

Freedom of Information Guidelines

(including Re-use of Information and
Environment Information Regulations)

If you need a copy of this information in large print, Braille, another language, on cassette or disc, please ask us by contacting the Freedom of Information Officer on 01543 308063

CONTENTS

1. Freedom of Information background and guidelines
2. Overview
3. Flowcharts
4. Re-Use of Information
5. Environmental Information Regulations
6. Appendix 1 - Complaints Procedure
7. Appendix 2 - Application to Re-Use Information
8. Appendix 3 - License for the Re- Use of Information

Introduction

These guidelines are produced to assist officers regarding Freedom of Information, Re-Use of Public Sector Information Regulations and Environment Information Regulations.

The Freedom of Information Act which promotes openness in government, came into force on the 1st January 2005. It introduced a general right of access to all types of information held by public authorities and those providing services to them. It also set out exemptions from that right, and placed a number of obligations on “public authorities”, including Councils.

Penalties for Non-compliance

Failure to comply with the Act can result in enforcement action being taken by the Information Commissioner. The final stage of this would be an enforcement notice; failure to act on an enforcement notice is treated as a contempt of court.

If anyone alters, defaces, blocks, erases, destroys or conceals any information once a request for it has been received, they may be committing a criminal offence. This offence applies to the public authority and all staff who are employed by it.

If our procedures are found to be weak by the Information Commissioner we can be served with a “Practice Recommendation” which would instruct us that we must adopt new systems in order to comply with the Act fully.

Publication Schemes

The Act places a duty on public authorities to adopt and maintain publication schemes which must be approved by the Information Commissioner. Such schemes describe the classes of information the authority makes public, the form in which the information is published and whether a charge is made. Our publication scheme is available from the main public reception at the District Council office in Frog Lane, Lichfield or can be seen at: www.lichfielddc.gov.uk

Rights of Access

The Freedom of Information Act introduces a general right of access to all types of information. It specifically gives individuals the right to be told whether information exists and the right to receive the information, where possible in the manner requested, i.e. as a copy or summary, or the applicant may ask to inspect a record. However there are some exemptions from these rights as explained below. In addition to requests from the public, companies, students, pressure groups and other organisations can also use these rights. For example a company may want to know our staff structure and what products we currently use to help them market their services more efficiently.

Individuals continue to have rights of access to their own information under the Data Protection Act 1998. For public authorities, the Freedom of Information Act will extend these rights to allow access to all types of information held, whether personal or non-personal. Anyone will be able to make a request for information; no reason need be given for making the request and the information sought need not have a direct impact on the person making the request. These rights are available to anyone worldwide, they are not limited to local residents.

Responding to Requests

All communication in writing to the authority requesting information is covered by the Act. In this context requests "in writing" include email. If a request is received verbally the member of staff should put it in writing and confirm the contents as being accurate and obtain the person's signature.

Authorities may charge a fee, which will have to be calculated according to the Fees Regulations. To calculate the cost of responding to requests, staff time to retrieve, locate and extract the information must be taken into account, as well as the cost of informing the applicant the information is held and communicating the information to them. Such costs must be estimated at a rate of £25 per person per hour. If the cost is below £450 then the information must be supplied free of charge, although we can ask for reimbursement of copying and postage costs.

In general, public authorities will have to respond to requests promptly and in any event no later than 20 working days. In cases where a public interest test must be applied the timescale can be extended to a 'reasonable' time. Please contact the Freedom of Information Officer or the designated departmental contact officers regarding queries on the public interest test.

Exemptions

There are exemptions in the Act, some of which are absolute but most require us to weigh up the public interest in releasing or withholding the information. For guidance on how to apply exemptions please refer to the relevant sections of this document and contact the designated departmental contact officers who can give you advice.

Records Management

It is important that reliable records are created in the first place so that a request for information can be dealt with appropriately, in a timely manner so as to comply with legislation and best practice.

Good records management will result in long term benefits for all public authorities, including, savings in cost and time in answering individual requests and building a reputation for openness and professionalism in the discharge of their duties, both of which pass benefits on to the applicant also.

Complaints

If a person has made a request and is not satisfied about the way in which the matter has been dealt with, then the access to information – complaints and appeals procedure need to be followed. This procedure is set out in (Appendix 1).

Dealing with Routine and "business as usual" Requests

Background

The Freedom of Information Act (FoI) came into force on January 1st 2005, from this time all written requests for information, either from the public or from other organisations, will have to be handled in compliance with the Act. This means that the information we hold will be classed as public information. There are a few exceptions to this, such as personal information. The Act also requires us to provide the information within 20 working days.

There is an Officer Working Group, with representatives from all directorates, looking at how best to implement Fol. The group has decided that verbal requests will also be accepted, this is because it brings advantages both to the Authority and to the person making the request as the scope can be more easily clarified and the individual staff member receiving the request does not have to identify the request type (verbal requests have to be accepted by law if they are for environmental information).

To simplify procedures for staff receiving requests this document allows, in specified circumstances, for some requests to be dealt with outside the Fol framework.

Lichfield District Council currently handles many requests for information which are covered by the requirements of the Act. There are a number of procedures that must be followed when handling a request for information, some requests that can be dealt with very quickly and some routine requests that we are well practiced in fulfilling would actually be handled less efficiently if we were to apply the Fol procedures to them. This document defines two types of request that may be dealt with outside the Fol framework and the conditions for applying this.

Is it an FOI Request?

It is important to remember that any requests for information you receive must be treated as an FOI request unless they can be dealt with under the Publication Scheme or as a routine request.

Publication Scheme

The Council has a Publication Scheme, which lists the classes of information that it actively publishes to the public. Any requests for information listed in the Publication Scheme are exempt from the other FOI rules. A copy of the Publication Scheme can be seen at: www.lichfielddc.gov.uk

Routine Requests

Some requests can be dealt with very quickly and simply, for example a request such as “what are the opening times of the Offices”. It would be unhelpful to all concerned if the full FOI procedures were to be followed for requests of this type. For this reason, any request that meets the following criteria should be considered a “routine request” and the FOI procedures need not be followed.

All of the following conditions must be met:

- The information can be given the same day if verbal or provided in writing within 48 hours (information this readily available will most likely be covered in the Publication Scheme).
- No more than one hour’s searching is required to locate the information.
- There is no charge for the information, unless the information is included in the Publication Scheme and is listed as chargeable.
- The officer dealing with the request is certain that none of the requested information is exempt under the Freedom of Information Act.

OR

Both of the following conditions can be met

- The request is made in person and can be satisfied by letting the requestor access to the information.
- The officer dealing with the request is **certain** that none of the requested information is exempt under the Freedom of Information Act.

“Business as Usual” Requests

These are requests that we have been dealing with before the introduction of the Freedom of Information Act and for which we can guarantee our level of service is well within the requirements of the Act. These requests are likely to be more involved than routine requests, but providing ALL the conditions below are met it is acceptable to deal with them outside the Fol framework.

- This type of request was being fulfilled before Fol was in force
- A 10 day turn-around (maximum) can be guaranteed
- There is a local recording system for requests of this type which, as a minimum, records requester’s name, date received and date completed
- There is no charge for the information unless it is a statutory charge or the information is listed as chargeable in the Publication Scheme (information in the Publication Scheme is exempt from access requests)
- None of the requested information is exempt under the Freedom of Information Act.
- No complaint by the requestor, or any third party, is anticipated as a result of the information supplied
- The information requested is held entirely by a single directorate and is specific to that directorate (requests that could be sent to any directorate must be processed as Fol requests)
- The information requested is specific to Lichfield District Council (requests that could be sent to many Authorities as part of a campaign must be processed as Fol requests)
- The request is not a “follow-up” request following a previous Fol request
- If the request is for environmental information, contact the FOI Designated Officer for advice to reply to requests under the Environmental Information Regulations.

The person dealing with FOI request must ensure that the above conditions are satisfied before the request can be handled outside the corporate Fol framework. Should any of the conditions cease to apply while a request is being processed the Fol procedures must be brought into play for that request. The FOI Officer must be informed when this has happened and will determine if future, similar requests should all be dealt with under the Fol framework.

The FOI Officer must be informed of types of requests that are received regularly. The responsible manager, when making decisions based on the above criteria, will inform the FOI Officer as soon as it is noticed that a particular type of request is being received regularly (more than two in a three month period).

Exemptions from the Freedom of Information Act 2000.

There are 23 exemptions in the Freedom of Information Act 2000, however, only 13 apply to the information held by a Local Authority.

In 8 of the 13 exemptions that apply, the Authority must consider the public interest in providing the information. This public interest involves considering the circumstances of each particular case and the exemption that covers the information. The information may only be withheld if the public interest in withholding it is greater than the public interest in releasing it.

The following outlines the exemptions that will apply to information held by the authority.

Absolute

Some of the exemptions in the Freedom of Information Act are absolute, once it has been determined that the exemption applies, the material to which this decision applies will not be released.

Information Accessible to the Applicant by Other Means (Absolute) Section 21

For example, information which the authority is required by law to communicate, or publishes in the context of its approved publication scheme.

Court Records (Absolute) Section 32

Information that is only held as part of the documentation for a court or tribunal case, or a statutory inquiry.

Personal Information (absolute exemption for access to the requestor's own information or where the Data Protection Principles would be breached. The public interest test applies to other third party requests) Section 40

This section operates as a gateway to the Data Protection Act 1998. Subject access requests are decided under the terms of the DPA. Third party requests for personal information are decided in accordance with the data protection principles, but within the overall framework of the FOI Act.

Information Provided in Confidence (Absolute) Section 41

This exemption applies where disclosure would constitute an actionable breach of confidence.

Legal Prohibitions on Disclosure (Absolute) Section 44

Information, the disclosure of which is prohibited by any other enactment, is incompatible with any community obligations, or would be a contempt of court.

Non Absolute

Where an exemption is non-absolute, often termed a qualified exemption, it is necessary to carry out a public interest test to determine if the material should be released or not.

Information Intended for Future Publication (Public Interest Test) Section 22

This applies where a publication was planned at the time the request was made.

Investigations and Proceedings Conducted by the Authority (Public Interest Test) Section 30

Information held for the purpose of criminal investigations and proceedings, and information obtained from confidential sources relating to these or civil proceeding arising out of them.

Law Enforcement (Public Interest Test) Section 31

Information which is likely to prejudice a range of investigations and conduct, including prevention of crime; assessment and collection of any tax; regulatory enforcement; health and safety; any civil proceedings.

Prejudice to the Effective Conduct of Public Affairs (Public Interest Test) Section 36

Information that may inhibit the ability of the authority to conduct its business effectively, should that information to be made freely available in the public domain.

Health and Safety (Public Interest Test) Section 38

Information that would or would be likely to, endanger the physical, or mental health or safety of any individual.

Environmental Information (Public Interest Test) Section 39

Access to this information is covered by the Environmental Information Regulations. However, if the information is subject to a discretionary exemption under the environmental regulations, then the FOI Act public interest test would apply.

Legal Professional Privilege (Public Interest Test) Section 42

This exemption applies where a claim to legal professional privilege could be maintained in legal proceedings.

Commercial Interests (Public Interest Test) Section 43

This exemption applies to trade secrets, and to information which if disclosed would, or would likely to, prejudice the commercial interests of any person, including the authority holding it.

The Information Commissioner has suggested that confidentiality clauses should not be included in future contracts unless there is a convincing reason for doing so. Details of contracts, once awarded, would fall under the public interest test.

Exemption Decisions and Testing for Public Interest

Background to FoI Exemptions

The Freedom of Information Act requires all public authorities to make information available to anyone on request, it also sets out exemptions which apply in certain cases. FOI officer and designated departmental contact officer will be able to consider request regarding exemptions.

Public Interest

Where an exemption is non-absolute, often termed a qualified exemption, it is necessary to carry out a public interest test to determine if the material should be released or not. This should be considered by the FOI Officer addressed at the same time and by the same team that makes exemption decisions.

It is important to remember that the public interest test can only be applied once it has been established that a qualified exemption applies, a public interest argument cannot be put forward for withholding information that is not exempt.

Decision Makers

Decisions on exemptions will be made in the first instance by the designated departmental contact Officer, who will liaise with the officer dealing with the request.

Qualified Person

Section 36 of the Freedom of Information Act deals with information that, if released, would prejudice the effective conduct of public affairs. This exemption calls for decisions to be made by a qualified person. Where the above team determines that s36 potentially applies then the Authority's qualified person must be informed and will make the final decision. The identity of the qualified person will be determined by regulations. At the time of producing this document these regulations had not been published.

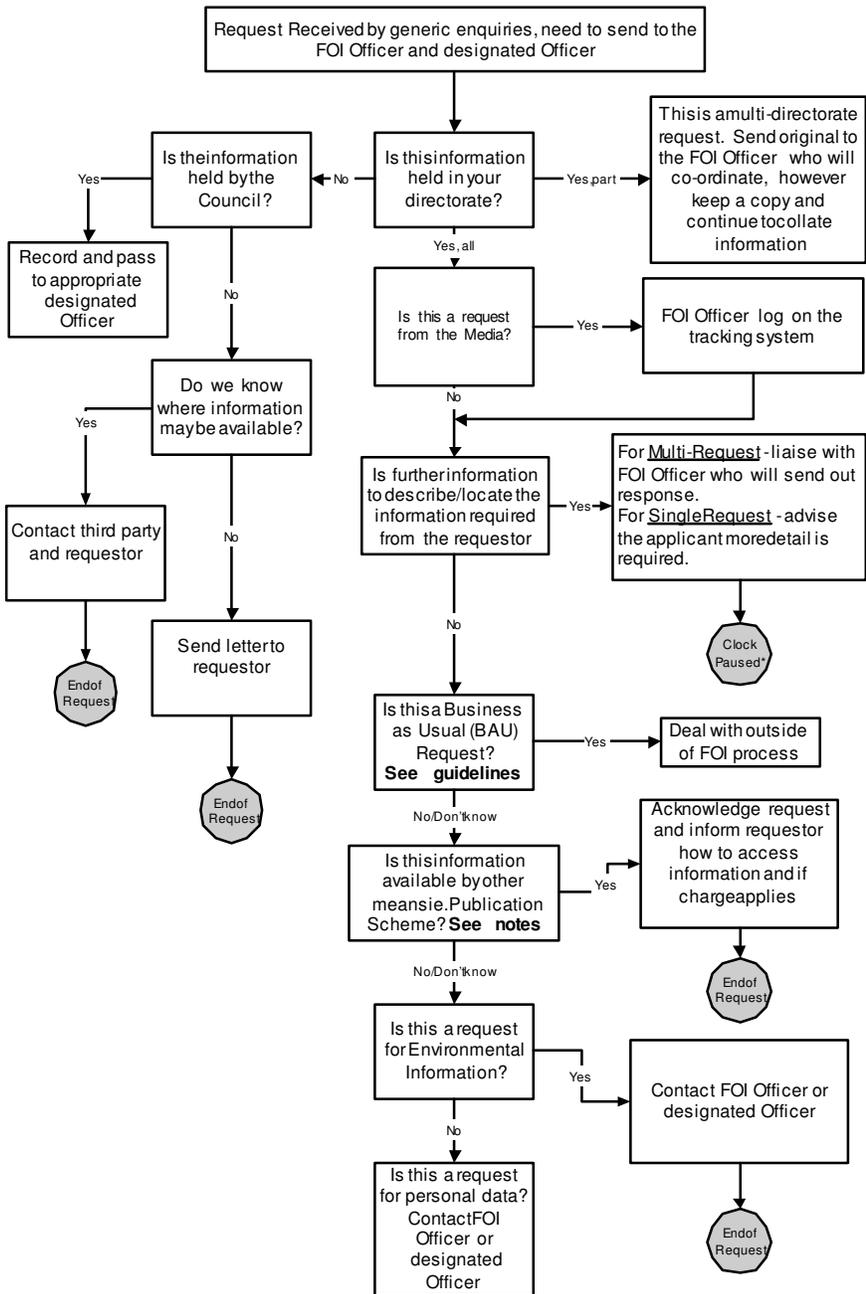
Training

All staff must be aware of the requirements of the Freedom of Information Act, and some staff will require more specific training.

Flowcharts

The flowchart on the following pages show the processes to be used when handling a FOI request. Note that specific information about what should be recorded and when, will be contained in the notes on the interim tracking system.

Processing a Request



Notes:

Publication Scheme
A Publication Scheme describes the

Personal Data
All information from which a living individual can be identified is personal data.

If the data is the applicant's own data then this should be handled under the Data Protection Act 1998. Unauthorised disclosure of such information is an offence under the DP Act and therefore confidentiality should be maintained.

Information which is not the applicant's own is subject to a third party request which will be handled by the Directorate FOI Officer who, subject to consultation with the information owner, will decide whether the information can be disclosed or not.

Environmental Information
EIR requests should be passed to Environmental Service if they relate to matters that they deal with such as pollution, noise etc. If in doubt contact them for advice

***Clock Paused :**
If a request is made for additional information, let the requestor know that until the information is received no action can be taken. Once the information is received then the clock will continue. Please contact the FOI or designated officer for additional information regarding stopping the clock and additional information requests.

Re- Use of Public Sector Information Regulations 2005

The Regulations implement an EU directive that encourages the re-use of public information for purposes other than its original purpose. The aim is to stimulate the European information industry and enable companies to use such information for commercial purposes.

Summary of the Regulations

The Regulations do not require public bodies to make their information available for re-use and do not oblige them to create, adapt or continue to produce certain documents so that others may re-use them.

They do however, set out the following rules that public bodies must follow if they allow information to be re-used. Lichfield District Council do in some instances allow information to be re-used and will

- publish a list of the main documents which can be re-used
- publish any standard conditions associated with re-use¹
- publish any standard charges associated with re-use
- operate a request procedure
- operate a complaints/appeals procedure.

The Regulations apply to any recorded information, including whole documents or parts of documents.

There are some exemptions to the regulations, e.g. intellectual property that rests with a third party; information that is exempt under Freedom of Information, Data Protection and other legislation.

List of Main Documents

The Publication Scheme provides a list of the various documents held by the Authority and can be treated as the list of main documents which could be re-used subject to various criteria being met

Licence

The Licence (see Appendix 2) sets out the basis on which information can be re-used. The terms and conditions set out in the Licence may vary where the information requested has commercial value.

Charges

Any charges made will not exceed the cost of collection, production, reproduction and dissemination of the information and possibly a reasonable return on investment.

Any fee charged under access legislation (such as Freedom of Information) will be offset against any charges for re-use.

¹ Lichfield District Council use a Licence (see Appendix 3) for those wishing to re-use information

Request Procedure

An application form (attached at Appendix 3) sets out the information which must be provided to enable the Authority to process the request and the completed forms should be returned to the Freedom of Information Officer.

Complaints

Any complaints raised about the manner in which the request has been dealt will be handled using the Councils Corporate Complaints procedure.

ENVIRONMENTAL INFORMATION REGULATIONS

These regulations allow people to request environmental information from public authorities and those bodies carrying out public function, for example privatised utility companies. There is a very broad range of environmental information which could fall within these regulations. The types of information which are caught may include information on the state of the environment and factors affecting the environment, for example, instances of flooding, habitat loss, species extinction, greenhouse gases, radioactive waste, noise, building developments etc.

Unlike the Freedom of Information Act a request for information can also be verbal. A request must usually be answered within 20 working days. Generally the same rules apply when dealing with an Environmental Regulation request as with a request made under Freedom of Information. However a request made under the Environmental Regulations does differ in that there are more exemptions.

APPENDIX 1

Access to Information - Complaints and Appeals Procedure

Information about our complaints and appeals procedure.

Lichfield District Council is committed to putting the needs of its customers first. We aim to deliver high quality services and get things right the first time. However, from time to time, members of the public may be unhappy with how we have dealt with their requests for information and want to tell us about it.

We have a complaints procedure in place to deal with issues about Council services. However, we also have a stand-alone complaints process to deal with complaints in relation to members of the public's rights to access information.

This applies to all requests for information made under the Freedom of Information Act, Environmental Information Regulations or Data Protection Act.

Equal Opportunities

Members of the public have a right to be treated with respect, dignity and fairness in all their contacts with us, regardless of their race, gender, disability, age, culture, religion, status or sexuality.

What are FOI, EIR and DPA

The Freedom of Information Act 2000 (FOI) gives people a general right of access to information held by or on behalf of public authorities.

The Environmental Information Regulations 2004 (EIR) give similar rights of access but specifically to information relating to, or affecting, the environment.

The Data Protection Act 1998 (DPA) sets out a series of principles, which we must keep to when we use personal information. It also gives certain rights, including the right to see what personal information we hold.

What is an Appeal?

If a member of the public has asked for information and has been refused some or all of it they should have been told why. If they disagree with our reasoning and the decision not to release the information, then they may appeal against the decision.

What is a Complaint?

A complaint is when a member of the public tells us, either verbally or in writing, that they are dissatisfied with the service we have provided in relation to their request for information. For instance, they may feel we have failed to:

- Respond to their request within statutory time scales.
- Properly explain why we have refused your request.
- Provide them with help.
- Follow the Council's agreed procedure.

Who should they complain to?

In the first instance, please contact either by post, email or telephone:

Freedom of Information Officer

Lichfield District Council
Council House
Frog Lane
Lichfield
WS13 6YU

Tel: 01543 308002

Email: bal.nahal@lichfielddc.gov.uk

What Information Does the Council Require from Them?

To help us deal with the matter promptly the following should be provided in writing:

- Their name
- The address that they want us to send correspondence to: postal address or email address
- Details of their complaint and/or of their appeal: tell us what the complaint relates to and/or why they disagree with our decision not to release information to them
- How they would like us to put matters right: describe what action they would like us to take in relation to their complaint/appeal and what outcome they are looking for

How we will Use the Information

We will share the information that has been provided with relevant staff so we can investigate the matter. We will also use the information for statistical and monitoring purpose. Sometimes we may be required to share the information with outside agencies and regulators.

Appeals and Complaints Procedure

The procedure has 3 stages. Here is an explanation of what happens at each stage:

Stage 1 - Informal

When we receive the complaint or appeal, the Freedom Of Information Governance will contact the complainant. We will try to solve the problem as quickly and informally as possible. We will try to complete Stage 1 within 10 working days. If the complainant remains dissatisfied the matter will be escalated to Stage 2

Stage 2 - Formal

We will ask a manager to investigate the matter. They will have no previous involvement with the request for information, and also be independent of the service area which holds the information requested.

They may need to contact the complainant to gather further information and will interview relevant staff members involved in the matter. Once their investigations are completed, they will write a report outlining their findings and recommendations in relation to the complaint/appeal.

The Director responsible for the services area to which the complain/appeal relates will consider the findings of the report and any recommendations made. They will then write/contact the complainant explaining the actions they intend to take as a result.

We will try to complete Stage 2 within 20 working days. If the complainant remains dissatisfied, the complainant can ask for the matter to be escalated to Stage 3.

Stage 3 - Review Panel (Final Stage)

The complaint or appeal will be heard by a review panel. This will be made up of two senior managers and a member of our legal team. There may also be other members of staff, depending on the nature of the complaint or appeal.

The panel will independently review and scrutinize the findings from stages 1 and 2 and reach a final decision. We will invite the complainant to the panel so that they can explain their reasons for complaining or appealing, or, if the complainant prefers they may prefer to provide something in writing instead.

We will try to complete the stage 3 review within 20 working days.

This is the final stage in the FOI, EIR and DPA Complaints and Appeals process. If the complainant remains dissatisfied, they have the right to complain to the Information Commissioner. This should be done as soon as possible and certainly within two months of the review panel's decision.

Contact Details

For further information please contact the Freedom of Information Officer.

APPENDIX 2



LICENCE TO RE-USE INFORMATION

This template licence covers those categories of Public Sector Information where the terms and conditions need to be tailored to meet specific circumstances. It also covers those cases where payments are required. Clauses marked with green highlighting should only be included where appropriate.

This Licence is dated [date of final signature]
and is between Lichfield District Council, Frog Lane, Lichfield. Staffordshire. WS13 6YU
and [insert name and address of licensee]

Definitions

In this Licence, the terms below have the following meanings:

Accounting period:	as set out in Schedule A. <i>Royalty licences</i>
Application:	your application for a licence to reproduce the Material. Applications can be made online.
End-users:	users and subscribers who access electronic or digital versions of the Product. <i>Electronic licences</i>
End-user licence:	a licence issued by publishers of electronic products and publications setting out the terms of use to End-users. <i>Electronic licences</i>
Licence:	this Licence including the schedules.
Material:	the Material listed at Schedule B.
Official source:	any publication, product or information service which has been made available to the public by us or on our behalf. This includes our official website.
Our, us and we:	<i>Lichfield District Council</i>
Product:	your product or products as set out in Schedule B.
Sales income:	the money you receive from the sale or supply of your Product (not including VAT). <i>Royalty licences</i>
Start date:	as specified at Schedule A.
Statement :	a statement of the Sales income and the royalty payable to us for each Accounting period. <i>Royalty licences</i>
You, your:	the licensee named in Schedule A.

Grant

We are granting you the non-exclusive rights set out in Schedule A.

Period

This Licence is for the initial term given in Schedule A. It will continue after that term unless you or we end the Licence.

Your Obligations

You must:

- provide full and accurate information on your Application and in the context of the Licence and let us know if any of this information changes;
- keep full and accurate records of the sales of your Product; *Royalty licences*
- let us know if you want to end the Licence;
- reproduce the Material accurately from the current Official Source. In cases where you want to reproduce Material that has been superseded you should make it clear that a more up to date version is available;
- send us, if we ask for it, with a complimentary copy and/or subscription of any product or publication that you produce that includes the Material. In the case of electronic products and services you should provide the appropriate End-user licence. We shall notify you of the address(es) where they should be sent;
- send us, if we ask for it, a copy of your standard End-user licence; *Electronic licences*
- allow us to inspect the Product to check that you have kept to the terms of this Licence;
- identify the source of the Material set out in Schedule A; *(where appropriate)*
- feature the copyright statement set out in Schedule A; *(where appropriate)*
- ensure that you comply with the terms of the Data Protection Act 1998;
- use a competent translator to translate the text of the Material accurately from an Official Source and in a style which is in keeping with the original text; *Translation licences*
- the reproduced versions of the Material must not be presented in a way which could imply that it has official status or has our endorsement;
- not reproduce our logos;
- not use the Material to advertise, or promote products or services, or in ways which could imply endorsement of these products and services by us, or generally in a manner which is likely to mislead others;
- not use the Material in ways which are knowingly or potentially libellous or slanderous of individuals, companies or organisations;

6. Our Obligations

We aim to:

- confirm receipt of the Application promptly;
- quickly put right any difficulties or answer any queries which you may have;
- handle all Licences in a way that is fair and consistent;
- give you details of any changes to this Licence.
- if you are dissatisfied with the standard of service you receive from us, you can make a formal complaint. We will deal with it by following our complaints procedure. You can find this on our website at *[insert]* or please e-mail us at *[insert]* or telephone *[insert]* and we will send you details.

7. List of Licence Holders

7.1 We may list the names and addresses of all Licence holders on our website because we want:

- to be open and transparent about who has a Licence; and
- to help applicants, particularly those from large organisations, to check whether they already have a Licence.

We will not use this information for marketing or publicity purposes. If you are a private individual please let us know whether you are willing to have your details listed.

8. Obtaining the Material

- 8.1 In most cases you will be able to reproduce the Material from the Official Source as long as you are careful not to infringe the copyright of another party. You may reproduce the Material by whatever means you choose, including scanning, downloading from our website or by re-keying.
- 8.2 We may be able to supply the Material you want to reproduce in alternative formats, such as digital. Please contact us with details of the format you would prefer. We will tell you whether the Material is available in that format and what the supply costs will be.

[insert contact details]

9. Payment Details *All licences involving payments*

These are given in Schedule A.

10 VAT *All licences involving payments*

All payments will be subject to VAT at the appropriate rate.

11. Invoice and payment arrangements *All licences involving payments*

We will send you an invoice for the amount that you are due to pay to us.

You must pay all invoices within 28 days of the invoice date. Make your cheques payable to
[insert details]

and send them to:
[insert details]

We have the right to charge interest on any amounts that are not paid within the 28 days at a rate of 2% a month above the minimum-lending rate.

12. Statements *Royalty licences*

You must send us a Statement within 90 days of the end of each Accounting period so that we can calculate the payment due.

13. Inspection of accounts *Royalty licences*

We, or our representative, may inspect your records for Sales income and royalties payable to us.

These inspections will take place at your premises during your normal business hours. We shall give you reasonable notice of our wish to inspect your accounts, either in writing or by e-mail.

14. Ending the Licence

This Licence may be ended:

By you

You have the right to end this Licence at any time by giving notice to us in writing or by e-mail.

By us

We have the right to end this Licence:

- after the end of the initial term by giving you six calendar months' notice in writing or by e-mail;
- at any time if you are wound up, declared bankrupt, placed in the hands of receivers or creditors or otherwise stop operating;
- at any time if there is a significant breach of the terms of this Licence and you do not put this right within 60 days of our telling you in writing or by e-mail.

15. Consequences of the Licence Ending *Licences involving End-users and/or payments only delete bullet points as necessary*

Ending this Licence shall not affect:

- the rights of any End-user who has been granted an End-user licence;
- our right to payments under this Licence;
- our right to Statements under this Licence.

16. Changes to the Terms of this Licence

The terms of this Licence may only be changed if you and we agree in writing or by e-mail. We will confirm any changes to the Licence, sending you an amended schedule.

17. Assignment

This Licence may not be assigned.

18. Disclaimer

Your use of the Material under this Licence is entirely at your own risk. We make no warranty, representation or guarantee that the Material is error free.

19. Governing Law

This Licence is made under the laws of England and Wales and comes under the exclusive jurisdiction of the courts of England and Wales.*

This Licence is made under the laws of Scotland and comes under the exclusive jurisdiction of the Scottish courts.*

This Licence is made under the laws of Northern Ireland and comes under the exclusive jurisdiction of the Northern Irish courts.* *[* delete as appropriate depending on where the Material was produced]*

Signed by

Date

Name in block capitals
for the *[insert name of organisation issuing the Licence]*

Signed by

Date

Name in block capitals

Job title
for *[insert name of Licensee]*

SCHEDULE A

Licence Number:

Start Date..... *[date of final signature]*

Licensee’s Name, Address
[insert details]

Accounting Periods *Royalty licences only*

The first Accounting period will run from the start date until (inclusive). After that, the Accounting periods will be from to (inclusive).

Copyright Statement

© *[insert name of copyright owner]* copyright material is reproduced with the permission of *[insert name of copyright owner]*.

Grant

*Insert details of what rights are being granted, for example:
To publish and sell the Material as part of your Product throughout the world in the English language.*

Initial Term

[x] year(s) from the Start date.

Payment Details *All licences involving payments*

Royalty based licences: formula for calculating royalties payable

One-off or annual fee based licences: amount payable and when it will be invoiced

Payments to be made in sterling/Euro

Source acknowledgment

Insert as appropriate, for example [title] of the Material produced by [organisation name]

Additional information

For example, this section could include specific details relevant to the Licence that are not covered elsewhere in the terms and conditions.

SCHEDULE B

Material

Insert title and/or description of the Material being reproduced.

Product

Insert details of the Licensee's product(s)

APPENDIX 3



Application to Re-Use Information

Name..... Title: Miss/Mrs/Ms/Mr

Job Title (if appropriate).....

Name of organisation:

Address:

Postcode:

Telephone:

E-mail address:

Please indicate which information you wish to re-use:
.....
.....
.....

Please indicate how you wish to re-use it. (For example on an intranet site, to photocopy for in-house training papers, for commercial publication etc):
.....
.....
.....
.....

If you are planning to publish the material, please provide details such as publication title, website address, name of publisher etc.
.....
.....
.....
.....

Please send completed forms to:
Freedom of Information Officer
Council House
Frog Lane
Lichfield
WS13 6YU