

# Freedom of Information Policy



Signed: Claire Hamilton

Chief Executive.

Number:	DBC200 IM Policy	Title:	Freedom of Information Act 2000 Policy				
Owner:	AD (Corporate & Contracted Services)	Rev	1.7	Date	22th Sept. 2021	Classification	UNRESTRICTED

## Policy Statement

The Council is committed to openness and accessibility of information, as defined by the Freedom of Information Act 2000. The Council recognises its duty to maintain a high standard of record keeping documenting its principal activities, improving accountability, particularly, to the community it serves.

The Council will maintain a comprehensive 'Publication Scheme' and Common FOI Requests page that provides information which is readily accessible without the need for a formal Freedom of Information request.

The Council will seek to satisfy all Freedom of Information requests promptly and within 20 working days. However, if necessary we will extend this timescale to give full consideration to a Public Interest test, clarification or processing of fees. If we do not expect to meet the deadline, we will inform the requester as soon as possible of the reasons for the delay and when we expect to have made a decision.

Applications for information about an individual are subject to the Data Protection Act 2018 and are exempt from disclosure under the Freedom of Information Act 2000. The Council operates a separate policy and procedure for the Data Protection Act 2018 and General Data Protection Regulation (UK GDPR).

The Council will work with its suppliers, partners and contractors to ensure that they meet the Freedom of Information obligations, including the disclosure of any information that they process under an agreement, sharing protocol or contract on the Council's behalf.

The Council will consider the exemptions provided in the Freedom of Information Act and, where qualified exemptions exist, disclose the information unless the balance of public interest lies in withholding it.

The Council will consult with third parties before disclosing information that could affect their rights and interests. However, as in accordance with the Act, the final decision on disclosure is instructed by the Council.

The Council will record all Freedom of Information requests and responses and will monitor its performance in handling requests and complaints.

The Council will ensure that all permanent and contract staff and elected members are aware of their obligations under Freedom of Information and will include Freedom of Information Act 2000 training in the induction of all new staff and existing staff.

The Council will adopt good information and record management practices in line with the Lord Chancellor's "Code of Practice under section 45 of the Freedom of Information Act and 'The Management of Records' under section 46 of the Freedom of Information Act"

Freedom of Information Act 2000 requests may be received from anyone or any group or organisation (public or private). The Council treats all requests as 'requestor and purpose blind' i.e. the motive behind a request is irrelevant.

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The Council may from time to time seek feedback from requestors with a view to how we can improve the service. (This is only done with the prior consent of the requestor)

## Scope

This policy applies to all employees, councillors, partners / contractors (who may operate a service on behalf of the Council. The scope includes all FOI Requestors.

## Fees

The Council may charge for information requests in line with the Freedom of Information Fees Regulations or other applicable regulations. (See DBC250 IM Fees Policy for more information)

## Responsibilities.

### Management responsibilities

- The Assistant Director (Corporate & Contracted Services) has overall responsibility for the FOI policy within the Council. The implementation, review and compliance with the policy is delegated to the Legal & Corporate Services Group. This responsibility includes:
- Group Managers, Assistant Directors to respond to requests or delegate responsibility for overseen responses to other Team Leaders, Lead Officers.
- Set out an administrative process for dealing with information requests.
- Facilitating the provision of training and awareness for staff, ensuring that basic principles are part of mandatory Information Management training.
- Developing the approach to publication and maintenance of the publication scheme
- Annual review of policy, process and code of practice, with regard to changes in legislation or guidance from the Information Commissioner.

### All Employees

All staff whether or not they create, receive or maintain information have responsibilities under the Act. It is the duty of all employees of the Council to ensure that they are fully aware of this Policy and their responsibilities, and they must comply with this Policy and the Council's Freedom of Information Act procedures.

All employees must:

- Be aware of the Freedom of Information Act 2000 and their responsibilities to be performed under the legislation.

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- Follow the Council’s procedures for handling Freedom of Information requests.
- Be aware that all requests will be issued via the Council’s Legal, Governance Group or if a request is received independently route to the Legal Governance Group so that the request may be captured, logged and assigned to the appropriate person (normally Group Manager who may delegate).
- Deal with all requests promptly and in any event within 20 working days commencing first day after receipt.
- Familiarise themselves with the codes of Practice Section 45 (Discharge of authority’s functions under the Freedom of Information Act 2000) and Section 46 (Records Management) located on the Council’s Intranet site;

### Offences

- Where a valid request for information has been made to a public authority, an offence will be committed where such a body or person:
  - “..alters, defaces, erases, destroys or conceals any record held by the public authority, with the intention of preventing the disclosure by that authority of all or part of the information to the communication of which, the applicant would have been entitled.”
- Obstructing the execution of a warrant granted by the Information Commissioner or fails without reasonable excuse to give any person executing such a warrant such assistance as he may reasonably require for the execution of the warrant.

### Compliance

Failure to comply with this policy, or the committing of an offence may result in disciplinary action being taken against the employee under their contract of employment or, in the case of a councillor, under the Members’ Code of Conduct.

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## Document Control

<b>Author:</b>	Information Security Team Leader
<b>Owner:</b>	Legal & Contracted Services
<b>Document Number</b>	1.7
<b>Full Document Title</b>	DBC200 IM Policy – Freedom of Information Act 2000 Policy

### Revision History

Revision Date	Previous Revision Date	Summary of Changes	Next Review Date
7 <sup>th</sup> June 2012	2009	Document title changed to conform to new IS Policy naming conventions. Added in reference to Section 45 C.O.P & s46 C.O.P Minor formatting changes. Revised in accordance with directorate structure. Added Offences and Compliance	June 2013
9/12/13	7/6/12	Minor amendments to reflect structure	December 2014
26/1/16	9/12/13	Updates to structure and links.	January 2016
11/12/17	26/1/16	Include FAQ's and changes to structure	December 2018
5/8/19	11/12/17	Updates for GDPR / DPA 2018	August 2020
8/1/21	5/8/19	CEO update. GDPR title changed. Links updated	January 2022
14/7/21	8/1/21	Updates to reflect structure and URL's updated	July 2022
22/9/21	14/7/21	Service Improvement Clause	September 2022

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