

## **Freedom of Information Act enquiries**

### **Freedom of Information 2000**

The Freedom of Information Act (the Act) gives everyone access rights to information held by public authorities, including the County Council. The Act promotes the release of as much information as possible. It aims to help people understand and increase their participation in their local authority. Everyone has the right to make a request to a public authority, to be informed in writing whether or not the public authority holds the information sought and, if so, to have access to that information, subject to exemptions, which are provided by the Act.

### **What information is covered by the Act?**

The Act covers all recorded information held by, or for, the County Council. Information may be held in the form of documents, e-mails, notes, videos, letters or audio tapes. It applies to all information held by, or for, the County Council, with the exception of environmental information, which is covered by the Environmental Information Regulations 2004, and an individual's own personal information, which is covered by the Data Protection Act 1998. The Act covers past or archived information as well as information in current use.

### **Requesting information from North Yorkshire County Council**

Anyone is able to make a Freedom of Information request. The request must be in writing and you can submit a request online on the Freedom of Information page of the County Council's website at [www.northyorks.gov.uk](http://www.northyorks.gov.uk), by email to [datamanagement.officer@northyorks.gov.uk](mailto:datamanagement.officer@northyorks.gov.uk) or by writing to:

Data Management Officer  
Internal Audit Services  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AL

A request should contain the following information:

- a contact address (postal or email)
- a detailed explanation of the information you would like to access
- the way you would like the information to be sent to you, for example via email, as paper copy or on a computer disc (where we have an email address for you, unless you request otherwise, we will respond to your request by email.)

If you have difficulty identifying the information you require we will be pleased to help you. In the first instance contact the Data Management Officer by telephone on 01609 533219 or using the contact details above.

When you submit a request the Data Management Office will acknowledge receipt and pass it onto the relevant service area, who will be responsible for answering the request. If your request

is unclear or we require further clarification from you to identify the information you are interested in we will contact you promptly to request this from you.

We must send a response to a Freedom of Information request within 20 working days. However, we are allowed a reasonable amount of extra time if we need to consider the public interest. The Act also allows us to make a reasonable charge for information we send you. This fee would be calculated in line with North Yorkshire County Council Charging Structure (details of which is available on the Freedom of Information page of the County Council's website at [www.northyorks.gov.uk](http://www.northyorks.gov.uk)) and of which you will be promptly informed. Payment in advance will be necessary and if you do not pay the fee within three months of the original request, your request will be considered lapsed.

### **Can a request be refused?**

There is a presumption under the Act that information should be released. However we will refuse a request if:

- The request is vexatious or repeated.
- The cost of providing the information will go over the 'appropriate limit' of £450 (or 18 hours of staff time), as stated in Freedom of Information (Fees and Appropriate Limit) Regulations. In this case we would offer advice and assistance on how it may be possible to amend the request to bring the estimated cost below this threshold.
- One or more of the exemptions set out in the Act to protect confidential or other information applies to the information requested.

There are two types of exemption: absolute, when there is no right of access to the information under the Act, and qualified, when we must consider whether it is in the public interest to withhold or disclose the information.

The absolute exemptions are when the request relates to:

- Information accessible to applicants by other means – this will usually mean the information already available through the County Council's website. Details of information which the County Council already makes available to the public can be found in North Yorkshire County Council's Publication Scheme guide to information on the Freedom of Information page of the County Council's website at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).
- Court records etc - this includes information in documents served for the purposes of legal proceedings filed with the court, or held by a person conducting an inquiry or arbitration.
- Personal Information - information about the person making the request and will be dealt with as a Subject Access Request under the provisions of the Data Protection Act 1998 (see the Data Protection Act page of the County Council's website at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).)
- Information provided in confidence - this applies if releasing the information would amount to a breach of confidence at the time the request is made.
- Prohibitions on disclosure - this applies to information the disclosure of which is prohibited by legislation, or European Community obligation, or if the disclosure would be a contempt of court.

The qualified exemptions which are subject to the public interest test relate to:

- Information intended for future publication - this applies where the County Council plans to publish the information in the future, and it is reasonable, at the time of the request, not to disclose it until then.
- Investigations and proceedings conducted by public authorities - this covers information relevant to criminal investigations and proceedings, and information obtained for criminal or civil proceedings.
- Law enforcements - this applies to a wide range of investigations and conduct, for example, information which will prejudice the prevention or detection of crime.
- Health and safety - this exemption applies to information which would, or would be likely, to endanger the physical or mental health or safety of any individual.
- Environmental information - access to this information is provided under the Environmental Information Regulations 2004 (see the Environmental Information Regulations page of the County Council website at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).)
- Personal Information (concerning a third party) - requests for personal information about someone else will be dealt with under the Freedom of Information Act, but the principles of the Data Protection Act 1998 will be used to determine whether it should be disclosed.
- Legal professional privilege - this applies where a claim to legal professional privilege could be maintained in legal proceedings.
- Commercial Interests - this exemption applies to trade secrets and information, the disclosure of which would, or would be likely to, prejudice the commercial interests of any person.
- Prejudice To Effective Conduct Of Public Affairs - information can be withheld if, in the reasonable opinion of a qualified person, it would, or would be likely to prejudice the effective conduct of public affairs.

If the information you have requested affects the rights of other people or organisations (known as third parties), for example if the information includes someone else's personal data or information which may affect their business), we may need to contact them to seek their views on disclosure of the information. We will then take their views into consideration when deciding whether the information is exempt from disclosure.

If we refuse access to some or all of the information you have requested because of an exemption, we will write to you explaining the exemption we have applied and how it applies to your request.

In some instances we may not hold the information you have requested however we think that another authority may hold the information you have requested we will advise you to contact the other authority accordingly.

### **Complaints Procedure**

If you are unhappy with the way in which we have handled your request, the fee we have charged, or the reasons we have given for not providing information, you have the right to appeal. The review of the request and information provided will be a two-stage process.

1) If you are unhappy with the response from the County Council, you will be able to ask for an internal review of that decision by a senior County Council officer by writing to the Data

Management Officer at [datamanagement.officer@northyorks.gov.uk](mailto:datamanagement.officer@northyorks.gov.uk) or Data Management Officer, Internal Audit Service, County Hall, Northallerton, North Yorkshire, DL7 8AL. The Corporate Director of Finance and Central Services will appoint an officer who was not involved with the original decision to conduct the internal review. The officer will evaluate your request, the information held by the County Council and the initial response which was sent to your request. You will then be informed of the outcome of the review in due course.

2) Following the internal review, if you remain dissatisfied, you can seek an independent review from the Information Commissioner. Requests for a review by the Information Commissioner should be made in writing directly to:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel: 01625 545 700  
Fax: 01625 545 510

### **Useful Contacts**

For more information contact the Data Management Office using the contact details above, visit North Yorkshire County Council's website at [www.northyorks.gov.uk](http://www.northyorks.gov.uk) or the Information Commissioner's website at [www.ico.gov.uk](http://www.ico.gov.uk).