

# Freedom of information policy

Version:	2-0
Approved by:	Directors Task Group
Date formally approved:	November 2012
Document Author:	Alex Hodge
Name of responsible directorate:	DCR – Risk and Resilience
Review date:	November 2013
Target audience:	Cross Council

**KMBC DOCUMENT CONTROL PAGE**

<b>TITLE</b>	<p><b>Title:</b> Freedom of information policy</p> <p><b>Publication Date:</b> November 2012</p> <p><b>Version Number:</b> 2-0</p> <p><b>Document Type:</b> Policy</p> <p><b>Brief Summary:</b> Overarching policy which will be used to demonstrate the council's commitment to complying with the requirements of the Freedom of Information Act 2000.</p>
<b>ORIGINATOR</b>	<p><b>Document Author and Job Title:</b> Alex Hodge, Corporate Records Manager</p> <p><b>Responsible Directorate:</b> DCR – Risk and Resilience</p> <p><b>Policy Operational Level:</b> Level 2 – Council Corporate Policies &amp; Strategies</p>
<b>FORMAL APPROVAL</b>	<p><b>Approved by:</b> Directors Task Group</p> <p><b>Date approved:</b> November 2012</p>
<b>REVIEW</b>	<p><b>Review Date:</b> November 2013</p> <p><b>Responsibility of:</b> Corporate Records Manager and the Director of People and Business Management</p>
<b>SUPERSEDES</b>	<p><b>Supersedes:</b> Freedom of Information policy (Final)</p> <p><b>Description of Amendments:</b> Modification to information about the publication scheme, removal of Corporate Information Officer's details, modification of dealing with requests for information and modification of information about the complaints process.</p>
<b>POLICY DEPENDENCIES</b>	<p><b>Link to other Council policies:</b></p> <ul style="list-style-type: none"> <li>• Data Quality</li> <li>• Records Management policy</li> </ul> <p><b>Link to Council Primary Objective:</b></p> <ul style="list-style-type: none"> <li>• A Safer Stronger Knowsley</li> </ul> <p><b>Link to Sustainable Communities Strategy Driver:</b> OPERATIONAL / ENABLING.</p>

**KMBC DOCUMENT CONTROL PAGE (2) Continued**

**EQUALITY IMPACT ASSESSMENT**

**In order to carry out an EIA you should first complete a screening matrix which can be accessed through the Corporate Equality and Diversity Team.**

**Screening Matrix Complete: Yes**    **No**  *Mark yes or no if screening has been carried out (this is stage 1 of the EIA process).*

**Date Complete:**

**Manager/Group responsible:** *Name the manager or group who will / or have led on the EIA assessment.*

**Category:**    **High**     **Medium**     **Low**     **No relevance**

*The screening will determine how relevant the policy is to the general duty i.e. 'high relevance', 'medium relevance' 'low relevance' or 'no relevance'. Indicate the appropriate category.*

**Based on the category indicate the date that a further assessment must take place:**

*The relevance of the policy i.e. high, medium or low will determine when an initial assessment must take place (this is stage 2 of the EIA process). Those classed as high will be priority.*

**Initial Assessment is complete: Yes**  **No**     **N/A**

**Date Complete:** 02/11/2012

*If applicable, indicate whether an initial assessment has been completed.*

**Full EIA Process is complete: Yes**     **No**     **N/A**

**Date Complete:**

*If applicable, mark yes or no if all stages of the EIA process are complete. Yes would signify that no further assessment needs to take place on the current version of this policy.*

**SUSTAINABILITY APPRAISAL**

**To evaluate the economic, social and environmental impacts of a policy you should complete the Integrated Sustainability Appraisal Toolkit on the Policy Hub**

**Policy has been appraised for sustainability: Yes**  **No**  *Mark yes or no.*

**Action has been taken to mitigate any identified negative impacts:**

**Yes**     **No**     **N/A**  *If the sustainability appraisal has highlighted any negative impacts, indicate if any action has been taken to minimise the impacts. If no negative impacts were identified indicate non applicable.*

**Date Complete:** 05/11/2012

**RISK ASSESSMENT**

**To conduct a risk assessment, locate the assessment template on the Corporate Risk Management intranet site.**

**Policy has been risk assessed: Yes**  **No**  *Mark yes or no. If you require any help to complete the assessment, contact the Corporate Risk Manager.*

**Date complete:** 07/09/2012

<p style="text-align: center;"><b>TRAINING/ AWARENESS RAISING</b></p>	<p><b>Training / awareness raising required to fully implement document: Yes X No <input type="checkbox"/></b></p> <p><b>If no please state why:</b></p> <p><b>If yes indicate the date of training / awareness raising:</b> Ongoing with information and guidance on the Information Governance Bertha page.</p> <p><b>Training provided by:</b> Corporate Records Manager</p>
<p style="text-align: center;"><b>POLICY LIBRARY</b></p>	<p><b>Once formally approved the document should be posted onto the Policy Library on the Council intranet.</b></p> <p><b>Date Posted:</b> 28/02/2013</p> <p><b>Posted by:</b> Corporate Records Manager</p>

## **1. Statement of Principle**

- 1.1 The vision of Knowsley Council is to be an excellent Council – improving people’s lives.
- 1.2 The Council and its employees are committed to being open and transparent about what the Council does.
- 1.3 The Council is aware of its obligations as a public authority in relation to the Freedom of Information Act 2000 (FOI) and intends to fulfil its obligations under FOI.

## **2. The Act**

- 2.1 FOI creates significant rights of access for citizens to the Council’s recorded information.
- 2.2 FOI requires the Council to discharge two specific legal obligations:
  - (i) To adopt and maintain a publication scheme setting out details of information that the Council will routinely make available and how the information can be obtained;
  - (ii) To comply with requests for information.
- 2.3 This policy states how the Council will discharge its obligations with a view to the Council serving its customers, stakeholders and the wider public more effectively and thereby increasing public trust and confidence in the way the Council carries out its community leadership role.

## **3. The Council’s Publication Scheme**

- 3.1 The Council’s Publication Scheme and transparency page is available Council website: <http://www.knowsley.gov.uk/your-council/freedom-of-information/publication-scheme.aspx>
- 3.2 The transparency page will be monitored so that amendments to the scheme can be made as the need arises.
- 3.3 Specific information published under the Council’s transparency page under the Publication Scheme covers the following:
  - Who we are and what we do
  - What we spend and how we spend it
  - What our priorities are and how we are doing
  - How we make decisions
  - Our policies and procedures
  - Lists and registers
  - The services we offer

#### **4. Dealing with requests for information**

- 4.1 The Council through its officers will provide advice and assistance to persons making requests for information.
- 4.2 Requests for information have to be in writing and can be sent to The Head of Risk and Resilience. Alternatively, requests can be e-mailed to: [foi@knowsley.gov.uk](mailto:foi@knowsley.gov.uk)
- 4.3 All FOI requests are to be logged centrally and information then provided to the relevant Council Officer outlining information on the request, the reference number and the deadline date.
- 4.4 Every endeavour will be made by Council Officers to provide appropriate advice and assistance which might include but not be limited to:-
- informing the public about the provisions of FOI
  - providing assistance in the framing of a request
  - advising upon when another public authority may be able to assist
- 4.5 Once a request has been received a Council Officer may seek clarification or more details to establish the information which is sought. Clarification will be sought where it is deemed necessary to enable the identification and location of the information sought.
- 4.6 At this stage every endeavour will be made by Council Officers to provide appropriate advice and assistance which might include but not be limited to providing an outline of the different interpretations of the request and therefore the kinds of information which might meet its terms.
- 4.7 If, however, despite clarification the information is not described in a way which enables the Council's Officers to locate it, the Council may disclose any information located and explain to the applicant why the request cannot be answered further. At the same time details of the Council's complaints procedure will be supplied (see Section 5 below).
- 4.8 If a fees notice has been given and an applicant is not prepared to pay the fee, the Council may:
- i. Consider whether any information that may be of interest to the applicant is available free of charge; or
  - ii. Consider providing an indication of what, if any, information could be provided within the cost ceiling; or
  - iii. Consider advising the applicant that by reforming or reframing the request, information may be able to be supplied for a lower, or no fee.
- 4.9 The Council will not provide assistance to applicants whose requests are –
- i. Vexatious, or

ii. Repeated

In treating a request as either a vexatious or repeated request the Council will consider guidance from the Information Commissioner's Office.

4.10 If the Council is not able to comply with a request (in whole or in part) because it does not hold the information requested the Council will confirm that it does not hold that information. This may involve:

- more usually informing the applicant to make a request to the other public authority, providing contact details if possible; or
- less-often and only if it is likely that the applicant will not object transferring the request to the other public authority following confirmation from the transferee authority that they do hold the information.

In either case, the applicant will be informed as soon as possible.

4.11 There may be circumstances in which requests for information relate to persons other than the applicant or the authority or disclosure of information is likely to affect the interests of persons other than the applicant or the authority.

4.12 The Council will make as much information as possible available in as many formats as are possible, in line with FOI. In particular the Council will, so far as is reasonably practicable, give effect to a preference expressed by an applicant for information to be communicated to them.

4.13 FOI provides for certain information to be exempt from the general right of access.

4.14 Certain information will be withheld because it is covered by an absolute exemption. Certain information may be withheld because it is covered by a qualified exemption. If information is subject to a qualified exemption, the Council will undertake the Public Interest Test and carefully consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

4.15 The Council will act fairly and transparently when considering the application of exemptions and undertaking the Public Interest Test. An Exemptions Panel acting under strict Terms of Reference will be established every time the application of exemptions is considered.

4.16 If any application for information is refused, the Council will always tell an applicant the reason for the refusal, and fulfil its obligations in issuing a refusal notice under section 17 of the Act.

## **5. Sign off process**

5.1 Before a response is provided to the requester it must first be signed off by the Head of Service which is taking the lead for answering the request and then by the relevant Director.

## **6. Complaints**

- 6.1 When the Council informs an applicant that a request has been refused in reliance on an exemption, the applicant will also be informed about the Council's complaints procedure.
- 6.2 Additionally, if the outcome of a complaint is that an initial decision to withhold information is upheld, or is otherwise in the Council's favour, the applicant will be informed of his or her right to apply to the Information Commissioner's Office together with contact details for such an application.