



Freedom of Information Policy

If printed, copied or otherwise transferred from the Policies and Procedures Intranet/Internet Site this document must be considered to be an uncontrolled copy.

Policy amendments may occur at any time and you should consult the Policies and Procedures Intranet/Internet Site if in doubt.

www.lbbd.gov.uk

Document Control

Title	Freedom of Information Policy
Document Type	Renewal - Approved
Author	Information Governance Manager
Owner	SIRO
Subject	Freedom of Information
Government Security Classification	Official
Created	March 2018
Approved by	Assurance Group
Date Approved	20 April 2018
Review Date	May 2019 or earlier where there is a change in the applicable law or a council restructure affecting this Policy Guidance

Version Control

Version	Date	Author	Description of Change
1	13/02/17	Yvonne Mason, Information Governance Manager/DPO	New Policy Draft
1.1	13/04/17	Yvonne Mason, Information Governance Manager/DPO	Final version
2	14/03/18	Yvonne Mason, Information Governance Manager/DPO	Renewal. Amendments to section 6 and 7

1. Aim

The aim of this policy is to ensure London Borough of Barking and Dagenham council ('the council') is compliant with its obligations under the Freedom of Information (FOI) Act 2000.

2. Introduction

The FOI 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.

The council has introduced a framework under which FOI requests are received, processed, and completed in accordance with the Act.

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.

3. Scope

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

The council shall provide Freedom of Information training to all appropriate staff. These individuals shall maintain a good awareness of Freedom of Information.

5. Principles

The following principles shall apply:

- 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.
- The Act covers information that is held on behalf of the council even if it is not held on the council's premises.
- People shall have a right to know about the activities of the council, unless there is a good reason for them not to.
- An applicant (requester) shall not be required to provide a reason for requesting information. The council however, shall justify refusing a request.
- The council shall treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data.

6. Requests for Information under the Freedom of Information Act

Any written request for information shall be regarded as a request for recorded information under the Act unless:

- Information can be dealt with as a normal customer enquiry and therefore more sensibly under the usual customer service procedures;
- It forms a request for personal data relating to the individual requesting the information. This shall be dealt with under the General Data Protection Regulation 2016/679, and consequently shall be processed in line with the councils Subject Access Request Policy.
- If the person is asking for 'environmental information', the request shall be considered under the Environmental Information Regulations 2004.
- A freedom of information request shall only be accepted if made in writing, for example online forms; letters; emails; faxes and twitter.
- Requests for information shall be met within 20 working days of receipt. Ambiguous requests shall be clarified with the requestor.

- A request for information shall not be refused because the recorded information is out of date, incomplete or inaccurate.
- The council shall not make any changes or deletions to records as a result of a request.

7. Refusing a request

The council shall consider refusing a request for information under certain circumstances:

- It would cost too much or take too much staff time to deal with the request.
- The request is vexatious.
- The request repeats a previous request from the same person.
- 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.
- When the council receives a request for information that constitutes personal data about its employees, the council will refuse the request as a breach of Article 5 of the General Data Protection Regulation Principle 1, i.e. fair and lawful. The council does not consider the disclosure is fair due to:-
 - The possible consequences of disclosure
 - The reasonable expectations of its employees and
 - Whether there is a legitimate interest in the public or requestor having access to the information and the balance between this and the rights and freedoms of the employee.

The council will disclose and make publicly available information relating to senior employees as their posts carry a greater level of accountability and this information will be made available on the council's website.

- 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

The council shall publish information on the council website proactively via a Publication Scheme.

The council shall make a disclosure log available on the council website that sets out responses to previous FOI requests.

9. Charges

The council shall make no initial charge for making an FOI request.

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

The council shall carryout a review of a request whenever the requestor expresses dissatisfaction with the outcome.

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.

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.

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

This policy will be reviewed annually. In addition, changes to legislation, national guidance, codes of practice or commissioner advice may trigger interim reviews.