



## **Access to Information Policy** **(Updated July 2015)**

### **1. Introduction**

This Access to Information Policy sets out how the Council aims to comply with the provisions of the Freedom of Information Act 2000, and the Environmental Information Regulations 2004.

The Council will process requests for information in accordance with the provisions of the Freedom of Information Act (Fol Act) and the Environmental Information Regulations (EIR).

Requests made by individuals for copies of their personal data as defined by the Data Protection Act held by the Council (known as 'subject access requests') will be dealt with separately outside of this policy.

As a result of the functions the Council undertakes (summarised below), we hold and maintain large amounts of information on behalf of our community. That information is held in many forms, including manual and electronic files, databases, correspondence (including e-mails), and any other types of recorded information.

- Cleansing Services, including waste management
- Cultural Services
- Customer and Benefits Services
- Economic and Community Development
- Environmental Health
- Housing (strategic role only)
- Leisure and Community Facilities
- Planning and Building Control
- Bereavement Services

The Council's approach to releasing information is that all information will be disclosed unless exempted by any provisions in the Fol Act or EIR.

Further information is available from the [Information Commissioner's website](#), which has a lot of useful advice and guidance.

## **2. The Freedom of Information Act 2000 and Environmental Information Regulations 2004**

The legislation aims to help in making decision-making more accessible and inclusive by giving people the right to see what information public authorities hold.

The legislation sets out the rules under which we have to make information available and these include:

- (a) We have to have a Publication Scheme approved by the Information Commissioner setting out the classes of information we hold and that are publicly available;
- (b) The right of any person (or body) to request information held by the Council and a duty on the Council to:
  - to confirm whether or not we hold the information
  - subject to the provisions on exemptions, to supply the information within 20 working days; and
  - to communicate that information to the person making the request.
- (c) Exemptions that will, exceptionally, allow the Council to decline requests for information, taking account of the public interest where appropriate.

## **3. Making Information Available**

Craven District Council, like all public authorities, has produced a Publication Scheme setting out the types of information the Council publishes. We will review and develop this Scheme to ensure that we are making publishing as much as possible of the information we hold. As a minimum, we will review our Publication Scheme once every two years.

We will manage our records in accordance with best practice appropriate to local authorities. Each chief officer and Head of Service is responsible for reviewing their records management systems to ensure that the information they hold is relevant, accurate and secure, and is kept no longer than necessary.

All appropriate employees will be made aware of the requirements of the FoI Act and EIR, and how to handle requests for information. We will provide more detailed training to individuals in Service Units who will be responsible for preparing and supplying the information requested and maintaining the record systems.

Some of the information we hold is confidential and the legislation makes provision for some information to be exempted from disclosure. We will inform those making requests where we consider that information is confidential or exempt, and explain the reasons for this. We will explain to requesters their rights to complain or seek a review of the decision.

## **4. Dealing with Requests for information**

Any person making a request under the FoI Act for information that is not included in the Publication Scheme must make the request in writing stating the name of the applicant, the address for correspondence and describing the information requested. All employees dealing with requests for information have a duty to give persons making such requests or proposing to make such requests any advice and assistance as it is reasonable to expect them to give.

Requests made for environmental information as described by EIR need not be made in writing (they can be made verbally), although it would be helpful if they are so that we have

a proper record, and in the event that the matter is dealt with by the Council under the FoI Act rather than EIR. Requests made verbally still have to provide the name of the requester, the address for correspondence, and describe the information that is requested.

Where the requester does not make the request sufficiently clear, we will write back seeking clarification, and no further action will be taken until the requester replies.

Where the information requested is immediately available we will aim to provide it to the requester as soon as possible - in the case of requests dealt with under the FoI Act, within 20 days, unless there are public interest considerations, in which case the time limit will be extended by up to a further 20 days. In the case of requests dealt with under EIR, if the information requested is complex, a further 20 days may be allowed to reply to the request.

In some cases it may be necessary to refuse a request for environmental information if doing so would place an unreasonable burden on the Council. In such cases, the requester will be informed and will have the right to complain or seek review of that decision.

So far as is reasonably practicable, the Council will give the information to the person making the request in accordance with his / her expressed preference for communicating it if it is by:

- providing a copy of the information in a permanent or other acceptable form;
- giving them a reasonable opportunity to inspect a record containing the information;
- or
- providing a summary of the information in a permanent or other acceptable form.

Where it is not reasonably practicable to comply with any of those preferences we shall tell the person making the request of the reasons why that is so and communicate the information to them by any means that are reasonable in the circumstances.

## **5. Who is responsible?**

The Chief Executive will designate one of the Council's chief officers to be responsible for overseeing matters relating to the disclosure of information in accordance with the FoI Act and EIR.

The responsible chief officer will designate a Head of Service to be responsible for:

- (a) implementing the procedure for processing requests for information;
- (b) advising on and dealing with the practical aspects of requests;
- (c) giving advice on complying with the Act and EIR;
- (d) arranging appropriate training for employees; and
- (e) keeping the arrangements for dealing with requests and record keeping under review.

Within their areas of operation, each Head of Service is responsible for managing records and ensuring accessibility to information in accordance with the law. The Heads of Service will comply with the Council's procedures for dealing with requests for information.

## **6. Information Relating to Third Parties (other than personal data)**

In some cases the disclosure of information may affect the rights of another organisation, other than the Council (referred to as a third party). Where that situation arises, we will

follow the appropriate guidance. This will involve consulting the third party, so far as it is practicable to do so, with a view seeking their permission to disclose the information requested.

A refusal by a third party to consent to disclosure will not, in itself, mean that the information will be withheld. In all cases it is for the Council to make the final decision on whether or not information will be disclosed.

## **7. Exemptions and the Public Interest**

The Freedom of Information Act lists the exemptions that can be applied in deciding whether or not to disclose information. In cases where we apply an exemption, we will explain the reasons for doing that to the person making the request, unless the law provides that we do not have to. Some exemptions are absolute, such as the exclusion of personal data, other exemptions are subject to consideration of the public interest.