1. **Introduction to the Freedom of Information Policy**

The Freedom of Information Act 2000 (the “FOI Act”) came into force on 1st January 2005. The FOI Act provides individuals and organisations the right to request information held by Public Authorities.

Any request for recorded information made in writing to the Council must be administered under the FOI Act and be processed following the procedure outlined in this policy.

Chorley Council is committed to compliance with the provisions of the FOI Act, and related legislation. All staff are responsible for ensuring compliance to this policy with regard to the processing of any requests for information received.

This Policy will also cover requests for environmental information made under the Environmental Information Regulations 2004 (the “EIR’s”).

2. **Purpose of Policy**

This Policy outlines the Council’s approach to responding to request for information made under the FOI Act.

The Policy aims to ensure access to information in order to promote greater openness, and to build public trust. The FOI Act represents a change from “need to know” to “right to know”. It also represents a balance between greater openness and transparency of decision making, and the need to protect information, especially where disclosure would cause harm or otherwise be contrary to the public interest.

3. **Scope of Policy**

This Policy applies to all recorded information held by, or on behalf of, the Council.

This Policy covers all written requests for recorded information (in the case of requests for environmental information made under the EIR’s, a verbal request for information is sufficient, although it is advisable to make a written record of any verbal request made). Requests from individuals for their own personal data will be dealt with under the Data Protection Act 1998. Requests that ask questions (such as “Please explain your decision to do……”) should be treated as routine correspondence.

The Council has developed, and will maintain, a Publication Scheme, where information will be routinely made available. The Publication Scheme is based on the model scheme produced by the Information commissioner’s Office. It contains many documents, plans, policies and guidance which are regularly asked for. The scheme is available on the Council’s website.

4. **Relationship with other policies**

The Freedom of Information policy forms part of a set of policies that form a basis for the correct management of the Council’s information. These include:

**Data Protection Policy** – explains the Council’s commitment to its obligations under the Data Protection Act 1998 in relation to the processing of personal data.
Information Security Framework – This is an important document that outlines the necessity to protect not only the information that the Council holds, but also all Council assets upon which the availability and integrity of information –based services depend.

5. Responsibility

Chorley Council will ensure that there is someone with specific responsibility for the effective administration of requests for information made under the FOI Act or the EIR’s. That responsibility sits with the Information Manager.

The main duties of the Information Manager (and the Information Team) in respect of the administration of requests for information are:

- Respond quickly. Replies must be sent within 20 working days from the date of receipt.
- Remember that a request for personal data about the applicant is a Subject Access Request, and therefore should be answered in accordance with the Data Protection Act 1998;
- Formally record receipt of the request and ensure the progress of the request is tracked to completion;
- Inform the applicant as soon as possible should the need to assess the balance of public interest means that a substantive reply will take longer than 20 working days;
- Remember that requests under EIR can only be extended for a further 20 working days if the request is both large and complex;
- Give a clear explanation of any exemptions or exceptions applied, and, if necessary, the reasons why the balance of public interest is against disclosure;
- Maintain an audit trail of all information sources consulted, and redactions made and a copy of what is finally sent to the applicant;
- Remember that the Council is under a duty to provide advice and assistance to the applicant;
- Consider the readability of the reply; use a sensible font and size, avoid abbreviations or jargon, draft in plain English and do not assume that the applicant will have a background knowledge of the subject matter;
- Think about the wider implications of disclosing or withholding information. Do we need to alert anyone else in the Council?
- Consider the implications of disclosing information which is either held on behalf of or may affect other public authorities. In such cases, it is good practice to consult those who may be affected;
- Keep a record of what information was released, including correspondence which provides an audit trail of the decision making process and full and redacted versions of any information disclosed.

The Information Manager shall ensure that:

- Information will not be withheld without clear justification under one or more of the exemptions or exceptions allowed by the legislation. Unjustified withholding will only undermine the reputation of the Council in the eyes of the public and the Information Commissioner;

All services will have an appointed Information Champion. The role of the Information Champion is to act as a point of contact between the services and the Information Manager, in order to oversee best practice across all services, and to assist with the handling of requests for information. Further details can be found in the “Role of the Information Champions” document.

The handling of requests for information made under either the FOI Act or the EIR’s shall be dealt with as per the following procedure:

1. All FOI and EIR requests are now administered by the Information Team within ICT. All requests received should be immediately sent to the team, either via foi@chorley.gov.uk, or if a
postal request, via internal mail. This should be done as soon as possible, as there is a 20 day time limit on response.

2. The Information team will register and acknowledge the request. They will then circulate the request to the Information Champions in the relevant Services. All requests will be given a Reference Number, which should be used in all correspondence. The Information Team will regularly check the progress of all requests against the halfway date and deadline date milestones, and issue reminders as and when necessary. A weekly list of outstanding requests, along with the deadline dates, will be circulated to Directors Team and Information Champions every Monday morning. All correspondence will be stored in a secure electronic folder with a unique reference number for each request.

3. On receipt, Information Champions should pass on the request to the relevant person(s) within their Service, and co-ordinate all correspondence between their Service and the Information Team.

4. In the meantime, the Information Team will investigate whether there are any grounds upon which the request can be refused (subject to exemptions), or if further clarification is needed from the requester, and will inform the Information Champions if this is the case.

5. The Information Champions, in compliance with the relevant date constraints, will co-ordinate their Service information, and respond to the Information Team. A response should be given, even if it is to state that the Service holds no relevant information. Where possible, this response should be passed to the Information Team in time for an official response to be collated and issued.

6. The information from each relevant Service should be in a form ready for release to the requester. Under no circumstances should the Information Team be required to interpret information prior to release.

7. Once all information and documentation has been received from the Information Champions, the Information Team will carry out any redaction necessary, in order to remove any third party details from the documents.

8. The Information Team will then issue the response on behalf of the council.

9. All contact with the requester should be made through the Information team. This is in order to maintain a strong audit trail for each individual request.

10. The Information Champion will be responsible for arranging cover when they are on leave, and inform the Information Team of such arrangements.

Where necessary, advice and guidance will be sought by the Information Team from Legal Services.

All staff should be aware that to wilfully destroy or alter any original documents that are the subject of a request is a criminal offence for the individual officer involved (not the authority), and carries a potential fine of up to £5000. Any document for destruction must be handled in accordance with the Council’s record management arrangements (soon to be revised).
6. Complaints

The Council shall ensure that all responses to requests for information made under the FOI Act or EIR’s will include details of the complaints process to follow if a requestor is not satisfied with the handling of their request.

All such complaints should be passed immediately to the Information Manager.

The Council’s process for dealing with complaints made in these circumstances can be found in the document “Appeals Procedure”.

7. Further Information

Further information for staff about the FOI Act and the EIR’s can be found at the website of the Information Commissioner’s Office (www.ico.gov.uk) or in the document “FOI and EIR – A Quick Guide” which can be found at http://theloop/upload/public/Files/125/FOI_and_EIR_-_A_Quick_Guide.pdf