

Freedom of Information Act Policy

Introduction

- 1) The Freedom of Information Act 2000 (“the Act”) provides the public with a general legal entitlement to all recorded information held by the County Council subject to certain exemptions. The public will have rights:
 - a) To all the information in the Council’s Publication Scheme known as the “Information Bank”.
 - b) From 1 January 2005 to request all recorded information held by the Council, regardless of when it was created, by whom, or the form in which it is now held.
- 2) This policy is designed to provide the policy framework through which the Council can embrace a new culture of openness and accountability in line with the provisions and requirements of the Act.

Scope of this policy

- 3) This policy applies to all the recorded information that the County Council holds that is information created, received and maintained by Members and Officers in the course of their work.
- 4) Information can be held in a number of different media including paper, electronic, audio and video.

Responsibilities

- 5) The Council has a responsibility to make its recorded information available in accordance with the Act. Corporate responsibility for ensuring compliance with this policy lies with the Leader or the Council, Councillor Mick Warner as lead Member and the Chief Executive, Roger Latham as the “FOI Champion”.
- 6) Day to day responsibility for co-ordinating the Council’s Freedom of Information function lies with the Monitoring Officer, Elizabeth Bennett.
- 7) All Members and Officers should familiarise themselves with this policy and the Freedom of Information Act guidance which is available on the intranet.

- 8) All Members and Officers who are likely to receive written requests for information including emails should:
 - a) respond within 20 working days to straightforward written requests
 - b) keep on file a copy of the request and response
 - c) be aware of the definition of “complex requests” and the escalation procedure and in particular that they **should not refuse requests for information in whole or in part.**
 - d) contact the relevant Departmental FOI Practitioner or Legal Services for advice and to refer “complex requests”.
- 9) Failure to comply with this policy could have dire consequences for the Council, in the release of inappropriate material or the withholding illegally of information and the attendant adverse publicity and possible legal censure.

Relationship with other policies

- 10) This policy should not be read in isolation. It has a direct correlation to the Council’s management of records of its business activities including emails, its responsibilities to appropriately manage personal information, to make available environmental information and to respect the privacy of Members, Officers and service users. In particular this policy should be read in conjunction with the Council’s:
 - a) Records Management Policy
 - b) Data Protection Policy *[to be completed]*
 - c) Email usage Policy
 - d) Environmental Information Regulations Policy *[to be completed]*

How will we deal with FOI?

- 11) The Council will seek to make information readily available.
 - a) Advice and assistance on FOI will be given to the public by County Contact Officers who may refer people for specialist advice to the Departmental FOI Practitioners Specialists or Legal Services.
 - b) We will follow the Process Model for FOI requests.
 - c) We will consider whether to charge a fee for requests once the Fees Regulations have been published. We will recover disbursements such as copying charges and postage.

- d) We will apply the “appropriate limit” and where the cost of complying with the request exceeds this we will issues a refusal notice inviting the requestor to refine their request.
- e) We will review complaints about the release or otherwise of information by referring them to the Chief Executive and remind requestors that they can appeal such decisions to the Information Commissioner.
- f) We will pro-actively publish information on the Council’s Publication Scheme known as the “Information Bank” and review it periodically.

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