
LINCOLNSHIRE COUNTY COUNCIL

Information Governance

Freedom of Information Policy

V 2.6

Corporate Information Governance
"Confidentiality is everybody's business"

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Document Control

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25 March 2014	V2.1	Additional information provided based on ICO guidance. Addition of principles. Clarification of request process; refusal process; and complaints and review process	David Ingham
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1. Introduction

- 1.1 The Freedom of Information Act 2000 came into force on 1 January 2005 and provides the public with a general right of access to information held by the Council.
- 1.2 The Council has introduced a framework under which FOI requests are received, processed and completed in accordance with the Act.
- 1.3 The Information Commissioner's Office (ICO) is responsible for regulating and enforcing the Act. The ICO is an independent authority which has legal powers to ensure organisations to comply with the Act.

2. Aim

- 2.1 The aim of this policy is to ensure Lincolnshire County Council is compliant with its obligations under the Freedom of Information (FOI) Act 2000.

3. Scope

- 3.1 This policy applies to all elected members, Council employees, and any person handling data on behalf of the Council including consultants, volunteers, contractors and suppliers.

4. Training & Awareness

- 4.1 The Council shall provide Freedom of Information training to all staff.
- 4.2 Individuals shall maintain a good awareness of Freedom of Information.

5. Principles

- 5.1 The following principles shall apply:
 - 5.1.1 The Act covers any recorded information held by the Council. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.
 - 5.1.2 The Act covers information that is held on behalf of the Council even if it is not held on the Council's premises.
 - 5.1.3 People shall have a right to know about the activities of the Council, unless there is a good reason for them not to.
 - 5.1.4 An applicant (requester) shall not be required to provide a reason for requesting information. The Council however, shall justify refusing a request.
 - 5.1.5 The Council shall treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data.

- 5.1.6 The Council shall treat all requestors equally regardless of who they are, for example journalists, local residents, public authority employees.

6. Requests for Information under the Freedom of Information Act

- 6.1 Any written request for information shall be regarded as a request for recorded information under the Act unless:
 - 6.1.1 Information can be dealt with as a normal customer enquiry and therefore more sensibly under the usual customer service procedures;
 - 6.1.2 It forms a request for personal data relating to the individual requesting the information. This shall be dealt with under the Data Protection Act, and consequently shall be processed in line with the Council's Data Protection Policy (Subject Access Requests.)
 - 6.1.3 If the person is asking for 'environmental information', the request shall be considered under the Environmental Information Regulations 2004.
- 6.2 A freedom of information request shall only be accepted if made in writing, for example online forms; letters; emails; faxes and twitter.
- 6.3 Requests for information shall be met within 20 working days of receipt.
- 6.4 Ambiguous requests shall be clarified with the requestor.
- 6.5 A request for information shall not be refused because the recorded information is out of date, incomplete or inaccurate.
- 6.6 The Council shall not make any changes or deletions to records as a result of a request.

7. Refusing a request

- 7.1 The Council shall consider refusing a request for information under certain circumstances:
 - 7.1.1 It would cost too much or take too much staff time to deal with the request.
 - 7.1.2 The request is vexatious.
 - 7.1.3 The request repeats a previous request from the same person.
- 7.2 The Council shall consider refusing a request for information if the request meets an exemption under the Act. The Council may also refuse to confirm or deny whether it holds information where the Act allows.

- 7.3 Legal advice shall be sought before refusing a request to ensure the grounds for refusal are robust; justification will be required should the refusal be challenged.
- 7.4 A written refusal notice shall be issued to the requestor if the Council either refuse to say whether it holds information at all, or confirms that information is held but refuses to release it.

8. Publication Scheme

- 8.1 The Council shall publish information on the Council website proactively via a Publication Scheme.
- 8.2 The Council shall make a disclosure log available on the Council website that sets out responses to previous FOI requests.

9. Charges

- 9.1 The Council shall make no initial charge for making an FOI request.
- 9.2 In some circumstances the Council shall charge an appropriate fee for complying with some requests for information. Advice shall be sought from the FOI team if a fee is being considered and a detailed breakdown and explanation of charges will be supplied to the requester in all cases where a fee is requested.

10. Complaints & Review Process

- 10.1 The Council shall carryout a review of a request whenever the requestor expresses dissatisfaction with the outcome.
- 10.2 The review shall not be limited to the first decision but shall provide a new decision based on all available evidence that is relevant to the date of the request.
- 10.3 The review shall be done by someone who did not deal with the original request, and where possible by a more senior member of staff.
- 10.4 The Council shall conduct a review within 20 working days; in exceptional circumstances this time limit shall be extended to 40 working days.

11. Policy Review

- 11.1 This policy will be reviewed on an annual basis.