



## **Freedom of Information Act (FOIA)**

### **FOIA is about the right of access to information**

The FOIA aims for greater openness and accountability. It gives you the right of access to information held by public authorities including:

- Central government
- Local Authorities
- NHS
- Schools
- Police

### **General Right of Access**

The Act was passed by Parliament on 30 November 2000 and will take full effect from 1 January 2005. You have a right of access to 'recorded' information held by public authorities in any form. In other words, with a few exceptions, you can ask the Council for any information we hold and we must provide it.

Information can include details of policies and procedures, forms, letters, reports, minutes of meetings or e-mails.

### **Publication schemes**

The Act means that the Council must set-up and maintain a publication scheme, approved by the Information Commissioner.

A publication scheme is a guide to the information that the Council publishes, the format of the information available and whether there are any charges.

If the information is not included in the publication scheme, you can make a separate request through the General Right of Access.

### **Requests for Information under the General Right of Access**

Requests for information must be made in writing, which includes e-mails or using our on-line form. You must tell us your name and postal or e-mail address as well as details of the information required.

### **Timescale**

The Council has 20 working days in which to complete a request.

### **Charges**

The Council is in the process of agreeing the Fees Regulations.

### **Exemptions**

If your request for information is exempt from disclosure, you will be told why it is exempt.

There are 23 exemptions from the general rights of access. Examples include information that is commercially sensitive, confidential, subject to other legislation, relating to national security or easily available (e.g. in the publication scheme or on the website).

Some exemptions need the Council to consider whether withholding the information is in the public interest (or prejudicial to the conduct of the Council).



Requests covered by other legislation include environmental information, which can be accessed through Environmental Information Regulations (EIR) and personal data which is covered by the Data Protection Act (DPA).

### **The difference between FOIA and DPA**

If the information is personal and about you, then the Data Protection Act 1998 will apply and the request will be treated as a Subject Access Request (SAR).

Other requests for personal information will be made under the FOIA taking account of the DPA.

### **Complaints**

If you are not happy with the response from the Council, you can complain to the Council under the Complaints Procedure. If you are unhappy with the Council's review, you have the right of appeal to the Information Commissioner.

### **Enforcement**

The Information Commissioner is responsible for overseeing the Act, but sometimes the courts may become involved.

### **KEY POINTS**

- Any written request for information will be dealt with as an FOIA request
  - All requests for information will be dealt within 20 working days
  - Material requested might be in the publication scheme
- The Information Commissioner can be contacted via  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545700

Fax: 01625 524 510

Website:

<http://www.informationcommissioner.gov.uk>

Email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)