



Freedom of Information Policy

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	May 2016	CW/JMH	New Policy
V1.0	Nov 2021	Information Governance and Data Compliance Officer. Policy Officer	Review and update
V1.1	May 2023	Information Governance and Data Compliance Officer	Contact details added to align with interim LGR arrangements.

Document Approval

Version	Approved By	Date
	Corporate Leadership Team	
	Executive	
	Full Council	

Document Distribution

This policy is to be available to all staff and elected members of Copeland Borough Council and placed on the Council’s Intranet Site and website.

Contributors

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Purpose

The Freedom of Information Act 2000 came into force on 1 January 2005 and allows individuals and organisations the right to request information held by public authorities, subject to certain exemptions.

This policy outlines Copeland Borough Council's approach to responding to requests for information made under the Freedom of Information Act and provides a framework to ensure the Council adheres to its obligations, and the principles of more open and transparent government.

Policy Benefits

This policy allows employees and elected members of Copeland Borough Council and residents and businesses in Copeland Borough to understand the process and timescales for obtaining information via the Freedom of Information (FOI) Act. It will help promote greater openness and transparency and help build public confidence in the Council.

Introduction

The Freedom of Information Act 2000 provides individuals and organisations with access to recorded information held by public authorities in England, Wales and Northern Ireland.

It does this in two ways:

- Public authorities are obliged to publish certain information about their activities
- Members of the public are entitled to request information from public authorities

As a council, we are fully committed to the aims of the Freedom of Information Act. However, this needs to be balanced against the need to ensure the confidentiality of certain information such as personal or commercially sensitive information.

Scope

This policy applies to all recorded information held by the Council. This includes any information that is created, received and maintained by officers and members in the course of their work, but only for the Council's own business.

The Freedom of Information Act and, therefore, this policy do not cover 'individual requests for their own information' as individuals already have the right to access their personal data, held by the Council under the Data Protection Act 2018 and UK GDPR. Please refer to the Council's Data Protection and GDPR Policy for more information.

Definitions

Recorded Information: printed documents, computer files, letters, emails, photographs, and sound or video recordings.

Public Authorities: government departments, local authorities, the NHS, state schools and police forces. However, the Act does not necessarily cover every organisation that receives public money. For example, it does not cover some charities that receive grants and certain private sector organisations that perform public functions.

Roles and Responsibilities

The FOI policy applies to all officers and elected members of the Council.

<p>Elected Mayor, Executive and Members</p>	<p>Executive Responsible for monitoring and responding to Freedom of Information performance reports</p> <p>Overview and Scrutiny Committee Receive and make recommendations from quarterly performance reports around Freedom of Information performance</p>
<p>Corporate Leadership Team</p>	<ol style="list-style-type: none"> 1. Responsible for ensuring operational compliance with this policy within their own directorate. 2. Ensure all staff comply with the agreed policy and procedures for FOI. 3. Be responsible for decision making in relation to any refusal of requests for information. 4. Chief Executive is responsible
<p>Leadership & Management Group</p>	<ol style="list-style-type: none"> 1. Ensure FOI requests to their service are responded to within the required timescale
<p>Information Governance & Data Compliance Officer</p>	<ol style="list-style-type: none"> 1. Develop and maintain the corporate FOI policy and procedures. 2. Monitor and review the effectiveness of the policy and procedures. 3. Provide advice and guidance on the FOI policy and procedures. 4. Provide training on FOI issues. 5. Identify and communicate any FOI issues to directorates. 6. Provide advice for managers when decision-making in relation to any refusal of requests for information. 7. Provide advice on the wording of refusal notices. 8. Report on compliance with the policy and procedures to Corporate Leadership Team

<p>Designated FOI Officers</p>	<ol style="list-style-type: none"> 1. Log all details of requests for information on Pentana and in FOI Sharepoint folders 2. Forward requests for information to appropriate officer(s) 3. Where an exemption applies, respond to the requester giving details of the relevant exemption. 4. Ensure that the information requested is provided (subject to any exemptions under the FOI Act) within the 20 day time limit. 5. Follow procedures for handling sensitive FOI requests. 6. In the event of an internal review, gather information about the handling of the original request and set up a review panel to consider the review. 7. Ensure that Pentana is kept fully up to date regarding FOI requests
<p>Monitoring Officer</p>	<ol style="list-style-type: none"> 1. Act as the “qualified person” under Section 36 of the FOI Act. 2. Provide advice (when requested) on the legality of proposed responses. 3. In the event of an internal review (when requested), form part of the review team, jointly investigate the merits of the review and assist in providing an appropriate response to the complainant.
<p>Officers</p>	<ol style="list-style-type: none"> 1. Be aware of the FOI Act and what it means. 2. Identify any request that falls under the FOI Act. 3. Follow the policy and procedures for responding to FOI requests. 4. Deal with all requests promptly and within 20 working days of receipt.

Freedom of Information Requests

To make a Freedom of Information Request to Copeland Borough Council please email: FreedomofInformation@copeland.gov.uk.

Any individual can make a Freedom of Information request, they do not have to be UK citizens, or resident within the UK. However, Freedom of Information requests must be made in writing and must supply a valid address for response.

Freedom of information requests can also be made by organisations, for example a newspaper, campaign group, charity, or private company. Employees of a public authority can make requests to their own employer, although good internal communications and staff relations will normally avoid the need for this.

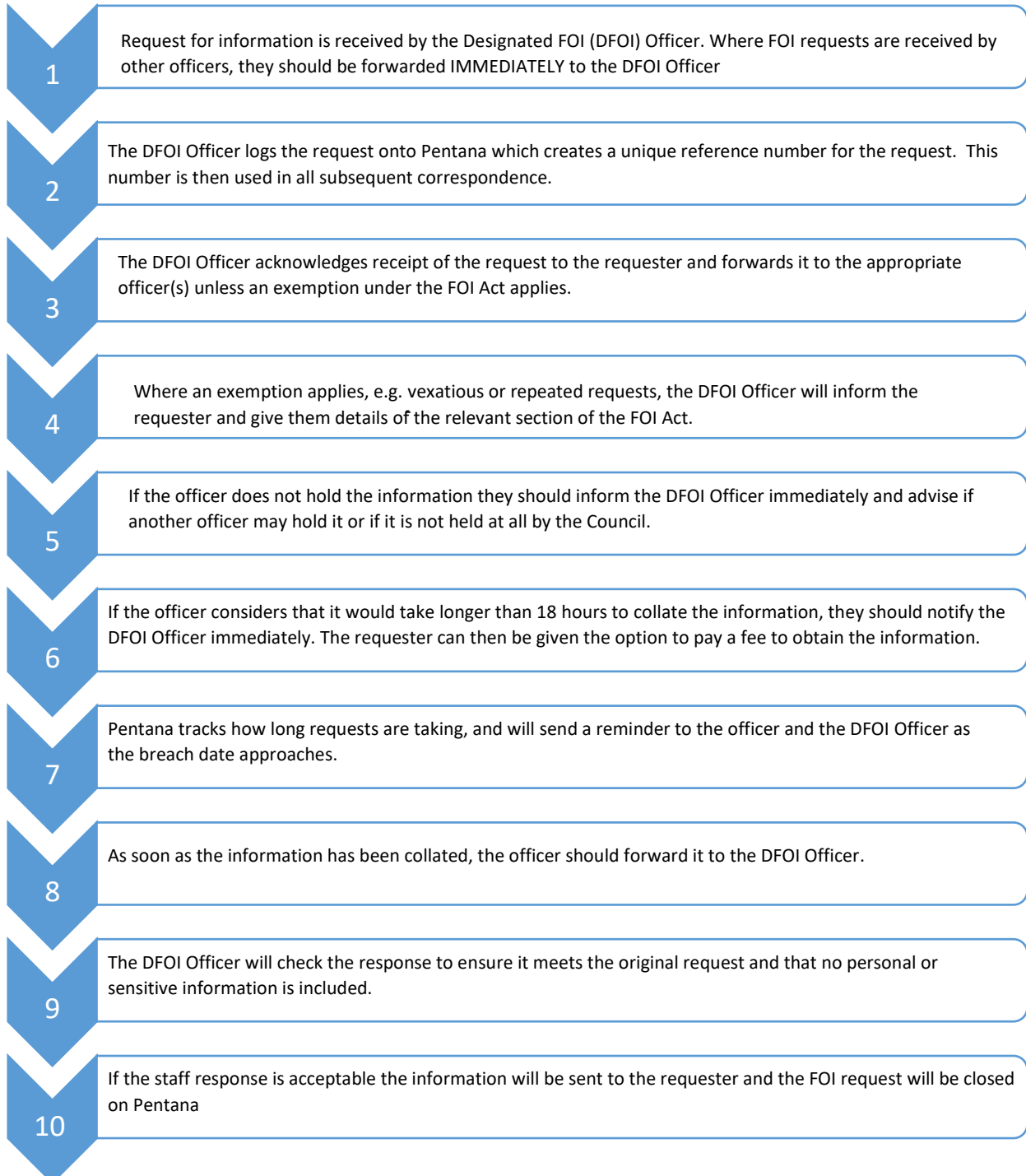
Individuals and organisations should direct their requests for information to the public authority they think will hold the information. The public authority that receives the request is responsible for responding. It is not necessary to include the term ‘Freedom of Information Request’ in any such application.

If an officer is unsure if a request for information falls under the FOI Act, they should refer it to the Information Governance Team.

Freedom of Information Request Procedure

NOTE: The Freedom Information of Act states that all requests made under the Act should be answered within **20 working day** of initial receipt. This is a statutory target and, therefore, it is vital that the following procedure is initiated as soon as a request is received in to the Council.

All requests for information made under the FOI Act are to be processed as follows:



APPLICATION OF EXEMPTIONS

The FOI Act permits the use of certain exemptions from disclosure of information. Such exemptions must be applied appropriately and the requester informed of the section of the FOI Act which applies.

PROVIDING ADVICE AND ASSISTANCE TO THE REQUESTOR

Within the resources available, we will offer advice and assistance to any person wishing to make a request for information. We will target this advice and assistance in the first instance in the following ways:

- If we believe the information is already in the public domain, we will direct the requester appropriately.
- Where we do not hold the information being requested, but another organisation may do so, we will advise the requester to contact that other organisation directly.
- Where we have to refuse a request because the cost of supplying the information would exceed the appropriate limit in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, we will assist the requester in redefining the request so that it can be progressed within the appropriate limits or give them the option to pay. This will be logged as a new FOI request.
- Where we require clarification of a request, or a fee, before providing the information, we will inform the requester in writing. The requester will be given one month in which to provide the clarification or fee. This date will be communicated to the requester. During this one-month period, the statutory 20-day period will be suspended until confirmation is received.
- Where the information being requested is held by us but was created by a third party, we will make every reasonable effort to contact that third party and consult with them regarding the disclosure.

REPEATED OR VEXATIOUS REQUESTS

If the Information Governance Team or any other officer considers that a request has become repeated or vexatious, they should refer to the Council's Unacceptable Behaviour Policy on action to be taken.

Under Section 14(1) of the Freedom of Information Act 2014, public authorities do not have to comply with vexatious requests; the Information Commissioner's Office (ICO) has issued guidance on dealing with vexatious requests, 'Dealing with Vexatious Requests' (Sections 14) 2014. The Council will use this guidance in making a decision about whether a request is vexatious.

ENVIRONMENTAL INFORMATION

Where a request is for environmental information, we will apply the Environmental Information Regulations 2004 (EIR) as appropriate. Under the EIR it is possible to make a verbal request.

COMPLAINTS AND REVIEW OF REQUESTS

Where a requester complains or requests a review of the response to their information request, a review will be undertaken by a manager who was not involved in making the original decision. The request for a review will be acknowledged and the council will aim to provide a full response within 20 working days beginning the day following receipt, in accordance with guidance from the Information Commissioner's Office.

The Information Governance and Data Compliance Officer will be responsible for co-ordinating a response to such complaints or requests for review.

Following the initial review of the request, if the requester remains dissatisfied, we will direct them to the Information Commissioner's Office.

We will accept a complaint or request for review in relation to an information request no more than 40 working days after the date the response was originally sent.

ADOPTING AND MAINTAINING PUBLICATION SCHEMES

In accordance with Section 19 of the FOI Act, the Council will publish and maintain a Publication Scheme; the content of the Scheme is the council's website.

The Information Governance and Data Compliance Officer will work with service managers and the Communications team to ensure that information which is frequently requested is proactively published on the Council's website where possible.

Monitoring of Policy Adherence

To ensure this policy remains compliant and meets the needs of the council, it will be reviewed every two years (or when major changes to the process occur) by the Information Governance and Data Compliance Officer.

The Information Governance and Data Compliance Officer will report monthly figures to be presented at Full Council in the Executive Portfolio Report. The Performance and Risk Management Officer will produce a quarterly report that includes FOI compliance figures to the Corporate Leadership Team.

FOI Compliance is a Key Performance Indicator for the Council and so will be reported quarterly to the Overview & Scrutiny Committee and the Executive as part of the quarterly performance report.

References

CBC documents:

- Information Management Strategy
- Data Protection Policy & GDPR Policy
- Records Retention & Disposal Policy

Legislation:

- Freedom of Information Act 2000
- Data Protection Act 2018
- UK GDPR 2021

Guidance:

- Information Commissioner's Office