

Freedom of Information



Publication scheme
Page 3

Accessing Information
Page 5

Processing Requests
Page 7

Fees and Charges
Page 8

Process Map
Page 11

"Delivering Excellent Housing Services"

Contents

Vision and Values	Page 3
Publication Scheme	Page 4
Introduction	Page 5
Third Parties	Page 6
Processing Requests	Page 7
Fees and Charges	Page 8
Complaints and Appeals	Page 9
Process	Page 10
Process	Page 11
Useful Contacts	Page 12

Vision and Values

Ashfield Homes Limited (“the Company”) aims to ensure that it adopts a transparent approach in its decision making and its delivery of services to its customers.

Scope

To achieve the above and also to comply with the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIR) and any other legislation that provides a right of access to information, this is the Company’s policy for dealing with requests for information.

Freedom of Information Act 2000

A general right of access under the FOIA came into force in January 2005. Since that date individuals have a legal right to request any information held by a public body, subject to certain statutory exemptions. The Company is a public body for the purposes of the FOIA as it delivers public services and is wholly owned by a local authority to which the FOIA also applies.

The Company must respond to requests and provide the requested information within 20 working days of the date of the request. If the Company considers that the information requested is “exempt” i.e. not for release or publication, it must also notify the requestor within 20 working days of that fact providing clear reasons why the information is not being disclosed.



Publication Scheme

The FOIA requires public authorities to have an approved Publication Scheme, which is a means of providing access to information which an authority proactively publishes. In order to promote this, the Company has published a range of information on its website for universal access.

This is available on www.ashfieldhomes.co.uk.

The section headed “Performance and Improvement” leads to a link entitled Publication Scheme. This provides access to the document itself and the associated information we publish.

Governance

The FOIA is intended to make the Company more accountable and to enhance public participation in our decision-making processes.

The FOIA is closely linked to the Data Protection Act 1998 (DPA), which has already been in operation for several years. The DPA concentrates specifically on personal information held by organisations about individuals.

The Information Commissioner is appointed by government to monitor the way in which public bodies comply with the FOIA and DPA. The Information Commissioners role is to promote public access to official information and protect individuals’ personal information.

The Information Commissioner Office (ICO) publishes advice, Codes of Practice and decisions regarding both the FOIA and the DPA on its website www.ico.gov.uk

If requests for information are made to the Company and are refused then there is a right of appeal to the ICO.

Responsible Officer

The Company Solicitor and Secretary is also the DPA Officer and FOI Officer for the Company and will take the lead role and:

- Be responsible for the provision of advice and guidance on FOIA, EIR and DPA
- Respond to requests for information
- Comply with requests made by the ICO
- Determine when a request should be refused

Information-

a) what is covered?

“Information” means anything “recorded” by the Company.

This includes anything the Company:

- Writes
- Stores
- Processes or
- Publishes, including reports, letters, faxes, emails and handwritten notes.

b) what should be provided?

The Company must provide the information requested rather than copies of the documents themselves. The information requested may well not be included in one specific document but instead be spread across parts of a number of documents.

c) what is exempt?

The emphasis of the FOIA is on disclosing as much information as possible.

However, there are a number of absolute exemptions which must be applied to certain categories of information, such as information that:

- Relates to national security
- Prejudicial to international relations
- Commercially sensitive information
- Subject to parliamentary or Court privilege
- Subject to a duty of confidence
- Personal data about other people, release of which would breach the DPA.

Exemptions may also be applied if the Company considers that the public interest in not disclosing the information outweighs the public interest in disclosing it.

d) other classes of information

Environmental information which can be accessed through the Environmental Information Regulations

An applicant wishing to access information about themselves should use their rights under the DPA rather than FOIA



Accessing the information

Individuals can obtain information from the Company either by

- Accessing the Publications Scheme
- Making a direct request to the company

Individuals must make their request

- In writing – by letter, fax or email
- Include their name and address/email address
- Describe the information they want.

There is no requirement to refer to the FOIA, and individuals do not have to say, why they want the information.

The Company has a duty to provide assistance to individuals who have made, or who are thinking of making a request and to help applicants understand their rights under the FOIA.

Individuals may then ask for:

- A copy of the information they seek
- The chance to inspect the records, or
- Be provided with a summary of the information.

The Company will confirm whether or not it has the information. The Company will try to provide the information in the form requested unless it is unreasonable to do so.



Third Parties

Information held by a third party

If the Company receives a request for information by an applicant which it does not hold, but knows is held by another public body, it will provide as much assistance as possible to the applicant in transferring their request to the body which holds the information. This may be by simply directing them to the appropriate public body, or if they agree, and it is reasonable to do so, transferring the request direct.

If the Company holds any of the information that has been requested it will treat that part of the request as an FOIA request and process it accordingly.

All transfer of requests and contact with those who have requested information that is held by another public authority will be undertaken as soon as possible so that there is no undue delay. Time for compliance does not start until the request is received by the public body that does hold the information requested.

Information about a third party

The Company recognises that disclosure of information may affect the legal rights of third parties. The Company further recognises that unless an exemption is provided for in the FOIA there will be a requirement to disclose that information in response to a request. If the consent of a third party is required prior to disclosure of information, the Company will, at the earliest opportunity, seek to consult with that third party with a view to seeking their consent to the disclosure, unless such a consultation is not practical.

A third party's refusal to consent to disclosure of information does not necessarily mean that information will be withheld. Wherever possible the Company will include provisions in its contracts setting out its obligation under the FOIA in advance of contracting with the third party.

Unless an exemption under the Act applies in relation to any particular part of the contract, the Company will be obliged to disclose information in response to a request regardless of the terms of any contract. Trade secrets are exempt information as is information which would prejudice the commercial interests of any person, including the Company. This exemption is subject to the public interest test i.e. whether the public interest in maintaining the exemption outweighs the public interest in disclosing it.

The Company will seek, during the tendering process, to discuss and agree with the contractor a schedule of information which the contractor wishes not to be disclosed. However, even if such a schedule is included, the restrictions on disclosure may subsequently be overridden by obligations under the FOIA. Further, the public interest in releasing information may after passage of time, be in favour of disclosure.

If the Company enters into a contract with a non public body to provide a service that is a function of the Company then that non public body will be subject to the terms of the FOIA.

For individuals, the Company recognises the importance of the DPA 1998 and the Human Rights Act 1998 and this policy is written in accordance with their terms. The Company will not disclose personal data of employees or customers except as permitted by law.

Processing Requests

How the Company will process requests

The Company ensures that employees know how to recognise a FOIA request. As part of their Induction employees are briefed about the FOIA.

If an employee is away from work then an automated message will appear to applicants directing them to a point of contact for requests. All requested are logged in a central data base which will also log the date of the request being made and the date of the response.



The Policy applies to all employees and separate guidance is provided to assist with the details of any queries.

The flowchart at Appendix 1 demonstrates how an FOIA request is handled by the Company.

Vexatious Requests

The Company does not have to comply with vexatious requests and does not have to consider the public interest test. The ICO has provided guidance on what type of request is considered to be vexatious. The Company will comply with this guidance.

This can be located at :-

www.ico.gov.uk

To decide whether a request is vexatious, the Company will look at the context of the request and relevant history to decide if the request is likely to cause unjustified distress, disruption or irritation.

In order to make this decision the Company will consider the following factors:

- Can the request fairly be seen as obsessive?
- Is the request harassing the Company or causing distress to employees?
- Would complying with the request impose a significant burden in terms of expense and distraction?
- Is the request designed to cause disruption or annoyance?
- Does the request lack any serious purpose or value?

Fees and Charges

Fees and Charges

Normally requests are handled free of charge.

The Company is allowed to charge a fee for responding to certain requests where significant resources are to be utilised in complying with the request. The amount that can be charged is set out in statutory regulations and may change by law. This is currently set at £450 based on 18 hours of work at £25.00 per hour.

If the Company estimates that the cost of compliance would exceed the appropriate limit as set out in the Fees Regulations, the Company is not obliged to comply with the request until the fee is paid.

The 20 working days for responding to requests is put on hold until the fee is paid. If the fee is not paid within 3 months the Company will assume the applicant no longer wants the information.

The Company may, in certain cases, on a discretionary basis set out what information could be provided within the appropriate limit. In addition the Company may charge for photocopying and postage of documents.



Complaints and Appeals

Complaints

The Company operates an internal complaints procedure for FOIA's. Any individual who is unhappy with the way in which the Company has handled their FOIA request for information may use this procedure or write to:

Chief Executive
Ashfield Homes Limited
Broadway,
Brook Street,
Sutton in Ashfield,
Nottingham,
NG17 1AL.

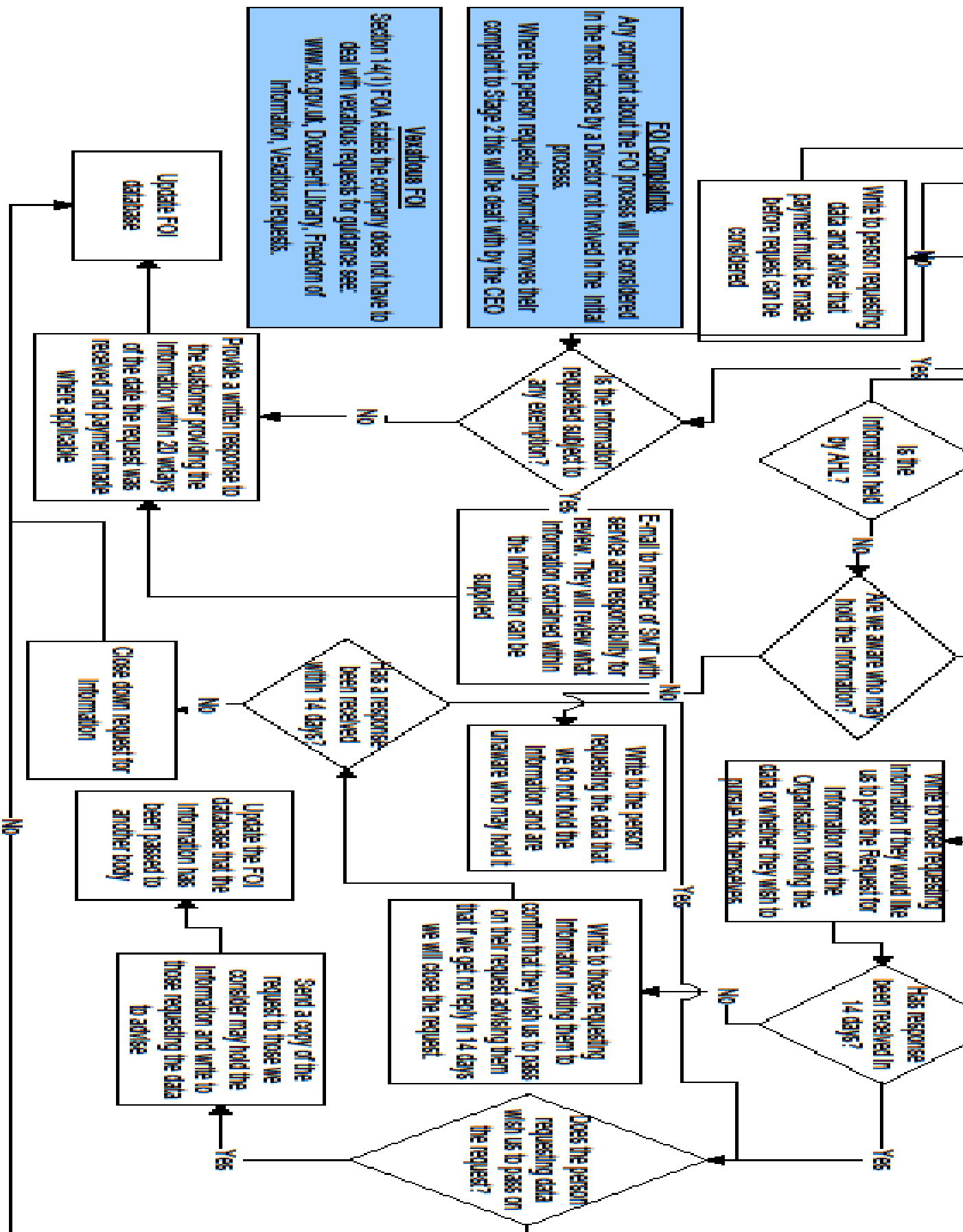


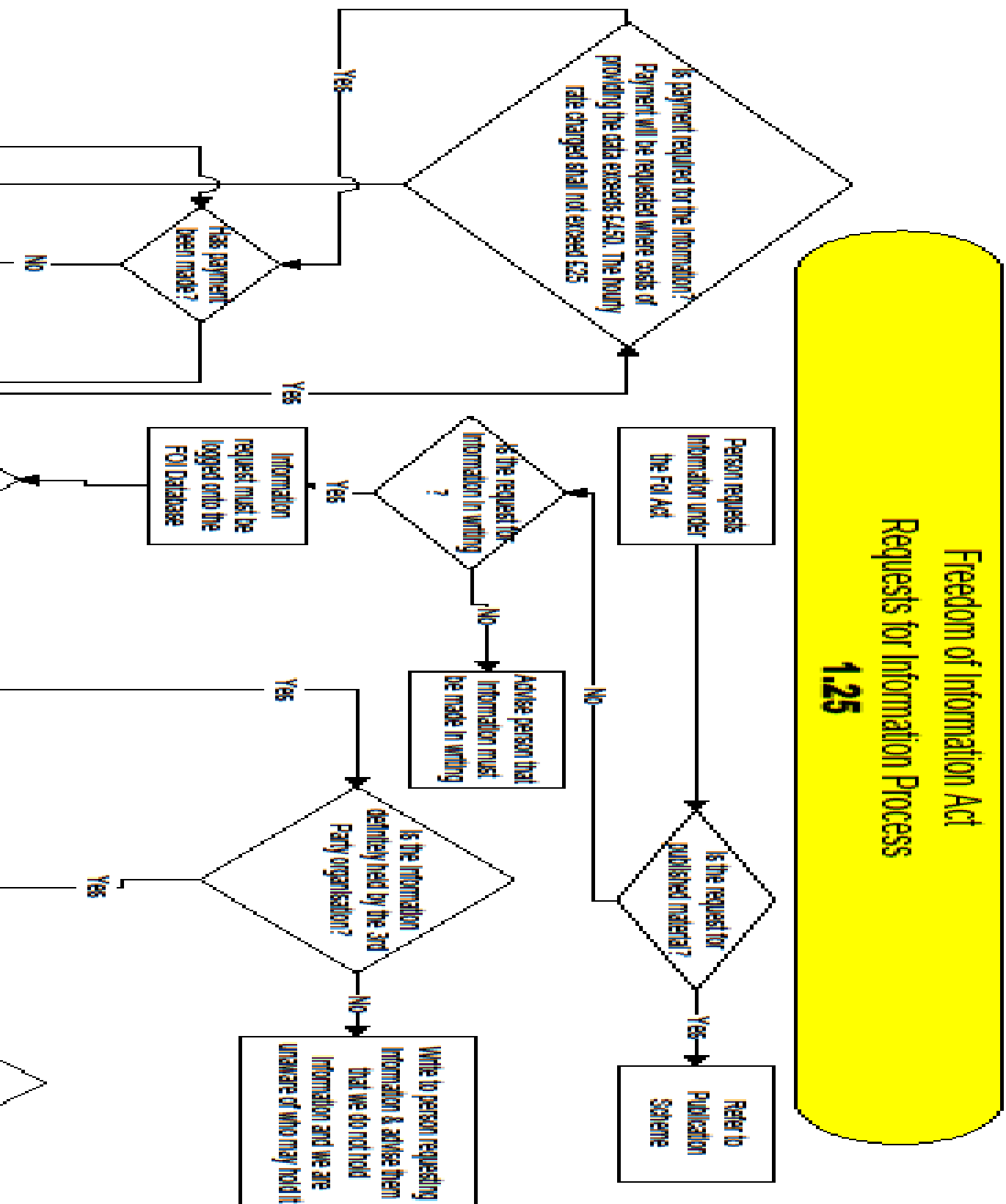
Appeals

There is a right of appeal to the ICO in the event of any continued dispute. The ICO contact details are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel - **01625 545700** or
Website - www.ico.gov.uk.

Process





Last
Updated
12/05/2011

Useful Contacts

Ashfield District Council
Urban Road
Kirkby-in-Ashfield
Nottinghamshire
NG17 8DA

Tel - **01623 450000**
Fax - **01623 457585**
Email - info@ashfield-dc.gov.uk
Website - www.ashfield-dc.gov.uk

Ashfield Homes Ltd,
Head Office,
Broadway,
Brook Street,
Sutton-in-Ashfield,
Nottinghamshire,
NG17 1AL

Company number - 4294485
Tel - **01623 608888**
Fax - **01623 608930**
Email - ahlmail@ashfieldhomes.co.uk
Website - www.ashfieldhomes.co.uk

Kirkby Property Shop
Unit 2
Shopping Centre
Lowmoor Road
Kirkby-in-Ashfield
Notts
NG17 7BE
Tel - **01623 608932**

Sutton Property Shop
16 Brook Street
Sutton-in-Ashfield
Notts
NG17 1AL
Tel - **01623 608950**

Hucknall Property Shop
Council Offices
Watnall Road
Hucknall
Notts
NG15 7LA
Tel - **0115 956 8713**

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel - **01625 545700** or
Website - www.ico.gov.uk

IF YOU REQUIRE THIS DOCUMENT IN ANOTHER FORMAT,
FOR EXAMPLE ANOTHER LANGUAGE, AUDIO CD,
BRAILLE OR REQUIRE A MAGNIFYING SHEET TO MAKE
THE TEXT LARGER PLEASE CONTACT US ON
TEL - **01623 608888**.