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# **LINCOLNSHIRE COUNTY COUNCIL**

Information Governance

Freedom of Information (FOI) Policy

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## 1. SUMMARY

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Policy:

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Freedom of Information (FOI) Policy

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Purpose:

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Lincolnshire County Council (the Council) must ensure that it complies with its obligations under the Freedom of Information Act. This policy explains how staff are expected to comply with the Act.

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Procedure:

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Staff must comply with this policy to ensure the Freedom of Information Act is not breached. Any breach of the Act has serious consequences for the organisation and its customers.

## **2. INTRODUCTION**

The Freedom of Information (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.

A significant amount of information is routinely published in the Council's publication scheme which can be found on the Information Governance page of LCC Connects [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk). All other information is available by making a written request to the FOI team. Exemptions may be applied to the release of certain information.

The Council has introduced a framework under which requests are received, processed and completed in accordance with the statutory time limit of 20 working days for responding to each request.

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 comply with the Act.

## **3. POLICY STATEMENT**

The Council is committed to ensuring compliance with the Act, and will:

1. Adopt and maintain appropriate safeguards to ensure compliance with all the requirements of the Act.
2. Provide training and guidance for staff and Elected Members to enable them to maintain compliance with the Act.
3. Provide a framework for the administration of requests made under the Act and subsequent responses.
4. Ensure that the maximum amount of information about the authority and its services is published and maintained on its website. The publication scheme will include a statement with regard to charges made for information.

## **4. SCOPE**

The purpose of this policy is to ensure the Council complies with the FOI Act with the aim of providing a consistent approach to managing requests for information across the organisation.

This policy applies to all employees and Elected Members.

The policy also extends to Environmental Information Requests (EIR), which is provided under specific regulations.

Requests to access personal information must be made under Data Protection (Subject Access Request). Further information is available on the Information Governance page of LCC Connects [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk).

Requests to access information held by schools must be made directly to the school which will have its own policy for dealing with information requests.

## 5. LEGAL CONTEXT

Reference to the following legislation and guidance may be required when reading this policy:

- Freedom of Information Act 2000
- Environmental Information Regulations 2005
- Data Protection Act 1998

Related Council documents:

- Data Protection policy
- Subject Access Request policy
- Records Management policy

## 6. ROLES AND RESPONSIBILITIES

### Identifying requests

Staff and Elected Members are responsible for identifying whether information requests should be dealt with under the Act or in accordance with standard operating procedures for their own service area. In case of doubt, requests must be referred to the FOI team within 24 hours of receipt.

### Processing requests

The FOI team is responsible for logging and processing official requests received by or referred to the team, and for ensuring a suitable response is compiled by the relevant service area and sent out within the mandatory time limit of 20 working days. Where clarification is required the FOI team will write to the requestor and the request will be placed on hold until sufficient information is available to begin processing the request.

Note: The 20 working day time limit can be extended if the request falls under the Environmental Information Regulations and the information requested is particularly complex or extensive.

Where required the FOI team will assist requestors in making a request for information, provide advice to relevant managers where required and report on the progress of all requests.

The Information Governance team is responsible for the efficient management of the FOI process. The team will also assist with investigating breaches of the Act and provide an audit function.

Nominated FOI champions and their managers in the directorate service areas will be assigned the task of compiling the information necessary for a complete response. Some information gathering tasks will be passed to appropriate service area staff. Any problems or issues will be referred to the FOI team in a timely manner.

Nominated FOI approvers working in an Assistant Director role will approve the content of responses prior to the disclosure of information. The FOI approver will also sanction any request to seek legal advice, e.g. for claiming a possible exemption under the Act. FOI approvers will also be responsible for conducting formal reviews under the review process.

The Executive Director (Performance and Governance), in his role of Senior Information and Risk Officer and FOI Monitoring Officer, is responsible for high level decisions relating to sensitive and contentious requests, including the determination of applications for section 36 exemption.

The Council's Chief Information Officer is responsible for ensuring all staff comply with the Act.

The Legal Services team will provide relevant legal advice with regard to exemptions and responses if instructed.

The Communications team will provide advice with regard to requests which have a political context or relate to sensitive aspects of the work of the Council.

#### Training and guidance

The Information Governance team is responsible for ensuring everyone receives adequate FOI training and support.

#### General

All staff and Elected Members will ensure that their *out of office* rule includes details of where to send FOI requests in their absence.

### **7. SPECIFIC REQUESTS FOR INFORMATION**

The Act states that all requests for information must be made in writing. The following methods of making a request are acceptable:

- Online form using the Council's website
- Letters
- Emails
- Faxes
- Twitter
- Verbal requests for Environmental Information are acceptable. A note of the verbal request, taking details of the applicants name, address and the date of the request must be made by staff.

Note: The Council does not currently have a corporate Facebook page therefore applications cannot be submitted using this method.

Responses to previous requests are available to view on the FOI page on LCC Connects [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk)

## **8. CHARGES**

There is no initial charge by LCC for making an FOI request. In some circumstances the Act allows the Council to charge an appropriate fee for complying with some requests for information

## **9. REVIEW PROCESS**

Under section 45 of the Act a requestor can ask for a formal review of any refusal notice(s) and/or the administration of their request. The request for a review must be made in writing and must be received by the Council within 40 working days of the alleged failure to comply with the Act.

On receipt of a request for a review the Council will conduct a full review within 20 working days. In some circumstances this time limit can be extended to 40 working days. In the interests of impartiality the review will be conducted by a nominated Assistant Director working in an unrelated service area. A full summary of his or her decision will be provided to the requestor.

## **10. COMPLAINTS**

Where a requestor remains dissatisfied with the Council's response to a request for information and any subsequent formal review, he or she has the right to refer the case to the Information Commissioner's Office for advice.

## **11. HOW TO MAKE A FREEDOM OF INFORMATION REQUEST**

Requests can be sent to the Council at the following addresses:

- Complete an online application form at: [www.lincolnshire.gov.uk/foi](http://www.lincolnshire.gov.uk/foi)
- Send an email to: [foi@lincolnshire.gov.uk](mailto:foi@lincolnshire.gov.uk)
- Send a written request to: The Freedom of Information team, Lincolnshire County Council, PO Box 841, Lincoln, LN1 1ZE
- Send a fax request to 01522 516137
- Via Twitter at: [www.twitter.com/LincolnshireCC](http://www.twitter.com/LincolnshireCC)

Under the Act a request must include the following information:

- The requestor's full name
- An address for correspondence (this can be postal address or an email address)
- A description of the information required

For advice on making a request please contact the FOI team on 01522 782060.

## **12. USEFUL CONTACTS**

Further advice and contact details can be found on the Information Governance pages on George and on LCC Connects [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk) The Information

Commissioner's website also provides detailed guidance on the Freedom of Information Act.