

Policy Document

**Freedom of
Information**

1 December 2010

Contents

Policy Statement 3
Purpose 3
Scope 3
Definitions 3
Risks 4
Corporate Governance 4
Implementation 5
Codes of Conduct 5
Charges 5
Complaints 5
Compliance 5
Advice 6
Governance 6
Review 6
Revision 6
References 6

Policy Statement

This Policy sets out how North Yorkshire County Council (“the council”) will comply with the Freedom of Information Act 2000 (“the Act”).

The Act is another way for the council to relate to its citizens and the wider public. The council will be open and accountable in its actions and the manner in which it carries out its responsibilities.

The council will make suitable management arrangements, and provide advice and training appropriate to those roles, to enable officers to recognise and respond correctly to enquiries.

To help accessibility and compliance with the codes of practice the council will apply its Records Management Policy.

Purpose

This policy sets out responsibilities in relation to managing information requests from the public.

The Information Governance Strategy describes how this particular policy is fulfilled by the application of other, detailed policies and procedures, within the overall Information Governance Policy.

Scope

This Policy applies throughout North Yorkshire County Council. It does not apply to schools, but the Council recommends that they should take account of this policy in forming their own.

Information held by the council on behalf of other people or bodies is outside the scope of the Act.

Information held by members of the council, and acting in their corporate role, is within the scope of the Act. Information they hold in their ward representative role, or as private individuals or party members, is outside the scope of the Act.

Information held by the council on behalf of members acting other than in their corporate role is therefore outside the scope of the Act.

Definitions

Information has the same meaning as in the Freedom of Information Act 2000.

Risks

This policy reduces financial and reputational risks to the Council from failure to manage enquiries and apply exemptions correctly. It does so in the context of the overall policy framework of the Information Governance Strategy.

Corporate Governance

This policy is part of the framework governing information management in accordance with the Information Governance Strategy, in respect of personal data.

The Corporate Director Finance and Central Services is the Senior Information Risk Owner (“SIRO”) within North Yorkshire County Council and is responsible for overseeing compliance with the Freedom of Information Act and will report to Management Board and the Audit Committee.

Each Corporate Director is responsible for records management and access to information within their business area, including responding to requests for information under the Act. Usually this will be by delegating a request to a “Responsible Officer” with appropriate seniority and authority in the service enquired about. Directors will ensure that Responsible Officers reply within the permitted twenty working days.

The responsible officer will locate the information requested and decide on exemptions; prepare material for disclosure; draft and eventually send the reply. He or she will take account of advice from the Information Governance Officer before withholding information under any provision of the Act.

The Information Governance Officer will provide advice on all aspects of the Act, and especially on exemptions and the public interest test, and will quality-control the reply. He or she will take account of advice and guidance from the Ministry of Justice and from the Information Commissioner, and decisions of the Commissioner, the Information Tribunal and the courts.

The Information Governance Officer will from time to time review and republish the Publication Scheme.

The Information Governance Officer will report relevant statistics, including achievement of the 20-day reply limit, to the SIRO on a periodic basis.

The Senior Press Officer will provide advice on replying to enquiries from the media.

The corporate and departmental Governance Groups set up under the Information Governance Strategy will work to ensure compliance with the Freedom of Information Act and the Codes of Practice issued under it.

The internal audit service (Veritau Ltd) will review compliance with this Policy at both service level and corporate level in order to provide assurance on the objectives above.

Implementation

An understanding of Freedom of Information is a basic competence for all officers. To support this, the Information Governance Officer will provide training and education, and ensure that the “Information Management” Intranet pages carry up-to-date versions of all relevant policy and advice.

The internal audit service (Veritau) will review compliance with information governance policies at both service level and corporate level in order to provide assurance on the objectives above. It will also review the achievement of the Information Governance Strategy associated with this policy.

Consultation on policy choices and the implementation of related strategies will be through permanent working groups representing appropriate internal stakeholders.

Codes of Conduct

County Council Members must observe the requirements of the Members’ Code of Conduct in undertaking their work for the Council. The Code supports the principles set out in this Policy and places upon Members an obligation not to prevent another person from gaining access to information to which that person is entitled.

Council employees must observe the requirements of the Standards of Conduct Procedure including not preventing others’ rights of access to information.

Section 14 of the Finance Manual is applicable.

Charges

See the Information Enquiries Charges Policy

If there is a fee and it is not paid within 3 months the Council will not provide the information. Where a fee is payable, information will not be released until such fee is received.

Complaints

Complaints about the reply to an enquiry be met by an internal review of that decision by an officer of appropriate seniority who was not involved with the original decision. Where relevant the review will consider whether exemptions are properly engaged, and also the public interest test. The reply to the complaint will include in full the outcome of the review and the Information Commissioner’s contact details.

Compliance

Officers of the County Council are required to comply with this policy in respect of its provisions and ethos. Failure to do so may be regarded as a

breach of the Officers' Code of Conduct and could result in action being taken against the member of staff concerned

Advice

For advice on this policy contact the Information Governance Officer.

Governance

Responsible officer	Information Governance Officer
Accountable officer	Senior Information Risk Owner (SIRO)
Consulted	CIGG, Unison
Informed	

Review

This Policy will be reviewed by the Information Governance Officer annually. Any proposed changes to the Policy will be considered by the Corporate Information Governance Group which is chaired by the SIRO. Any variations to the Policy will require the approval of the Council's Management Board and the Audit Committee.

As the County Council's internal audit, counter fraud and information governance service, Veritau Limited has responsibility for reviewing adherence to this policy and associated procedures.

Revision

This policy is new.

References

This policy has been developed and will be implemented within the context of other North Yorkshire County Council policies and guidelines, national legislation and codes of practice, and sectoral/professional standards. In particular:

- Local Government (Access to Information) Act 1985
- Human Rights Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000

- Environmental Information Regulations 2004
- Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The Public Contract Regulations 2006

The following North Yorkshire County Council policy documents are directly relevant to this policy, and are referenced within this document:

- Information Governance Strategy, including all the policies identified in the Policy Framework
- Information Enquiries Charges Policy

The following North Yorkshire County Council documents are subject to this policy. Readers should have regard to this policy in applying them. In the event of a contradiction this policy takes precedence:

- FOI Directorate Contacts
- The Publication Scheme
- An introduction to the Freedom of Information Act
- Procedure and appeals under the Freedom of Information Act 2000
- How do I draft an FOI response?
- What if the applicant is unhappy with the response?
- Standard Costs leaflet
- How to deal with an FOI request
- Contract Clauses
- Suggested information to be provided to contractors
- Awareness Guidance (various)
- Members and the Freedom of Information Act 2000 Briefing Note