

POLICY STATEMENT

SCOPE AND PURPOSE

1. This policy statement outlines Barrow Borough Council's approach to access to information by the public and employees in accordance with the Freedom of Information Act 2000.
2. The policy statement applies to all information held by the Council irrespective of ownership.
3. The policy statement also applies to any organisation operating on behalf of the Council. The principles of this policy will also apply to Elected Members of the Council.
4. The Policy and Guidelines cover all requests for information, except request from individuals for their own personal data and normal business process requests. Requests from individuals for their own personal data (Subject Access Requests) should be handled in compliance with the Data Protection Act 1998 and the Council's Data Protection Policy. Normal business process requests are requests for information or services that the service area would expect to receive in its usual day-to-day operation.

OBJECTIVES

1. To ensure compliance with legislation, in particular the Freedom of Information Act 2000, in responding to request for information by defining a request handling policy statement.
2. To ensure that the spirit of the legislation prevails and succeeds in making local government more transparent and accountable to the public. To do this by promoting a culture change towards all information being made publicly available by default, unless an exemption applies.
3. This policy statement will help us comply with the guidance and Codes of Practice on the Freedom of Information Act produced by the Information Commissioner and the Lord Chancellor on making information accessible and on keeping our records.

Processing requests

The Council will ensure that:

We have appropriate procedures and processes in place to manage the requirements of the Freedom of Information Act 2000 and Environmental Information Regulations (EIR) 2004.

We have a team of staff who process FOIs and EIRs. We will provide training to staff so they are aware of their responsibilities under the Acts'

We will ensure that procedures for handling requests are effectively communicated to staff who are involved in the process. We will monitor and review FOI and Environmental Information requests to ensure that procedures are adhered to.

We will try to provide information where possible and it only be withheld if a legitimate exemption or exception applies and in such cases we will inform the customer why we applied the exemption.

FOIs

Requests under FOI must be in writing, giving a name and give an address to which the authority can reply. This can be a postal or email address, plus a description of the information sought. A response must be provided by the Council within 20 working days.

The Freedom of Information Act imposes a statutory limit on the amount that can be spent on locating and extracting the information required to answer a request. This limit is currently set at £450, which the legislation says is equivalent to 18 hours of staff time.

EIRs

Requests under the EIR's do not have to be in writing, however a name and address for correspondence will still need to be provided. We will encourage written requests wherever possible to clarify the information that is required. A response should be provided within 20 working days, if we require an extension to this we will inform you.

The information specifically covered by EIR is:

1. The state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components. Including genetically modified organisms and the interaction among these elements.
2. Factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in 1.
3. Measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the state of the elements and factors referred to above, and as well as measures or activities designed to protect those elements.
4. Reports on the implementation of environmental legislation.
5. Cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to above, and.
6. The state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures in as much as they are or may be affected by the state of the elements of the environment or, through those elements by any factors or measures referred to above.

Complaints

If a customer is unhappy with the way in which the Council has dealt with their request for information has been handled may ask for the matter to be reviewed, and all complaints should be sent to:

Freedom of Information

Barrow Borough Council

Townhall

Duke Street

Barrow in Furness

Cumbria

LA14 2LD

Appeals will be dealt with by the Corporate Support Manager.

If the customer is still unhappy with the outcome of this review they have the right to pursue their complaint to the Information Commissioners Office:

Information Commissioners Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

Tel: 0303 123 1113

Email: casework@ico.org.uk