

# SOUTH HAMS DISTRICT COUNCIL

## INFORMATION ACCESS POLICY

### Introduction

1. For many years local authorities have acquired, registered, held, stored and published information. More recently (from 1987) the UK Government and the European Union have imposed legal requirements upon all public authorities to make information available to members of the public.
2. The South Hams District Council is committed to the principle that it should provide anyone who asks for it with the information that they need, and has adopted this policy to govern the way in which information is acquired, stored, held and published by the Council. It is named the "Information Access Policy" to indicate that it is intended to apply to all the requirements for publication or disclosure of information to which the Council is presently subject (as to which, see below).

### Statutory background

3. Here is a list of the legislation which applies to the storage and publication of information by local authorities:

- 3.1 **The Local Government Act 1972** as amended by
- 3.2 **The Local Government (Access to Information) Act 1985** and
- 3.3 **The Local Government (Access to Information) (Variation) Order 2006**

These provisions govern the keeping and publication of public registers, records and documents, reports to and minutes of meetings of the authority, and related background papers

- 3.4 **The Data Protection Act 1998**

This covers the processing (which includes publication) of personal data about individuals

- 3.4 **The Freedom of Information Act 2000**

This requires public authorities to make a Publication Scheme for documents for access by the public, and to provide access to information of all kinds

- 3.5 **The Environmental Information Regulations 2004**

These require public authorities to make available information about the environment. They give greater access rights than the FOIA.

### 3.6 The Re-Use of Public Sector Information Regulations 2005

These require public authorities to make available information contained in published documents for “re-use” – that is to say, for a purpose different from that for which it was prepared - under licence by members of the public.

4. The Data Protection Act 1998, the Environmental Information Regulations 2004 and the Re-Use of Public Sector Information Regulations 2005 were introduced following Directives issued by the European Union.

5. None of these provisions dovetails well or conveniently with any of the others but we are committed to complying with all the various requirements whenever we can.

#### **Principles for the disclosure of information**

6. The Government Office of Public Sector Information has produced five principles for the re-use of public sector information which the Council has adapted and adopted for all disclosure purposes. They are:

- **Openness** – that the Council will maximise the information available for publication
- **Transparency** – that the Council has clear and simple policies and procedures
- **Fairness** – that all customers are treated the same
- **Compliance** – that the Council has procedures and policies in place to enable it to comply with the first three principles and
- **Challenge** – that the Council has a robust complaints procedure.

Each of these principles, and our application of it, is further explained below.

#### **Openness**

7. We wish to promote public understanding of the Council’s activities. We start from the premise that everyone is entitled to have access to information held by the Council.

8. We will publish a complete, and regularly updated, Publication Scheme listing all relevant information (that is to say, a combined list prepared not only under the Freedom of Information Act but also under the Environmental Information Regulations and the Re-Use of Public Sector Information Regulations). If the material that someone wants is not available through that list, then we will make every effort to provide additional information, so long as it is practical and permissible to do so.

9. We will also ensure that all councillors and members of staff are aware of this policy and the Publication Scheme, and are adequately trained to understand and comply, efficiently and effectively, with the statutory requirements and to assist people to get the information they seek.

10. Information will only be withheld if it is proper to do so in accordance with the law or in order to protect other private interests (including, if so advised, the Council's own). In those cases we will supply what we can (including, if appropriate, edited material) and explain why access to the rest is restricted.

11. We will produce and publish advice on applying for information both on our website and in a leaflet available free of charge from Council offices, with an application form to assist applicants to make a request.

### Transparency

12. We have tried to make this policy accessible by writing it in plain English. To make its operation transparent, we will:

- Publish it on our website and keep it up to date;
- Make it available at the Council offices (Follaton House, Totnes)
- Supply it free of charge to anyone who wants it, by hand or by post;
- Review it from time to time to ensure that it is accurate and up-to-date.

13. In applying the policy to requests for information, we will make sure that:

- the Publication Scheme is full, complete, and up to date;
- documents listed in the Publication Scheme are available or accessible;
- staff understand when a request for information falls under this policy and that they know how to deal with it;
- we answer requests quickly and efficiently and in any event within 20 days wherever reasonably possible;
- where it is not possible to supply the information, we say so and give reasons;
- where the information cannot be supplied within 20 working days, we explain why and give another time estimate, which we will do our best to adhere to;
- where we impose charges, it will be clear how much people are expected to pay; and
- in all cases we inform applicants of their rights should they not be content with the information supplied.

## Fairness

14. We will not distinguish between different classes of applicants for information. All requests will be fulfilled (so far as possible) whether they come from commercial organisations, the media, campaign groups, students and research organisations, government, elected representatives, other public sector organisations or voluntary bodies, or private individuals, and in accordance with the same priority and criteria.

## Compliance

15. We will ensure that this policy and all the necessary procedures are in place (and regularly updated). The procedures will:

- identify the information that must be made available and list it in the Publication Scheme;
- identify information that falls within the various statutory exemptions;
- prescribe the costs for reproducing documents in order to help calculate appropriate charges under the Act;
- ensure that documents are where practicable written in such a way as to make it easy to release the document without revealing exempt information;
- identify at least one individual in each service who will be responsible for processing the requests and for authorising the release of relevant information;
- require that members of staff must follow the corporate procedures when dealing with requests.

## Challenge

16. We recognise that it is important that the Council's policies and procedures are compliant with the various statutory regimes for disclosure of information, which means that they must include a way for individuals dissatisfied with our response to complain about it, first to the Council itself through our complaints procedure and then if still dissatisfied, to an external regulator (the Information Commissioner or the Office of Public Sector Information).

17. In addition we will from time to time apply our own internal scrutiny processes to the provision of information under this policy. This may include internal review by each Department operating the policy, by senior managers, by internal or external auditors, or by the Scrutiny Committee. In any event there will be an annual report to the Senior Management Team about performance under this policy, including statistics on performance and compliance with the policy and the statutory requirements, and the outcome of any complaints.