



Freedom of Information Policy

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1. General

- 1.1 This document is a Policy Statement setting out the Council's key commitments in relation to Freedom of Information.
- 1.2 As a Public Authority, we have a duty to 'Advise & Assist' anyone who has, or proposes to make a request for information under the Freedom of Information Act.

2. Introduction

- 2.1 The Freedom of Information Act (FOIA) 2000 came into force on 1st January 2005, and gives the public a general right of access to information held by Public Authorities.
- 2.2 A FOIA request must be made in writing and will be processed using the following policy. Requests can be made to any representative of the Council.
- 2.3 All staff are responsible for ensuring adherence to this policy in the processing of any FOIA requests they receive.

3. Scope

- 3.1 This policy applies to all FOIA requests that are made in writing, including letters, faxes, e-mails and requests via the Council website.
- 3.2 This policy applies to all users who have access to the Councils network information and systems. All are bound by the legal requirements of the Act.
- 3.3 The Council has developed a Publication Scheme, which is a means of providing information that an authority proactively publishes, how it can be obtained, and whether there is any charge applied for it.
- 3.4 The Environmental Information Regulations 2004 provide the right to request information held on the environment. A separate list of exemption rules apply under these Regulations. These are called 'exceptions'.
- 3.5 The Data Protection Act 1998 provides rights of access to Data Subjects in respect of personal data. A separate policy document is available in respect of the Data Protection Act.

4. Principles

- 4.1 St Helens Council will maintain appropriate safeguards to ensure adherence to the requirements of the FOIA 2000.

- 4.2 All requests for information made under the Act will be logged and actions taken to meet these requests will be monitored for compliance.
- 4.3 The appropriate representative of the relevant department must respond to a FOIA request within 20 working days of the request being received. (Day 1 being the first working day FOLLOWING receipt of a valid request).
- 4.4 Performance against this timescale will be monitored and publicised.
- 4.5 The Council is committed to promoting access to services to all members of the community and will provide support to anyone who wishes to make a request for information under the Act but is unable to do so in writing. All staff will have access to standard documentation for processing such requests.
- 4.6 Correct application of exemption criteria will be monitored. Guidance and advice is available from the System & Information Management Officer.
- 4.7 All staff will adhere to the Council's Retention Schedule in the disposal of any documentation.

5. Staff Roles & Responsibilities

- 5.1 St. Helens Council will ensure that staff receive training in relation to the FOIA and any relevant updates, which become available.
- 5.2 The System & Information Management Officer will provide a central point of information regarding the Act, for monitoring the Council's performance in providing information requested, and for responding to queries relating to the implementation of the Policy.
- 5.3 The Head of Legal Services will provide a central point for guidance to managers in dealing with any requests that may have legal implications to protect the Council's interests.
- 5.4 Service Managers will be responsible for identifying FOI representatives for logging and processing requests in their department, and for disseminating information relating to the Act to their staff.
- 5.5 Members of the Information Management Group will coordinate FOIA compliance within the Council's five Departments and provide guidance and support to ensure that each service is meeting its own responsibilities.
- 5.6 All staff are responsible for processing any requests received with regard to this policy, and for providing advice and support to any member of the public who may wish to make a request under the Act.

6. Procedure

- 6.1 To meet the requirements of the legislation the following procedures must be adhered to in respect of any FOIA requests, whoever they are made to.

- 6.2 Each department is responsible for identifying requests for information that are part of routine service delivery, and will continue to be administered and monitored outside the scope of the FOIA, e.g. sending out application packs.
- 6.3 The System & Information Management Officer will provide guidance on the identification of such information.
- 6.4 All requests outside the scope of normal service delivery of the service area will be processed in accordance with the procedure outlined below.
- 6.5 The recipient of a FOIA request will annotate the request with the date it was received and pass to the named FOI representative in their service department immediately.
- 6.6 The request will be logged onto the Contact System with a scanned copy of the request attached. If the request is not logged on the same day it is received, the date of receipt will be logged and all timescales tracked from that point.
- 6.7 For requests made via e-mail, details of the content must be logged onto the Contact Centre System.
- 6.8 Any request which is for information from a number of services should be delegated to the System & Information Management Officer (with the exception of information that can be extracted from the Financial Information System). Any such requests should be delegated to a Business Support Manager.
- 6.9 Each FOIA request should be delegated to the relevant officer, via the Contact System, to deal with the request.
- 6.10 All requests received from the Media must be dealt with by the appropriate officer for that service; however the request should be brought to the attention of the Press Office. An indicator within the record of the Contact Centre System can be populated to alert the Press Office to such requests.
- 6.11 If further clarification of the request is needed, then this information should be sought as soon as possible. The 20 working day clock will start again following the day that further clarification is received. **Please note the system does not suspend the 20 working day period – the officer must calculate this and take into account any time that has lapsed in receiving clarification from the requestor**
- 6.12 If all/part of the information is to be released, the officer who has been delegated the request is responsible for ensuring the response is sent to the applicant within 20 working days. At this point the Contact System should be updated with details of the response, and the record should be closed down. A copy of the information provided must be attached to the record (if practical), otherwise a summary of the response should be added to the record.

- 6.13 If all/part of the information is to be refused, the officer who has been delegated the request is responsible for ensuring that the Refusal Notice is sent to the applicant within 20 working days. At this point the Contact System should be updated with details of the response, and the record should be closed down. The Refusal Notice must be in writing, using the corporate refusal notice template, and should contain details of the exemption used and how to appeal if they are dissatisfied.

7. Fees

- 7.1 Charges will not be made for staff time in sourcing information¹, if the estimated cost to do this is less than £450.00, (this equates to 18 hours of staff time at £25 per hour).
- 7.2 If the estimated cost to source the information is over £450, the Council is not obliged to comply with the request. Written notification should be sent to the applicant confirming the charge to meet the request in full. The option of providing part of the information, at a cost below the £450 threshold, should be offered and assistance provided to the applicant in making their decision as to how to progress.
- 7.3 The Council can make charges in respect of disbursement costs (copying, printing, translation, postage etc), to reflect the costs incurred in meeting any request. Currently the cost is 5p per A4 page (in black and white).

8. Complaints

- 8.1 All responses to FOIA requests will include details of the process to follow in the event of a complaint. If an applicant is dissatisfied with the way their request was dealt with, for example if the information was not provided in the format asked for, they have the right to ask for an Internal Review. The System & Information Management Officer will arrange for a review of the handling of the request. Opinion should be sought from a Legal officer and the appropriate senior officer from the department which originally dealt with the request.
- 8.2 The complaint will be acknowledged promptly and the complainant should be informed of the target date for determining the complaint. The response will be sent as soon as possible, but in any case in accordance with the Corporate Complaints policy. Should the applicant be dissatisfied with the outcome of this procedure, they then have the right to refer the complaint to the Information Commissioner to review the Council's findings.
- 8.3 Should the Information Commissioner find in favour of the applicant, he may then issue the Council with an enforcement notice, which will be used in the development of future policy.

¹ *Determining whether we have the information, locating and retrieving the relevant documents, and extracting information from documents, but not the time associated with deciding whether information should be released or withheld*

9. Policy Review and Audit

- 9.1 This policy and related policy documents will be reviewed regularly by the System & Information Management Officer to ensure that the content is accurate and up to date.
- 9.2 The System & Information Management Officer will undertake monitoring of compliance with the Act using data extracted from the Contact System on an ongoing basis.
- 9.3 Arrangements should be made within Departments for regular reviews of procedure and practice in relation to FOIA to ensure compliance with the Council's Policy.

10. Related Documents

- 10.1 The Information ICT Security Policy Framework sets out the overarching policies and governance surrounding the council's management of information and information systems (including electronic and hard copy information).
- 10.2 The Council's Publication Scheme contains details of all information that is proactively published by the Council. This is available from the Council website.
- 10.3 The documents named above can also be found on the Council's Intranet.

11. Further Information

- 11.1 Further information, advice and guidance is available from the System & Information Management Officer Internal Audit (Regulation & Compliance), Town Hall, Tel: 01744 673474 email: dataprotection@sthelens.gov.uk.
- 11.2 The Information Commissioner is the government regulator for Freedom of Information in the UK:
Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow Cheshire
SK9 5AF
Tel: 01625 545 745
- 11.3 Information Commissioners website (ico.gov.uk) contains guidance on the implementation of the FOIA, DPA and Environmental Information Regulations Act.

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