

Causeway Coast & Glens Borough Council

FREEDOM OF INFORMATION ACT (2000) AND ENVIRONMENTAL INFORMATION REGULATIONS (2004)

POLICY AND PROCEDURES

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1. INTRODUCTION

The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) gives rights of public access to all types of recorded information, (although certain exemptions have been provided), held by public authorities. This right will facilitate better understanding of how public authorities carry out their duties, why they make the decisions they do and how they spend public money. This policy covers both the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

2. POLICY STATEMENT

Causeway Coast and Glens District Council (the Council) is fully committed to the principles enshrined in Freedom of Information legislation and will operate an access regime on the presumption that information is open unless there is a valid reason to restrict access.

The Council will make information about its activities publicly available through its Publication Scheme, which is based on the Model Publication Scheme adopted by Local Authorities. The Information Commissioner has also published a 'Definition Document' which sets out in some detail what the minimum expectations are as far as Council is concerned. The information routinely put into the public domain to ensure Council is compliant with the Definition Document will be regularly reviewed.

Signed: _____ Date: _____
Presiding Councillor (or Chair or Mayor post 1st April 2015)
Causeway Coast and Glens Council

Signed: _____ Date: _____
Chief Executive
Causeway Coast and Glens Council

3. SCOPE

- 3.1 This policy applies to all recorded information held across the Council, by all staff and all departments. It also applies to information held by third parties on the Council's behalf. The policy applies irrespective of the information's format, storage medium or age. Information 'held' encompasses any information in the Council's possession.
- 3.2 This policy is binding on all those who use Council information such as staff, contractors, consultants of the Council when accessing information.

4. ACCOUNTABILITY AND RESPONSIBILITIES

- 4.1 The Council has corporate responsibility for compliance and the Chief Executive has the authority to define and implement the Council's Freedom of Information Policy.
- 4.2 All staff can receive an information request and are responsible for ensuring that the request reaches designated officers with authority to respond to information requests as quickly as possible.
- 4.3 The Head of Policy has overall responsibility for ensuring that information requests are acted on in the correct way and that designated officers have the support they need to respond to requests.
- 4.4 The Head of Policy is responsible for promoting compliance with this policy, for managing the Council's Publication Scheme and for drawing up guidance about Freedom of Information good practice. The Head of Policy will monitor and co-ordinate responses to requests. Where exemptions or exceptions may be applied the Head of Policy must be consulted prior to their application.

5. IMPLEMENTATION ARRANGEMENTS

5.1 What Information Can Be Requested?

The FOIA and the EIR cover all information held by the Council, which is not included in the Publication Scheme. Information will be made available, on request, subject to any exemptions or exceptions applied.

Information requests surrounding the release of personal information will be handled under the Data Protection Act 1998.

In cases where an exemption may be applied, due consideration will be given as to whether or not the information is disclosed. This will include consideration of public interest, the rights of data subjects, legal and contractual obligations and issues of information access and security. Under EIR all exceptions are subject to the public interest test. Information will only be withheld in accordance with the exemptions applied by legislation. The reasons for applying the exemptions will be provided to the requester.

If a requester is unhappy with how the Council has dealt with a specific request they are entitled to ask for the information provided to be reviewed in accordance with the procedure for handling information requests.

Information provided to the Council from third parties may be the subject of an access request. In considering whether exemptions apply, the Council will seek to consult with the third party but the legal responsibility for deciding whether or not the information should be released rests with the Council.

When entering into contractual arrangements with third parties the Council will take reasonable measures to identify that information which would be clearly exempt from disclosure under the Act and seek to agree a schedule that identifies clearly that information which should not be disclosed.

5.2. How to Request Information

Under the FOIA 2000 requests must be in writing (including emails) giving details of the requester's contact information and a detailed description of the information which is being sought.

Requests under the EIR 2004 do not need to be made in writing.

Requests for information should be sent to:

Causeway Coast and Glens District Council
66 Portstewart Road
Coleraine BT52 1EY

Tel: 028 7034 7163 Email:
elizabeth.beattie@causewaycoastandglens.gov.uk

5.3 When Will Information Be Released

Council will respond to requests promptly and in any event, within 20 working days. If a charge applies or if additional information is required to deal with

this request, this may lengthen the response time. In cases where information is covered by an exemption, but Council is required to apply the public interest test in releasing it, the Council will still endeavour to provide the information, where possible, within the 20 working day target.

5.4 When Will There Be a Charge?

The Council believes strongly in openness so we will attempt to keep the cost of information as low as possible. There is no charge for making a request, the charge will only apply before you are granted access to the records (if applicable).

For information provided in response to specific requests the Council may apply charges as allowed by the legislation.

5.5 Appeal

Those requesting information from Council have rights of review and appeal against decisions to withhold information; about the amount charged, or if they feel the request has been poorly handled.

These rights consist of two review processes. Firstly, by using Council's internal Complaints procedure, which is available by request from:

Head of Policy
Causeway Coast and Glens District Council
66 Portstewart Road
Coleraine
BT52 1EY

Tel: 028 7034 7163 Email:
elizabeth.beattie@causewaycoastandglens.gov.uk

Secondly, by appealing directly to:

The Information Commissioner's Office – Northern Ireland
3rd Floor, 14 Cromac Place
Belfast, BT7 2JB

Telephone: 028 9027 8757 Email: ni@ico.org.uk.

The Information Commissioner expects that the internal complaints procedure is completed before an appeal is made.

6. EVALUATION AND REVIEW OF THE POLICY

This Freedom of Information Policy and Procedure will be reviewed on an annual basis by the Chief Executive and Senior Management Team and, as part of this review, an evaluation will be conducted on the effectiveness of the policy and procedures in relation to receiving, handling, assessing and resolving complaints received by the Council.

7. SECTION 75 EQUALITY AND GOOD RELATIONS

Causeway Coast and Glens Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

8. CONTACT DETAILS

Any issues or queries relating to this policy should be addressed to:

Head of Policy
Causeway Coast and Glens District Council
c/o Coleraine Borough Council
66 Portstewart Road
Coleraine BT52 1EY

Tel: 028 7034 7163

E-Mail: elizabeth.beattie@causewaycoastandglens.gov.uk

PROCEDURES FOR HANDLING INFORMATION REQUESTS

1. COMPLIANCE

- 1.1 In practice most requests for information will relate to information that is readily available. These should be dealt with as part of normal business activity.
- 1.2 The FOIA will impact on requests for information that are outside normal activity or require research. The Council must comply promptly and in any event within 20 working days. Where a delay beyond this is anticipated the Council must give a realistic and reasonable estimate of when a decision will be reached.

2. PROCESS

- 2.1 The following steps should be followed by officers designated to respond to FOI requests:-

Step 1

Record date request received.

Step 2

Validate request i.e

- a) request is in writing
- b) includes names and address of applicant
- c) describes the information sought.

Step 3

Check that the request relates to information held by the Council, ie created by the Council or received by the Council from a third party or held by a third party on the Council's behalf.

Step 4

Check if a fee is required and collect before releasing information.

Step 5

Consider whether any of the qualifications or exemptions apply.

Step 6

Provide the information confirming that Council holds it and detailing the information released or refuse information. A refusal should be accompanied by a notice setting out the basis for the refusal.

3. ADVICE AND ASSISTANCE

The Council is required by the Act to provide reasonable advice and assistance to applicants for information.

Appropriate assistance might include:-

- Providing an outline of the different kinds of information which might meet the terms of the requests.
- Providing a general response setting out options for further information which could be provided on request.
- Giving the applicant details of where to redirect their request to e.g. another public authority.