



Environmental
Information
Regulations

Data Protection



RECOGNISING FORMAL REQUESTS FOR INFORMATION

Technically, any written request for information (this includes faxes and emails) that KCC receives falls under the scope of the Freedom of Information Act 2000. However, as it would be impossible to deal with all communications in this way, official guidance acknowledges that simple and/or day-to-day routine requests (e.g.: “When is the next County Council meeting?” or “Can I have a copy of your Statement of Accounts?”) do not need to be logged as formal requests for information, but can be dealt with as we did prior to 1st January 2005 when the Act became legally enforceable

Therefore, the three questions everyone working for KCC (and this includes councillors!) should ask themselves when they receive *any enquiry from an external source* are as follows:-

Q1. Does the person asking for information mention Freedom of Information, Data Protection, Subject Access, Environmental Information Regulations* or ask for personal information about themselves or someone else? * note that EIR requests can be also be made verbally over the phone or face-to-face!!!!!!

Q2. Would we consider withholding some/all of the information requested, perhaps because the subject matter is controversial?

Q3. Would we consider charging for the information, either because it would take us a long time to locate & collate, or there's lots of photocopying?

If the answer is **no** to **all** of these questions, the request can be treated as "business as usual", although we must still reply within 20-working days of receipt.

If the answer is **yes** to **any** of the questions, the request should be logged and dealt with in accordance with the appropriate legislation... FOIA is the only legal mechanism KCC has for NOT disclosing information that someone has asked to see!

Refer the communication immediately to your directorate coordinator who will advise you what to do next!

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