
 - (a) Facts and analyses behind major policy decisions.

Before making major decisions the Commission will continue to consult interested parties for their views. Consultation is normally achieved by the publication of a consultative or discussion document which covers the facts and analyses upon which the Commission has based its proposals. For all consultative documents the Commission will also make available at the end of the consultation period the responses it has received (except where a respondent has asked for all or part of a response to remain confidential).

- (b) Explanatory material for HSE staff on dealing with the public. This material has been reviewed and is now available for free public viewing from HSE Information Centres in London, Bootle and Sheffield. Copies are also available on request.
 - (c) Reasons for administrative decisions to those affected by the decisions. The Code recognises that reasons need not be given for decisions on whether to take enforcement action.
 - (d) Information on the standards of service, the costs of the services provided, what targets are set and the results achieved. This information is available in the HSC Annual Report and in the HSE Plan of Work.
 - (e) On request, information relating to the policies, actions and decisions of the Commission or HSE and related matters. Where significant effort is needed to locate the information within HSE and/or prepare it for release, a charge will be made.
- 6** Under the commitment in the Code the Commission and HSE will make available information received before 4 April 1994, subject to the exemptions in the Code. Much of this information was provided in the expectation that it would not be made publicly available and for that reason in many cases the exemptions in the Code (eg commercial confidentiality, statutory restriction) are likely to apply to some or all of the information requested.

- 7** The Commission will only rarely release information covered by the Code's exemptions from disclosure. These exemptions include cases where the release of information would prejudice the enforcement of the law or harm safety; cases where it would harm the proper and efficient conduct of the operations of the Commission or HSE; personal information; commercial confidences; information given in confidence; or cases where disclosure would be in breach of a statutory restriction. There may also be cases where, in the absence of material covered by the exemptions, information would be so incomplete as to be misleading.

Environmental Information Regulations

- 8** Under the provisions of the Environmental Information Regulations 1992 public authorities which have responsibilities for the environment and information on it are required to release environmental information on request, subject to the exempted categories of information in the Regulations.
- 9** HSC/E have such responsibilities and therefore will make available any environmental information they hold subject to the exemptions, which are similar to those in the Code of Practice. Environmental information will be made available both in areas where HSC/E have statutory environmental responsibilities and, if they hold any environmental information, in areas where they do not have such responsibilities.
- 10** The areas where HSC/E have statutory responsibilities for the environment, and are therefore most likely to have environmental information, are:
- industrial major accident hazard sites
 - pesticides
 - genetically modified organisms
 - new substances
 - onshore and cross country pipelines
 - polychlorinated biphenyls and polychlorinated terphenyls
 - export and import of certain dangerous chemicals.

Publication of reports on incidents

- 11** HSE investigates a great number of accidents, dangerous occurrences and other incidents each year. Where the accounts of such incidents have some general or technical significance the Commission believes that reports should be published to set out the detail which influenced the course and conclusions of HSE's enquiries into the facts.
- 12** The Commission or HSE will therefore continue to publish reports on incidents of the following kinds:
- (a) wherever the Commission has directed HSE to investigate and make a special report under Section 14(2) of the Health and Safety at Work etc Act 1974;
 - (b) where an incident gives rise to serious public or local alarm leading to a need for explanation and public satisfaction that the matter has been thoroughly investigated and all avenues for further action identified;
 - (c) where investigation discloses technical or other features from which important general lessons can be learned; and
 - (d) where it is clearly in the public interest on some other ground that a report should be published.
- 13** The existing practice whereby reports on incidents at nuclear installations and in connection with pesticides and certain hazardous transport or railway incidents are published on a regular basis will continue.
- 14** Publication of a report may on occasion have to be delayed where matters relating to an incident are sub judice, or otherwise in connection with legal proceedings. The Commission or HSE will aim to announce their intention to publish as early as possible in each case.
- 15** In publishing reports on incidents the Commission

and HSE will pay proper regard to considerations of personal privacy, commercial confidentiality, intellectual property rights and national and public security. In their experience it is always possible to give a sufficient and satisfactory account of any incident without contravening these restraints.

Public registers of health and safety information

- 16** HSE will maintain at its offices public registers of health and safety information, which may be inspected free of charge. The following registers are maintained:
- (a) Names and addresses of firms subject to the following legislation:
 - Explosives Act 1875
 - Nuclear Installations Act 1965
 - Fire Certificates (Special Premises) Regulations 1976
 - Notification of Installations Handling Hazardous Substances Regulations 1982
 - Asbestos (Licensing) Regulations 1983
 - Control of Industrial Major Accident Hazards Regulations 1984
 - Ionising Radiations Regulations 1985
 - Dangerous Substances in Harbour Areas Regulations 1987
 - Dangerous Substances (Notification and Marking of Sites) Regulations 1990
 - (b) Information from notifications requiring consent under the Genetically Modified Organisms (Contained Use) Regulations 1992
 - (c) In Scotland only, prohibition notices, applications for consent and convictions under the Genetically Modified Organisms (Deliberate Release) Regulations 1992. [The registers for England and Wales are kept at offices of the Environment Agency]
 - (d) Names and addresses of firms to which licences, certificates and orders have been granted by HSE

- (e) Names and addresses of firms and individuals convicted of breaches of health and safety legislation
- (f) Names and addresses of firms on whom HSE has issued improvement or prohibition notices where those notices have environmental or public safety implications (as required by the Environment and Safety Information Act 1988), and the substance of the notices.

Quarterly inspection reports of nuclear sites

- 17** HSE's Nuclear Installations Inspectorate will continue to make publicly available on request its quarterly inspection reports on nuclear power stations and other nuclear installations.

HSE priced and free publications are available by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA
Tel: 01787 881165 Fax: 01787 313995
Website: www.hsebooks.co.uk (HSE priced publications are also available from bookshops.)

For information about health and safety ring HSE's InfoLine
Tel: 08701 545500 Fax: 02920 859260
e-mail: hseinformationservices@natbrit.com
or write to HSE Information Services, Caerphilly Business Park, Caerphilly CF83 3GG.
You can also visit HSE's website: www.hse.gov.uk

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