



FREEDOM OF INFORMATION REQUESTS POLICY

(For the Management of Requests under the FOIA, EIR and RPSI)

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Part I: The Rules

1 Introduction

Scope

- 1.1 The Council has a duty to manage Freedom of Information (FOI) requests under the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR), and requests for re-use under the Re-use of Public Sector Information Regulations 2015 (RPSI). This Policy sets out the rules officers must follow to ensure the Council complies with this legislation.
- (a) Except when it falls under one of the types in (b), a request for information is an FOI request falling under the scope of the legislation and this Policy when it is likely that the requestor's intent was to ask for information which they believe we may hold in material or electronic form. Whether the requestor labels their request an FOI is irrelevant.
 - (b) Management of the following types of information requests or data sharing arrangements are outside the scope of this Policy. They are addressed in guidance issued by the Fraud and Data Team instead. The types are:
 - (i) Subject Access Requests for the applicant's own personal data¹ under the Data Protection Act 1998 (DPA) (although these are often mistakenly submitted as FOI requests).
 - (ii) Data Processing Agreements for the processing of personal data on our behalf by a partner with whom we have a contract.
 - (iii) One-off data sharing requests for personal data, submitted by a Data Controller².
 - (iv) Data sharing agreements for repeated data sharing (as above) — (distinct from a Data Processing Agreement).
 - (v) Information shared in confidence³.
- 1.2 Any breach of the FOIA, EIR, RPSI, part of the DPA related to disclosure, or the FOI and Data Protection (Appropriate Limit and Fees) Regulations 2004, resulting from the management of an FOI request, will be a breach of this Policy. This Policy does not restate the duties under the legislation. But the 'Guidance on the Management of Freedom of Information Requests' ("the Guidance") is provided as a guide to compliance.
- 1.3 If, and to the extent that, this Policy is incompatible with the Legislation listed in 1.2 or a related precedent in case law, officers shall act in accordance with either the Policy or the Law. If they do so, the Council will not hold them to be in breach of either.

Definitions

- 1.4 'FOI requests', as explained in 1.1, will hereinafter⁴ be called 'requests'.
- 1.5 'Centrally Administered Requests' are requests managed b.
- 1.6 At all points during the processing of a request, the request must have a Responsible Officer, who is—

¹ Personal data relate to a living individual who can be identified from those data, or from those data and other information in the possession of, or likely to come into the possession of, the Data Controller (q.v. Footnote 2).

² The Data Controller of any given personal data is the (natural or legal) person who determines the purposes and means of processing of that data.

³ The exemption (q.v. Footnote 11) of the information under the FOIA or EIR (except for an exemption because the information is otherwise publicly available) is — almost without exception — a necessary condition for imposing confidence.

⁴ Except when it is necessary to distinguish between FOI requests and requests for re-use (see the 'Requests for Re-use' Subsection under Section 4).

- the member of staff who originally received the request; or
 - the member of staff to whom the request was transferred.
- (a) Officers outside the Information Team will not be the Responsible Officer for a Centrally Administered Request, but may have duties⁵ to help manage it.
- (b) Services with a shared inbox must establish a rule or convention which ensures that each request coming into that inbox is assigned promptly to an officer. And that officer will become the Responsible Officer for that request.
- 1.7 The Responsible Officer will only stop being responsible when the request—
- has been answered and the necessary information recorded⁶; or
 - is transferred to another member of staff (who then becomes the Responsible Officer).
- 1.8 The Responsible Officer is responsible for—
- ensuring the request is managed lawfully and in keeping with this Policy;
 - all communications between the council and the applicant on the subject of the request; and
 - recording the necessary information⁷ in the log.
- 1.9 The Information Team referred to in this document comprises: the Fraud and Data Manager and their staff, the Legal Services Manager, and the Assistant Director (Legal and Democratic Services). Unless they request otherwise, all communications sent to the Information Team about requests should be sent to the [Legal Inbox](#).
- (a) A member of the Information Team may overrule any decision regarding the management of a request made by a Responsible Officer outside the Team.
- (b) The Information Team may delegate certain duties to the Legal Assistants (as permitted in Paragraph 4.20). The Guidance will be updated to reflect such delegation.
- 1.10 Certain decisions can only be made by an ‘Appropriate Officer’, who is—
- the request’s Responsible Officer, if an inter-service agreement (ISA) allows them to make the decision, (see 3.8 and 4.20); or
 - a member of the Information Team (who need not be the Responsible Officer).
- 1.11 Any reference in this Policy to a ‘reasoned opinion’ is an indication that the reasons must be recorded⁸ in the log.
- 1.12 The ‘transfer’ of a request occurs whenever responsibility for managing it moves from one Responsible Officer to another. This typically happens when the Information Team receive a request in a shared inbox they administer, and use their discretion under 4.3(b) to assign responsibility to a specific officer or service.
- 1.13 ‘Request related complaint’ means any expression of dissatisfaction from a customer, arising out of the management of an FOI request or request for re-use.

Structure

- 1.14 Section 2 sets out the duties required of all officers in connection with requests, and Section 3 sets out duties of officers outside the Information Team. In those Sections the Responsible

⁵ These duties are set out in the ‘Rules about helping to answer Centrally Administered Requests’ Subsection of Section 3.

⁶ Certain information must be recorded under Paragraph 1.17.

⁷ Ibid.

⁸ Ibid. 6.

Officer is addressed directly, except in the ‘Rules about helping to answer Centrally Administered Requests’ Subsection of Section 3, and elsewhere when any rule states otherwise. Section 4 sets out duties which are unique to officers in the Information Team. Those rules are only specific to Responsible Officers (with respect to any request) when a rule indicates this.

- 1.15 Under certain circumstances (typically when a decision is challenged) Internal Reviews must be conducted to assess, and if necessary overturn, decisions reached about a request. These are duties of the Information Team, and are set out in Section 5.

General

- 1.16 Responsible Officers must operate with a presumption in favour of disclosure, meaning that requested information which is held may only be refused if—
- (a) it is not under the scope of the FOIA or the EIR;
 - (b) the request is under the FOIA and the information is publicly accessible by other means (except when it is only accessible on request)⁹;
 - (c) in the opinion of an Appropriate Officer¹⁰ it engages a qualified exemption^{11,12}, and in their reasoned opinion, disclosure is not in the public interest¹³; or
 - (d) in the opinion of an Appropriate Officer¹⁴ it engages an absolute exemption¹⁵ (other than an exemption engaged because the information is available from another source).
- 1.17 Certain information about the management of requests must be ‘recorded’ by the Responsible Officer, for its eventual inclusion in the Central FOI Requests Log held by the Information Team. Throughout this Policy the word ‘record’ will be used to indicate that this duty arises.
- (a) Paragraph 3.5 sets out how the duty to ‘record’ information applies to Responsible Officers *outside* the Information Team.
 - (b) Paragraphs 4.7 and 4.8 set out how the duty to ‘record’ information applies to Responsible Officers *in* the Information Team.
- 1.18 Officers should consult the Guidance for detailed guidance on any aspect of managing requests.

2 Duties of all Council Officers

Identification and Receipt

- 2.1 You must — with appropriate frequency — screen all incoming communications for requests. Requests need not refer to the Legislation. You must record receipt.
- 2.2 Requests are received at the first instant they come into the Council’s possession.
- (a) In the case of verbal requests¹⁶, this instant is when a Council officer hears the request.

⁹ This refers to the exemption under Section 21 of the FOIA; note however that if we have published the information ourselves, directing the applicant to it (under 2.12(a)) is an answer to the request, not a refusal.

¹⁰ ‘Appropriate Officer’ is defined in Paragraph 1.10.

¹¹ Exemptions are defined circumstances in which information under the scope of the (appropriate) legislation may be refused. More information is given in the ‘Exemptions and Exceptions’ Chapter of the Guidance.

¹² ‘Qualified Exemptions’ are defined as exemptions which only permit refusal if it is in the public interest.

¹³ Guidance on the Public Interest Test is given in the ‘Public Interest Test’ Section of the Guidance.

¹⁴ Ibid. 10.

¹⁵ ‘Absolute Exemptions’ are defined as exemptions which do not require a Public Interest Test.

¹⁶ Verbal requests may only be ‘received’ (for the purpose of 2.2) under the EIR, but the Guidance addresses verbal requests made under the FOIA.

- 2.3 You must take all reasonable steps to ensure that the request is answered within the statutory time-limit, which is—
- 20 working days in ordinary circumstances; or
 - 40 working days where extension of the time-limit is appropriate, as set out in Paragraph 2.6.
- (a) In all cases save in Paragraph 2.4 (below), the first day to count toward the statutory time-limit will be the first working day to commence after the request is received.
- 2.4 If you will be absent from work for any period you may set up an automatic ‘out-of-office’ response containing the following information:
- Notice that you are absent
 - The date on which you are expected to return
 - An alternative (monitored) email address to which requests may be redirected
- (a) If you set up an ‘out-of-office’ response containing the above information and receive a request, the first day to count toward the time-limit will be the soonest of—
- the first working day to commence after the applicant redirects their request;
 - the day on which the automatic reply stated you would return; and
 - the first working day to commence after you return to work.
- 2.5 You must acknowledge receipt of a request if it has not already been acknowledged, and—
- the applicant asks for acknowledgement;
 - the request was submitted to one email address and you expect the answer to be sent from a different one (typically because of transfer); or
 - it is anticipated that the applicant may doubt that their request is being managed (in particular, if you expect an answer to take longer than the applicant might reasonably expect).

Extensions

- 2.6 You may extend the time-limit in the following circumstances:
- (a) The request is under the FOIA, and in the opinion of an Appropriate Officer¹⁷ a qualified exemption is engaged and additional time is required to conduct a public interest test. The extension applies only to the information which engages the exemption and any information not practically separable from it. Any remaining parts of the request must be answered within the ordinary time-limit.
- (b) The request is under the EIR and the complexity and volume of the request makes it unlikely that it will be answered within the ordinary time-limit.
- 2.7 You must take reasonable steps to avoid extending the time limit after it has expired. When you extend the time limit you must record, and inform the applicant of: the revised deadline and the reasons for the extension.

Fees and Charges

- 2.8 You must calculate fees in keeping with the FOI and Data Protection (Appropriate Limit and Fees) Regulations 2004, using the standard charges in our Charging Schedule provided in Schedule I. You must record roughly how you calculated the fee. The Guidance contains more information on the calculation of fees.
- (a) When you charge a fee, you must record this. You must also inform the applicant that they have 90 calendar days to pay the fee.

¹⁷ Ibid. 10.

(b) If, 90 calendar days after you charge a fee, it has not been paid, you must record this and refuse the request, giving the applicant the information in 2.17(c).

2.9 If an applicant pays a fee, all officers who subsequently extract, collate or communicate, information must determine accurately the actual cost of doing so. You must calculate from these costs the accurate fee which would have been charged (if fees were charged in retrospect) and record this value. If this (retrospective) fee is less than the fee paid, you must refund the balance to the applicant; recording this also.

2.10 When a fee is paid, it must be distributed under an appropriate distribution arrangement mutually agreed between Financial Services and the services involved in managing the request. If no such arrangement exists, it must be distributed under the default distribution arrangement. This distribution must be recorded. To avoid potential administrative burden, monies must be distributed after 2.9 (above) has been complied with.

(a) The default distribution arrangement is that the service which incurred most of the cost in managing the request retains the entire fee.

Supply and Closure

2.11 You should contact the Information Team for advice if you think—

- the applicant may re-use the information, and this re-use would not be in the public interest; and
- the information may be the Council's intellectual property.

2.12 Information you disclose must be in the form (e.g. hard copy or electronic) requested by the applicant. If no preference is specified or supply in the requested form is unfeasible, you should use electronic communication as the default, where available.

(a) You may also direct the applicant to the information if we have made it publically available online, but only if the published information is reasonably up-to-date.

2.13 Information you disclose electronically must be in the file-type specified by the applicant. But if no preference is specified or supply in the requested file-type is unfeasible, you must use a re-usable and editable file-type, which is accessible to the applicant.¹⁸

2.14 If it is necessary to schedule an appointment to allow the applicant to inspect documents, you must schedule the appointment at any time within the applicable time limit. But if this would be unreasonable, you may schedule it at the next available opportunity.

2.15 You must record disclosures and appointments for inspection.

2.16 You must advise and assist the applicant in understanding the information disclosed, to the extent that allocating public resources to do so is in the public interest. When determining this extent, you should give particular consideration, when applicable, to—

- what you reasonably believe to be the purpose of the request;
- what background knowledge you reasonably believe the applicant to have; and
- the applicant's special requirements, particularly with respect to learning and communication.

2.17 You must answer every part of the request, by: refusing to confirm or deny, denying the information is held, disclosing, or refusing to disclose. You must record how you answer each part. Where appropriate you must also do the following:

¹⁸ Guidance on Open Data standards is provided in the 'Supply and Closure' Subsection of the 'Summary of Information Request Procedure' Section of the Guidance.

- (a) If (under 1.16) you refuse to disclose requested information, or refuse to confirm or deny, you must inform the applicant of: the exemption which is engaged, why it is engaged, and — for qualified exemptions — why disclosure is not considered to be in the public interest.
 - (i) The ‘General’ Subsection of Section 3 sets out when and how officers outside the Information Team may refuse requested information.
- (b) If you refuse a request or a part thereof under 1.16(b) because the information is otherwise publicly available, you must tell the applicant *where* it is available.
- (c) When the request has been answered (including refused) you must tell the applicant that—
 - the Council considers the request to be answered;
 - they may request that the Council conduct an Internal Review of the request; and
 - they have the right to appeal to the Information Commissioner’s Officer (ICO) (you should include details of how to contact this office).
- (d) If the applicant requests a licence to re-use the disclosed information, you should transfer the request to the Information Team.

Complaints and Review

- 2.18 If you are aware of a request related complaint¹⁹ you must ensure it is recorded in the request’s log entry.
- 2.19 The SSDC Complaints Policy must not usually be followed for request related complaints. But it must be if, and to the extent that, the complaint’s basis is unrelated to, or bigger in scope than, the Council’s obligations in connection with the related request.
- (a) In the case of disagreement or uncertainty about applying the SSDC Complaints Policy under 2.19, uncertain or disagreeing officers should refer the matter to the Information Team. The Information Team will decide whether it is applicable.
 - (b) The duties arising under the SSDC Complaints Policy will be duties of the service manager responsible for the actions which predominantly gave rise to the matters which are the grounds for the complaint.
 - (i) In the case of disagreement or uncertainty regarding responsibility under (b), officers experiencing disagreement or uncertainty shall refer the matter to the Information Team. The Information Team will decide who is responsible.
- 2.20 Request related complaints which challenge or query a decision reached in the management of the request must be considered for Internal Review. Immediately on receipt of such a complaint you must ensure that the Information Team—
- is aware of the complaint;
 - has access to the up to date log entry; and
 - has access to all correspondence with the complainant on the subject of the request.

3 Duties of Officers outside the Information Team

General

- 3.1 The duties in this Section are required of officers outside the Information Team. Some duties are required to enable the upkeep of the Central FOI Requests Log²⁰.

¹⁹ As defined in 1.13.

²⁰ The Central FOI Requests Log enables the Council to respond to any challenge to the legality or fairness of its decisions, as well as to calculate aggregated costs under certain circumstances explained in the ‘Fees, Charging and Costs’ chapter of the Guidance.

- 3.2 You may apply an exemption which is engaged because the requested information is accessible by other means (under Section 21 of the FOIA). You do not need authorisation from the Information Team to do this.
- 3.3 You may apply an exemption if you are permitted to do so under an inter-service agreement (ISA), if the circumstances specified in the ISA apply.
- 3.4 You must seek authorisation from a member of the Information Team whenever you might refuse any requested information which is held. But you need not do so under the circumstances in Paragraphs 3.2 and 3.3.

Rules for Responsible Officers

- 3.5 While you are a request's Responsible Officer you must ensure that a log entry for that request is kept in your service's FOI requests log. You must also update this entry whenever anything occurs which a rule in this Policy indicates must be 'recorded'²¹.

Rules about helping to answer Centrally Administered Requests

- 3.6 Officers in the Information Team manage some requests themselves. But they may at times (under 4.4) ask you to submit information under certain parts of such a request. In such cases you must send them (not the applicant) all such information. You must accompany the information with advice and assistance under 2.16 (as if you were communicating directly with the applicant). Additionally, if you think any of the information may be exempt from disclosure you should tell the Information Team this.
- (a) At the Information Team's request you should provide any relevant arguments favouring or disfavouring exempting the information from disclosure.
- (b) You do not need to log any details about the management of Centrally Administered Requests.

Rules for Services and their Managers

- 3.7 This rule establishes a duty of every service. Service managers are responsible for determining, with reference to the Guidance, how to best meet this duty. Every service must ensure that each month a completed, electronic log entry for each request *answered* in the previous month by a Responsible Officer in that service is received by the Information Team. This is called the Monthly Log Transfer (MLT). If the service answered no requests in the previous month, they must ensure the Information Team is aware of this.
- (a) In the MLT, services must also ensure that the Information Team is aware of the number of requests they received in the previous month.
- 3.8 Service managers may — if they consider it would be prudent to do so — produce an ISA in consultation with the Information Team. ISAs grant (some) officers in services additional powers in managing requests. Paragraph 4.19 addresses ISAs in more detail.

4 Duties Unique to Officers in the Information Team

- 4.1 The duties in this Section are required only of officers in the Information Team.

Duties in connection with requests they receive

- 4.2 The duties in this Subsection relate to requests sent to shared-inboxes administered by the Information Team.
- 4.3 The Information Team must follow one of the two following procedures, after determining which is more appropriate in the circumstances of the case:

²¹ This includes any opinion you form under any rule in this Policy referring to a 'reasoned opinion'. Under Paragraph 1.11 you must record these reasons.

- (a) They may manage the request themselves (a Centrally Administered Request) if in their opinion it would be more appropriate to do so. It will typically be appropriate when:
 - (i) The request can be answered without specialist knowledge from another service
 - (ii) The request requires input from multiple services
 - (iii) The request includes a request for re-use²²
 - (iv) It is likely that decisions about exemptions must be made and no officer in the service which holds the information could be the Appropriate Officer
- (b) Otherwise they should transfer the request to the most appropriate service. If they do so, and the request will be answered from an email address other than the one to which it was submitted, the Information Team must acknowledge receipt, advising the applicant that their request will be referred.

4.4 When managing a Centrally Administered Request the Information Team may ask other services to submit elements of information as necessary.

4.5 They must remind services and officers as appropriate about their duties in connection with requests transferred to them by the Information Team; in particular when an applicant enquires or complains about such a request.

Duties when consulting on other requests

4.6 The Information Team must make decisions about refusals and the public interest where they arise, and consult with and advise other services as required.

4.7 The Information Team must ensure that a log entry is created for each Centrally Administered Request, and must update this entry whenever anything occurs which a rule in this Policy indicates must be 'recorded'²³.

4.8 The entries in the Information Team's Direct Requests Log must be entered into the Central FOI Requests Log, along with the log entries sent by other services in the MLT under 3.5.

4.9 Where they are called upon to do so under 2.19(a) or 2.19(b)(i), the Information Team must respectively: determine whether the SSDC Complaints Policies applies under 2.19, or determine the service manager responsible for a complaint under 2.19(b).

4.10 The Information Team must assess the validity of applications for Internal Review, refuse invalid requests, and appoint officers to conduct Internal Reviews; all in accordance with Section 5.

- (a) They may also take responsibility for communicating with the applicant about their applications.

Requests for Re-use

4.11 Applicants can request licenses to re-use²⁴ the information the Council discloses or publishes. Under the Re-use of Public Sector Information Regulations 2015 (RPSI) the Council must respond appropriately to these requests. The related duties of officers outside the Information Team are those set out in 2.11 and 2.17(d). All other duties in connection with re-use are duties of the Information Team.

4.12 Requests for re-use must be answered within 20 working days of receipt.

²² See the 'Requests for Re-use' Subsection.

²³ Ibid.

²⁴ 'Re-use' means the use outside the Council of a document for a purpose other than its original purpose.

- 4.13 A request for re-use under the RPSI may be refused only because it does not specify the applicant's name and how they wish to re-use the document. But only where knowing any such missing piece of information would serve the public interest.
- 4.14 A non-commercial or charged license may only be used if the document being licensed was created by the Community Heritage Access Centre. But only if doing so would, in the reasoned opinion of the Information Team and compared with all lawful alternatives, be of the greatest benefit to the public interest.
- 4.15 Documents containing 3rd party intellectual property (IP) cannot be licensed for re-use under the RPSI until the 3rd party IP is removed. A charge may be made in advance to recover the estimated costs expected to be incurred in the activities necessary to remove this IP. Charges must be in accordance with the Charging Schedule in Schedule I (including the circumstances under which fees will be waived). But such a charge may not include costs arising from activities necessary to disclose or publish the document.

Executive Responsibilities

- 4.16 The Information Team are responsible for the revision of this Policy, including the Council's Statement of Public Task in Schedule I and the Charging Schedule in Schedule I. These revisions are subject to the approval of the Audit Committee and the District Executive Committee.
- 4.17 The Information Team are responsible for the revision of the Guidance, as necessary — only to the extent that any changes do not contradict any rule in this Policy. The Guidance may not introduce prohibitions or imperatives not present in this Policy.
- (a) In particular, the Information Team must ensure that the Guidance reflects any duties delegated to the Legal Assistants under 4.20.
- 4.18 The Information Team are responsible for revising the [applicant advice page on the Council's website](#). The information on this page must include the information in the Charging Schedule and must be compatible with the sources of rules in Paragraph 1.3.
- 4.19 The Information Team are responsible for working with other services to produce inter-service agreements (ISAs) (introduced in Paragraph 3.8).
- (a) ISAs (and amendments to ISAs) must be approved by, and may only be cancelled by, the Fraud and Data Manager or the Assistant Director (Legal and Democratic Services).
- (b) ISAs must specify—
- the activities permitted under the agreement;
 - the circumstances under which each activity is permitted (including any necessary standard notices which must be sent to the applicant as a consequence of the activity); and
 - who may perform each activity.
- 4.20 The Information Team may delegate to the Legal Assistants any of the responsibilities in—
- Paragraphs 4.3, 4.4 4.5, 4.7 and 4.8;
 - Subparagraph 4.10(a);
 - the Requests for Re-use Subsection; and
 - Paragraphs 4.17, 4.18 and 4.19 — without prejudice to Subparagraph 4.19(a).

5 Internal Reviews

- 5.1 An Internal Review (IR) must be conducted when the following conditions are satisfied for a request or a request for re-use:
- The applicant requests an IR, or queries or challenges any decision reached in the management of their request.
 - The request was answered (completed), according to the appropriate log entry, or a notice was sent to the applicant under Subparagraph 2.17(a) or (c).
 - Six calendar months have not yet elapsed since a part of the requested information was disclosed.
- (a) Internal Review requests which do not satisfy these criteria may nonetheless be accepted at the Information Team's discretion.
- 5.2 If a request for IR is rejected as invalid, the reasons for this decision must be recorded and explained to the complainant. Decisions not to exercise the discretion mentioned in Paragraph 5.1(a) need not be explained.
- 5.3 To the extent that doing so is practical, IRs will be conducted by an Information Team officer who was not involved in the management of the original request. Otherwise, the Information Team may appoint a competent officer outside the Team.
- 5.4 IRs must be completed within 20 working days of the receipt of the complaint.
- 5.5 If an IR is to be conducted the complainant must be notified of the review's deadline and the name of the officer conducting it.
- 5.6 Attempts will be made to conduct IRs informally, and all officers questioned in this process should be forthright and compliant with the conducting officer.
- 5.7 When the complainant is told about the decision reached in an IR, they must also be told about their right to appeal to the ICO.

Part II: Schedules

Schedule I: Charging Schedule (for publication)

Ordinarily the Council will waive any applicable fees for FOI requests or requests for re-use made by journalists or by citizens who appear to be making requests for non-commercial purposes, except when—

- the request is under the FOIA or the RPSI and the fee is over £10;
- the request is under the EIR and the fee is over £20;
- the information is publicly available (and the applicant is aware of this); or
- the total cost incurred by the Council over the last six months, answering requests made by the applicant, or the group of requesters with whom the applicant is working, is greater than £150.

We will not waive fees for requests made for the advancement of commercial interest, or by solicitors on behalf of clients.

VAT is chargeable on fees for information available by alternative means, except when it is only available by requesting it from a Public Authority.

All payable fees are estimates which we charge in advance. But when we process your request after the fee is paid, we will calculate the actual fee that would have applied in retrospect and explain how it was calculated.

If the retrospective fee is less than the one we charged you, we'll refund the balance.

Our standard material costs are:

Photocopies and Printing

A4 Black and White	10p per sheet
A3 Black and White	20p per sheet
A4 Colour	50p per sheet
A3 Colour	£1 per sheet
Photo quality paper prints	£1 per sheet

Electronic Media

CD-ROM	£1
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Applicable postage costs will vary depending on circumstances, but will not exceed the costs incurred in posting. We will use 1st Class post, unless you request otherwise.

Staff time is chargeable for all requests under the EIR and RPSI; we charge staff time at £25 per hour, and we charge for fractions of hours (instead of rounding up).

Part III: Explanatory Note

Introduction

This Note does not constitute a part of the Policy; it is only intended to provide clarity.

Summary

Broadly, the Policy as drafted simply formalizes the current common practices in the Council, and introduces improvements when the common practices are unsatisfactory or unlawful. The following subsections outline all novel rules introduced by the Policy.

Charging

Schedule I and the Fees and Charges Subsection of Section 2 introduce a blanket charging Policy for FOI requests, which must be strictly adhered to throughout the Council; the Charging Schedule will be published on the [FOI applicant advice page our website](#).

Relationship between legal and other services

The Policy defines a subset of the Legal Team called the Information Team, formalizing their duties in contrast to those of officers outside this Team. In addition to specifying the duties which have previously been vested in the Information Team and remain so vested, the Policy states that the Information Team must approve all refusals to disclose information, except when the refusal is due to the information being available elsewhere, or when the application of the exemption is permitted in an inter-service agreement (see below). Concordantly, officers outside the Information Team must seek their approval to apply an exemption.

The Information Team will also be responsible for 'centrally administering' certain requests (typically when information is required from multiple departments).

The Information Team will be relieved of the duty to log requests they transfer to other services. *This will now be solely a duty of the services themselves*; (most services are currently keeping such logs anyway).

The pre-existing procedure for keeping the Information Team apprised of the management of FOI requests by transferring log entries each month is formalized and expounded. Notably it will now be necessary to send log entries of requests *answered* in the previous month (instead of requests *received*).

Due to the complexity (in law) of the related considerations, responsibility for answering requests for re-use (see below) and licensing documents for re-use, will fall to the Information Team.

The Policy sets out that the Information Team may delegate certain of its day-to-day duties to the Legal Assistants without revision of the Policy, but the Guidance must be updated to reflect any such delegation.

Inter-service agreements

To permit the efficient conduct of Council business, it is proposed that inter-service agreements (ISAs) be agreed where appropriate, between the Information Team and any other service which frequently refuses information under FOI requests for specific reasons and wishes to do so without the Information Team's approval. Procedures for the negotiation of ISAs, their contents and revision, are provided.

Re-use of Public Sector Information and the Statement of Public Task

Broadly speaking, the Policy permits the preservation of the status quo (in which applicants do not ask for a licence to re-use, and we do not remind them to). Previously, requests for re-use of Council IP must be granted (unless the document is beset with 3rd party IP), even if it was published (including for the purpose of income generation) by one of our discretionary services.

After agreeing and publishing a Statement of Public Task which is subject to regular review, we can choose not to license for re-use any document which is outside our public task and is not a dataset under Section 11A of the FOIA, and we may more freely use a charged or non-commercial licence for such documents. This enables us to better preserve any intellectual property created by one of our discretionary or income generating services. Additionally, the Community Heritage Access Centre (CHAC) is a Museum for the purposes of the RPSI and we therefore have more discretion with respect to licensing its information for re-use.

The Policy also states that the public interest is the only consideration when choosing an appropriate license, sets out the applicable charges for granting a (non-charged) license, and incorporates requests for re-use into our Internal Review procedure.

Formalized Internal Review Procedure

Although there is no strict necessity to offer Internal Reviews of decisions (except under the EIR and RPSI), but doing so broadly precludes an appeal to the Information Commissioner until the review has been completed. It is therefore an opportunity to internally mitigate risk arising from a decision reached in error. Section 5 states the conditions under which Internal Reviews must be conducted and who may conduct them. The Policy also states that a request for Internal Review must also be treated as a complaint for the purposes of complaint statistics.

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