


BLACKPOOL COUNCIL – ICT SERVICES		Blackpool Council
Topic	Freedom of Information Act – Council Policy	

FREEDOM OF INFORMATION ACT 2000

COUNCIL POLICY

Department	Organisation, Property & IT, ICT Services	Ref. Number	ICT/0006/02
Authorised By	Mark Lewis, Head of Legal & Democratic Services	IAR Classification	Unclassified
Author	Debbie Topping, ICT Policies & Quality Manager	Issue Date	15 June 2006
Reviewer	Debbie Topping, ICT Manager (Information Governance)	Revision Date	August 2013
		Version No.	2.0
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POLICY STATEMENT

Blackpool Council is committed to a policy of openness and access by the public, and the introduction of the Freedom of Information Act 2000 (FOIA) supports the delivery of that policy.

The Council regards the lawful and correct management of all information as an essential element of its successful service delivery and recognises that this helps to maintain the confidence of its employees and elected members, and those who work with it.

Blackpool Council recognises its obligations as set out in the FOIA and described briefly within the ‘Overview’ section of this policy. The Council endorses the requirement for greater openness and accessibility to information and recognises the opportunity to promote initiatives that lead to effective procedures and efficiency savings.

SCOPE OF POLICY

This policy applies to:

- All part-time and full-time employees, including those working from home and from other locations
- Elected Members in their roles as Cabinet members
- All other workers (including casual and agency workers, secondment posts and contractors) using the Council’s equipment and computer network
- Volunteers and students (including work experience or work-placement).

OVERVIEW OF THE FREEDOM OF INFORMATION ACT 2000

FOIA was implemented on 1st January 2005 and requires all public authorities, such as Blackpool Council, to adopt and maintain a “publication scheme” and to deal with requests for information.

A publication scheme is the means by which the Council lists the information that is published, in the format it exists, how it can be accessed and if there is an associated charge.

Requests for information must be made in writing, containing a name and address for correspondence and a description of the information requested.

An individual can request any information held by the Council, and they have two rights, often referred to as the ‘right to know’

- The right to be informed whether or not information requested is held by the Council
- The right to have that information communicated to them,


However, these rights are to the information and not necessarily the documents or records that contain it.

For requests for general information, the Council must deal with the request within 20 working days.

There are occasions where the Council is not required to release information where an exemption applies. The FOIA describes two types of exemptions

- Absolute where the right to know is exempt without question or dispute;

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- Qualified where the Council must consider if the public interest in disclosing information outweighs withholding information.

Blackpool Council has an Exemptions Policy that describes these exemptions and, how and when they might be applied.

INFORMATION AVAILABILITY

Blackpool Council will make as much information as possible available. This will be in accordance with the Council’s approved Publication Scheme, which describes the range of formats available. The Publication Scheme will be reviewed annually.

RIGHT OF APPEAL

If information is not disclosed on the grounds of an exemption, the Council will state the exemption and reason why this applies in the response.

If the Individual requesting the information is not satisfied with the Council’s response, they can apply for an Internal Review of the decision and this should be dealt with through the Council’s FO/EIR complaints procedure.

If the appeal is not resolved, the individual has a right of appeal to the Information Commissioner, and can raise a complaint and ask for an independent review.

The Information Commissioner will determine if it is appropriate to investigate the complaint and if so, make a decision on their findings. At this stage, the Council also has a right to appeal to the Information Commissioner with regard to any complaint or appeal.

FEES AND CHARGING

Blackpool Council has an approved FOI Charging Policy that describes when information is provided free and when charges may be applicable.


This policy also describes how charges will be calculated in line with the Fees Regulations [Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004].

PERSONAL AND ENVIRONMENTAL INFORMATION

When an individual requests their own personal information, this is dealt with under the Data Protection Act 1998 and different procedures will apply.

Information that is considered to be Environmental Information is dealt with under the Environmental Information Regulations and different procedures apply to this.

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More information can be obtained from the Council, and is published on the Council’s website www.blackpool.gov.uk .

SUPPORTING THIS POLICY

Blackpool Council has an officer who leads on Freedom of Information issues and Internal Reviews, and provides advice to the Council.

Departments have locally trained officers to deal with requests for information and provide initial guidance for employees within their own Department.

The Council’s Publication Scheme will be maintained and reviewed as required by the Information Commissioner.

Comprehensive procedures and policies will be put in place to support compliance with information related legislation and records management.

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