

# Freedom of Information Act Policy



## **Introduction**

Bath and North East Somerset Council issues this policy in response to the Freedom of Information Act 2000 (FOIA). This policy is also aligned to other legislation relating to access to information, including the Data Protection Act 1998 and the Environmental Information Regulations 2004.

The Council supports the FOIA's key objectives of increasing openness, accountability and transparency in the public sector. The Council recognises that promotion of greater openness and increased transparency in relation to Council decision making will build public trust and confidence in government.

## **Scope**

This Policy applies to all employees of Bath and North East Somerset Council including Elected Members, contract, agency and temporary staff, volunteers, and employees of partner organisations working for the Council.

This policy does not apply to Primary, Secondary and Special Schools who are separate public bodies in their own right and are statutorily obliged to make their own arrangements.

The FOIA applies to all information held by the Council and information held by another person on behalf of the Council, including information held by contractors and partner organisations on the Council's behalf.

## **Obligations**

The FOIA confers a general right of access to information held by public bodies. Requests for information received in writing must be responded to within 20 working days. Applicants have a right to be informed as to whether the information they have requested is held by the Council, and if so, to have that information communicated to them (subject to certain exemptions).

The FOIA also requires that each public authority adopt and maintain a Publication Scheme which is a structured list of the types of information that a public authority makes available.

## **Principles**

The Council will apply the following basic principles.

The Council will ensure that:

- Applicants seeking information are offered advice and assistance
- Requests for information are responded to promptly, and within the statutory timescales
- A presumption in favour of disclosure is applied to all requests for information
- Information is only withheld if a valid exemption applies

- Applicants are kept informed of any delays which their request may be subject to
- Assistance are offered to applicants to help them to understand the information they receive
- Applicants are informed of any charges likely to be levied
- Applicants are advised of their right to an internal review or (where appropriate) their right of appeal to the Information Commissioner, if they are dissatisfied with the service received or the response to their request.
- All requests are logged and monitored and monitoring reports produced on a regular basis to demonstrate compliance with the legislation
- Each Directorate nominates an appropriate number of Information Link Officers who will act as local points of contact in relation information requests
- Training, support and guidance is made available to enable staff to comply with the requirements of this Policy

## **Charging**

The Council will make a reasonable charge for disbursements such as photocopying, printing and postage, where these costs total £10 or more. Photocopying charges will be based on those in place within the Council's Public Libraries.

Section 12 of the Freedom of Information Act 2000 recognises that a public authority is not obliged to comply with a request for information if the process of compliance would exceed the appropriate limit of £450 (18 hours). The process of compliance covers the time it would take to:

- determine whether it holds the information,
- locate the information, or a document which may contain the information,
- retrieve the information, or a document which may contain the information, and
- extract the information from a document containing it,

In exceptional circumstances and at the Council's discretion, requests exceeding the appropriate limit of £450 may be satisfied. These will be dealt with on a case-by-case basis and charged at a rate of £25/hour.

In all cases where a fee is charged, payment will be required in advance of disclosure.

## **Complaints**

If an applicant is unhappy with the service received or the response to their information request, they are entitled to request that an internal review be carried out. A request for a review should be made in writing within 20

working days of the date of the original response. These reviews are conducted by the Divisional Director for Risk and Assurance Services, Mr Jeff Wring. Mr Wring is contactable at The Guildhall, 1 High St, Bath BA1 5AW. Email: [jeff\\_wring@bathnes.gov.uk](mailto:jeff_wring@bathnes.gov.uk).

We attempt, where possible, to provide a response with the outcome of the internal review within 40 working days of receipt of the request.

If an applicant is unhappy with the outcome of the internal review, they have the right to appeal directly to the Information Commissioner for a Decision. The Information Commissioner is contactable at Wycliffe House, Water Lane Wilmslow, Cheshire SK9 5AF.

### **Monitor and Review**

Should it be discovered that this Policy has not been complied with, or if an intentional breach of the Policy has taken place, the Risk and Assurance Service, in consultation with senior management, shall have full authority to take immediate steps as considered necessary, including disciplinary action.

The Policy will be subject to ongoing review in light of any changes in legislation or good practice, and will be formally reviewed on a regular basis, and at least annually.