

Freedom of Information Act Policy Statement

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1 Policy Statement Objective

- 1.1 It is the policy of Coventry City Council to demonstrate compliance in discharging all of its legal obligations in respect of the Freedom of Information Act (FOI).

2 Purpose

- 2.1 The purpose of this policy statement is to demonstrate the Council's commitment to being an organisation that is open and transparent with its decision making by:
- i) Promoting openness and accountability;
 - ii) Implementing and maintaining processes to support access to information rights;
 - iii) Making as much information as practicable available via the Publication Scheme;
 - iv) Responding to written and verbal requests for information within 20 working days;
 - v) Advising and assisting applicants in accordance with legal obligations;
 - vi) Applying exemptions appropriately and consistently;
 - vii) Ensuring that any fees charged are estimated appropriately and consistently;
 - viii) Ensuring employees are appropriately trained and supported.

3 Scope

- 3.1 This policy applies to the following types of users:
- i) Employees (including permanent, temporary, contractual and agency);
 - ii) Members;
 - iii) People, partner agencies, 3rd party suppliers, organisations, volunteers, or any other type of person/organisation who is processing information on behalf of the Council, or where the Council holds information about them;
- 3.2 For ease of reference, the term 'users' will be used throughout this policy to reflect the above.

4 Other Relevant Documents

- 4.1 The following documents have relevance to this policy. It is not an exhaustive list, and other information security management documents may need to be referred to:
- i) Procedures for Dealing with FOI, EIR and RPSI Requests
 - ii) Corporate Publication Scheme
 - iii) Data Protection Policy Statement
 - iv) Environmental Information Regulations Policy Statement

- v) Re-Use of Public Sector Information Policy Statement
 - vi) Records Management Policy Statement
 - vii) Corporate Retention and Disposal Schedule
 - viii) Standards for Information Classification
 - ix) Data Quality Policy
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5 Definitions

- 5.1 The Council's ICT Information Governance Jargon Buster contains a full list of technical and non-technical terms and their meanings and is available on the Intranet - Jargon Buster
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6 Risks

- 6.1 The Council recognises that there are risks associated with non-compliance with information legislation. This policy statement aims to mitigate risks such as:
- i) Significant risk to the Council, its customers, partner agencies and stakeholders;
 - ii) Loss of information, leading to poor decision making or major incidents;
 - iii) Legislative or financial penalties;
 - iv) Loss of reputation or damage to the Council's corporate image.
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7 Freedom of Information Framework

- 7.1 A framework of processes, procedures, standards and training material, together with defined roles and responsibilities will be established and maintained to support the Council in meeting its compliance with the Act. The framework will support:
- i) Processes and procedures to support the efficient processing of requests to ensure they are handled within 20 working days;
 - ii) Rights of access to all types of recorded information held by the Council and with due regard to the application of exemptions such as:
 - a. Personal data, as specified under the Data Protection Act 1998
 - b. Commercial 'in confidence' information
 - c. Information to be published in the future
 - d. Information available elsewhere
 - e. Vexatious or repeated requests
 - iii) Providing applicants with sufficient information to explain why all or part of a request has been refused;
 - iv) Where requests are refused, the applicant will be advised of decision and has a right to ask for that decision to be reviewed under the Council's FOI appeals process. If the information is still not released, the applicant will be advised of their right to ask the Information Commissioner (ICO) to review the decision.
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8 Corporate Publication Scheme

- 8.1 The Council will develop, publicise and maintain a corporate publication scheme in line with the Information Commissioner's requirements in order to:
- i) Inform the public of what information it publishes or intends to publish as a matter of course;

- ii) How the information will be published and how to access it;
- iii) Whether the information will be available free of charge or for a fee.

9 Management of Requests

- 9.1 A system for recording and monitoring of access to information requests will be developed, implemented and maintained;
- 9.2 Defined roles and responsibilities will be in place to support the ongoing management, monitoring and reporting of access to information requests.

10 Charging

- 10.1 In line with the Fees Regulations (SI 2004/3244 Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations), the Council will not charge a fee for requests where the information retrieval costs are estimated to cost less than £450. However, a charge may be made for disbursements, eg postage, printing, computer disks, audio or videotapes and photocopying (approximately 10p per sheet of A4).
- 10.2 If the estimated fee exceeds £450, applicants will be informed so that they can refine their request to bring it within the appropriate limit set by the regulations. Where no refinements are made or are judged possible, the applicant will be advised of the estimated charge in the form of a fees notice and the information may be provided once the fee has been received and processed by the Council

11 Roles and Responsibilities

- 11.1 The Chief Executive has overall responsibility for FOI within the Council;
- 11.2 Day to day corporate management is delegated to the Information Governance Team ((IGT) within the Customer & Workforce Services Directorate;
- 11.3 IGT is responsible for developing, implementing and maintaining corporate policy, processes, procedures, and developing training and awareness material;
- 11.4 IGT is supported by Directorate Information Governance Lead Officers (DIGLO), who will be responsible for ensuring requests within their directorates are processed in line with the Act and internal processes and procedures;
- 11.5 IGT has access to specialist legal advice from the Council's internal legal department;
- 11.6 Directorates must ensure that:
 - i) They action access to information requests within 20 working days;
 - ii) They provide required information for multi-Directorate requests to IGT within the requested timescales;
 - iii) Operational areas proactively support the maintenance of the corporate publication scheme;
 - iv) Operational managers promote compliance;
 - v) Staff are appropriately trained in responding to access to information requests;
 - vi) Staff know how to handle suspected or actual information security breaches;

- vii) Records are maintained in accordance with legislative, regulative and best practice requirements to enable access to information requests to be processed efficiently and effectively within 20 working days;

11.7 Staff will:

- i) Undertake relevant training;
- ii) Respond to both written and verbal requests in line with Council procedures;
- iii) Ensure their directorate DIGLO is notified of requests that have been sent directly to operational teams.

12 Preventing and Managing Information Security Incidents

- 12.1 It is the responsibility of all users to immediately report any actual or suspected breaches of information to their line manager and the Information Governance Team.

13 Monitoring

- 13.1 Auditing of the Council's compliance with this policy and supporting framework will be undertaken by a combination of methods, including but not limited to: ad hoc quality checks by the Information Governance Team, internal and/or external audits, day to day operational activities.

14 Legal Requirements

- 14.1 This policy supports the Council in fulfilling its compliance with the Freedom of Information Act. It must be read in conjunction with other relevant information/ICT governance policies and procedures. It helps support the requirements for the Council's Code of Connection Assessment for GovConnect and has been based on best practice guidance from the Information Commissioner's Office/

15 Consequences of Not Following Policy

- 15.1 Non-compliance with this policy could have a significant effect on the efficient operation of the Council, other organisations and members of the public;
- 15.2 The Council views ICT and information security seriously. Compliance with information security policies is monitored and reported on. The nature of non-compliance and status of a user will dictate the course of action to be taken, eg employees may be subject to the disciplinary process; issues involving members will be referred to Head of Democratic Services and the Council's Monitoring Officer; third party issues will be handled via contractual arrangements etc.

16 Policy Statement Review

- 16.1 The Information Governance Team has direct responsibility for coordinating the maintenance and review of this policy statement and supporting framework. Such documentation is regularly reviewed, minimum every two years, and amended to reflect changes in best practice and to accommodate lessons learnt. Reviews will take into account changes in legislative practices, guidance from the Information Commissioner's Office, and input from DIGLOs, Internal Audit and specialist areas within the Council.

17 Notes

17.1 Enquiries regarding this policy statement should be directed to the Information Governance Team at infogov@coventry.gov.uk or phone: (024) 7683 3323.

APPROVED

**Document Control:
Version History**

Version	Status	Date	Author	Summary of Changes
1.0	Approved	18 April 2006	J Hutchings	Approved by Cabinet
2.0	Approved	24 August 2009	J Hutchings	

Review

Name	Role	Business Area
H Abraham	Head of Democratic Services	Democratic Services / Member of JIST
S Brake	Head of Policy & Performance / Caldicott Guardian	Community Services & Chair of JIST
S Mangan	Internal Audit Manager	Finance & Legal / Member of JIST
S Iannantuoni	Head of HR	Customer & Workforce Services / Member of JIST
P Calkin	ICT Suppliers Contract & Governance Manager	Customer & Workforce Services / Member of JIST
A Bajaj	Senior Solicitor (Information Governance)	Finance & Legal / Member of JIST
J McGinley	Technical Services Manager	Customer & Workforce Services / Member of JIST
L Bishop	ICT Service Support Manager	Customer & Workforce Services / Member of JIST

Approval

Name	Date	Version No.
Business Management Group	24 August 2009	2.0

Distribution

Name	Organisational Department	Format
All	Coventry City Council	Word Document via Intranet