

Your Rights and the Freedom of Information Act 2000



a public guide

Foreword by the Chief Executive

We support the principle that openness, and not secrecy, should be the norm in public life.

We want to create a climate of openness and dialogue with you, the public and our stakeholders and we believe that improved access to information about the Council will help to achieve this. We also respect an individual's right to privacy and confidentiality.

This leaflet sets out the Council's policy on Freedom of Information and answers key questions relating to the proper management and the responsibilities of those who work with our information and your rights as an individual.

Terry Huggins
Chief Executive

Nov 2004



Freedom of Information

Our Freedom of Information Policy

South Holland District Council supports the principle that openness and not secrecy should be normal in public life.

We want to create a climate of openness and dialogue with the public and stakeholders and believe improved access to information about the Council will help this.

We also believe that individuals have a right to privacy and confidentiality. This Freedom of Information Policy does not overturn our duty of confidence or statutory provisions that prevent disclosure of personal identifiable information. The release of such information continues to be covered by the Data Protection Act 1998 and is dealt with in other Council policies.

We have adopted a Publication Scheme which shows all the documents the Council has made publicly available. This has been approved by the Information Commissioner until 2007.

Why do we need a policy?

This policy helps us to comply with guidance and Codes of Practice in the Freedom of Information Act on:

- making information accessible
- keeping our records.

Who is responsible?

We have nominated The Head of Legal and Member Services to oversee access to information. Each Director and Head of Service is responsible for ensuring access to information in their own service area and for keeping of records.



What is public information?

The law lays down rules about access to information. The **Data Protection Act 1998** is about personal information and the **Freedom of Information Act 2000** is about public information.

If you need to know about personal information you should refer to our Data Protection Policy. You can get this from our website, www.sholland.gov.uk or from the Council Offices.

Public information means any record we hold in any format. This includes documents, e-mails, plans and all other types of recorded information that is NOT about an identifiable living individual (personal information).

Exemptions

You may ask to see any information we hold but the Freedom of Information Act excludes access to some information - referred to as Exemptions - that by law, we don't have to give to you.

Exemptions include:

- personal information
- information which is protected for reasons of crime or security
- information which is legally protected
- information published in our Publication Scheme
- commercially sensitive information.

What are our duties under the Act?

We must:

- publish a document called a Publication Scheme that refers to all types of information we routinely publish or intend to publish. This will tell you the different formats the information is held in and where any charges apply
- tell you, from 1st January 2005, whether or not we hold the information you asked for if it is not in the Publication Scheme
- supply the information you request in the way you prefer and within 20 working days, if possible (where it is not exempt and there is no fee).
- follow the Code of Practice on the keeping, management and destruction of our records

Requesting information

If you want to request information:

- Please check whether the information is available in our Publication Scheme
- If the information you want is not included in our 'Publication Scheme' you can make a written request (including by e-mail or fax) using our **Freedom of Information Request Form**
- You must give your name and address for correspondence so we can contact you
- We will provide reasonable help and advice, if you need it, to submit your request
- If the cost of giving you information exceeds a limit (set by Government) we do not have to give you the information
- You will either be able to inspect the information or have a copy or a summary, as you prefer, provided that this is reasonably possible

Confidentiality versus 'public interest'

We believe that as much information as possible should be made public. We will, where necessary, assess whether it is in the public interest to tell you whether we have the information and whether keeping it confidential outweighs the public interest in disclosing it to you.

Can we refuse your request?

Nearly all requests are genuine, but there may be some that are not. If we decide not to give you the information we will tell you why within 20 working days.

If you are part of a campaign and several of you need information from us, we suggest that you appoint a campaign secretary to be responsible for corresponding with us for information.



INVESTOR IN PEOPLE

www.sholland.gov.uk

Can you complain or appeal?

If you are not satisfied with the way in which we have responded to your written request for information:

- You must complain to us first
- See our complaints procedure on the Council's website or ask us for a copy:

The Customer Services Manager
South Holland District Council
Council Offices, Priory Road
SPALDING PE11 2XE

Tel: 01775 761161

Fax: 01775 711253

E-mail: info@sholland.gov.uk

Website: www.sholland.gov.uk

If you wish to complain to the Information Commissioner write to:

Office of the Information Commissioner
Wycliffe House
Water Lane, Wilmslow
Cheshire SK9 5AF

Tel: 01625 545745

Fax: 01625 524510

E-mail: mail@dataprotection.gov.uk

Website: www.dataprotection.gov.uk

Further help?

This leaflet only summarises our policy and your rights under the Act. For more information visit our website. If you are having difficulty making your request for information or would like further help on the Freedom of Information Act, please contact:

Jim Scarsbrook, Head of Legal and Member Services at the Council's address above.