

Lichfield District Council

Freedom of Information Policy

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FREEDOM OF INFORMATION POLICY

Aim of the policy

The aim of the policy is to ensure that Lichfield District Council is fully compliant with the requirements of the Freedom of Information Act (FOIA) 2000. In essence Lichfield District Council will deal with any requests made under the FOIA in accordance with legislative requirements i.e respond within 20 working days, and will continue to review the information it holds and is published under the Publication Scheme. A detailed set of guidelines is also being published to action the terms of the Council's policy and assist officers in complying with FOIA.

INTRODUCTION

Purpose of the FOIA 2000

The Freedom of Information Act 2000 is intended to promote a culture of openness and accountability amongst public sector bodies by providing people with rights of access to the information held by them. It is expected that these rights will facilitate better public understanding of how public authorities carry out their duties, why they make the decisions they do and how they spend public money.

The Freedom of Information Act sits alongside the Data Protection Act 1998 and the Environmental Information Regulations as the principle mechanism for access to information.

Main features of the Act

The main features of the Freedom of Information Act 2000 are:

- a general right of access to recorded information held by public authorities, subject to certain conditions and exemptions;
- where information is to be provided and is not exempt from disclosure, there is a duty on public authorities to:
 - inform the applicant whether they hold the information requested, and
 - communicate the information to him or her¹
- the office of the Information Commissioner who has wide powers to enforce the rights created by the Act and to promote good practice, and an Information Tribunal;
- a duty on every public authority to adopt and maintain a "Publication Scheme". This scheme relates to the information held by the Authority and which is released by the Authority (for example documents relating to planning policies), and the list of this documents ("the Publication Scheme") is approved by the Information Commissioner, and is then updated as appropriate by the Authority;
- ability for Codes of Practice for guidance on specific issues to be published.

¹ In some cases a qualified exemption may apply and a public interest test will need to be carried out to see whether the public interest to disclose the information is outweighed by the need to retain the information and not disclose it.

Legal Obligations for Lichfield District Council

The Act creates two principal obligations for public authorities, from which other obligations stem:

1. Each public authority must adopt and maintain a Publication Scheme, setting out details of information it will routinely make available, how the information can be obtained and whether there is any charge for it. The Publication Scheme for Lichfield District Council was approved and adopted in October 2003 and is under continual review.
2. From 1 January 2005 each public authority must comply with requests for the information that it holds unless an exemption from disclosure applies. Public authorities will normally have a maximum of twenty working days to respond to the request, however there are circumstances when this time limit can be extended (i.e where the information required will require significant amount of investigation to locate it, and in such circumstances a fee may also be levied for undertaking such work).

Dealing with Requests for Information

A person may make a request in writing for specific information and Lichfield District Council must deal with it in accordance with the provisions of the Freedom of Information Act. This policy is supported by the guidelines that have been prepared for officers detailing the manner in which they should deal with requests and that assistance can be provided by the Freedom of Information Officer and designated departmental contacts.

The Codes of Practice

Two Codes of Practice have been issued under the legislation to encourage compliance with the FOIA. The first Code of Practice relates to the discharge by public authorities of their duties under Part One of the Act, and the second Code of Practice relates to records management. This policy and the guidelines published will enable the Authority to comply with the code of practice and it is important that the Authority ensures that the information it are reliable and can be found when needed.

Information Commissioner

The Information Commissioner determines whether the practice of a public authority conforms to the Codes of Practice. Under section 51 of the Act, he may serve an information notice on the authority, requiring it to provide information relating to its conformity with the Codes.

Under the provisions of section 54 of the Act, if a public authority fails to comply with an information notice, the Commissioner may certify in writing to the court that the public authority has failed to comply with that notice. The court may then inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of, the public authority, and after hearing any statement that may be offered in defence, deal with the authority as if it had committed a contempt of court.

Training

All communications in writing to Lichfield District Council, including those transmitted by electronic means, potentially amount to a request for information within the meaning of the Act, and if they do, they must be dealt with in accordance with the provisions of the Act. Everyone working in Lichfield District Council who deals with correspondence, or who otherwise may be required to provide information, should be familiar with the requirements of the Act and the Codes of Practice issued under its provisions and takes account of any relevant guidance on good practice issued by the Commissioner.

Training is undertaken by the Freedom of Information Officer and provided to officers of the Authority on a regular basis, and in addition, there is an Officer Working Group made up of officers from various directorates which meets on a quarterly basis to explore best practices and eliminate any bad practices in relation to the Freedom of Information Act 2000, Data Protection 1998 Act and Environmental Information Regulations 1992 and 2000 and to review the Authority's policies and working practices in relation to these Acts and Regulations.

POLICY STATEMENT

Lichfield District Council will conform to the requirements of the Act and Codes of Practice to ensure satisfactory compliance with Freedom of Information Act.

With regard to the Publication Scheme, this has been approved by the Information Commissioner and is reviewed by the Freedom of Information Officer and the Officer Working Group periodically to ensure it is accurate and up to date.

Lichfield District Council will also ensure that proper training is provided in relation to Freedom of Information matters, and also other provisions affecting the disclosure of information such as Environmental Information Regulations and the Data Protection Act 1998. The processes followed by the Authority are designed to eliminate the risk of potential direct or indirect discrimination

Implementing the policy

In order to support these actions, the Authority has:

1. A Freedom of Information Officer for the Authority, responsible for gathering and disseminating information and issues relating to Freedom of Information;
2. An Officer Working Group made up of officers from various directorates of the Authority who is trained and will be able to deal with requests and issues relating to Freedom of Information the Data Protection Act, and other related legislation within their service;
3. Guidelines which have been prepared by the Freedom of Information Officer and the Officer Working Group to assist officers in activities relating to the processing of Freedom of Information requests and that there are appropriate safeguards and controls in place to ensure information security and compliance with the Act;
4. Ensured that all contracts between the Authority and external third parties makes reference to the Act as appropriate, for example concerning commercial in confidence information;
5. Regular training sessions undertaken by the Freedom of Information Officer to ensure that all staff acting on the Authority's behalf understand their responsibilities regarding requests under the Act, and that they receive the appropriate training / instruction and supervision so that they carry these duties out effectively and consistently
6. Made available leaflets/information on the Authority's website to inform members of the public of the ability to request information under Freedom of Information and how this can be done, and provide assistance to those requesting information under Freedom of Information.

The Freedom of Information Officer and the Officer Working Group will also ensure that the policy and guidelines are kept under review to ensure that they are still relevant, efficient and effective.