

# REPORT

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## COMPLIANCE WITH FREEDOM OF INFORMATION ACT 2000 AND ENVIRONMENTAL INFORMATION REGULATIONS 2004

### Report Summary:

This report outlines the Freedom of Information (Fol) Act 2000 and the Environmental Information Regulations (EIR) 2004, their implications for the Council, the actions necessary to achieve compliance with the Act and the Regulations and finally, to seek approval for the Council's policies on Document Retention and Access to Information (which also includes access to personal information under the Data Protection Act 1998), which are shown at the appendices.

1. **Background** The Freedom of Information Act 2000 gives people and organisations the right to request information from public authorities. It is intended to promote a culture of openness and accountability amongst public sector bodies, and therefore facilitate better public understanding of how public authorities carry out their duties, why they make the decisions they do, and how they spend public money (NB access to environmental information is specifically under the EIRs).

In addition to the Fol Act 2000 and the EIRs, the other access to information regime which impacts on the work of the Council is the *Data Protection Act 1998 (DPA)* which enables individuals to gain access to information of which they are the subject, eg their own Benefits or Housing records, etc.

The Fol Act and the amended EIRs come into force on 1<sup>st</sup> January 2005 (the DPA is already in force).

2. **Implications for the Council:** The Fol Act provides for a general right of access to information held by Public Authorities and, subject to certain exemptions, any person who makes a Request for Information (RFI) in writing to a public authority, must be informed whether the public authority holds that information. If it does, that information must be supplied, subject to certain conditions, and within a 20-working-day period (except where the information is already available via the Authority's publication scheme).

\*NB Requests under the EIRs need not be in writing

**Publication Schemes** Every public authority is required to adopt and maintain a publication scheme setting out how it intends to publish the different classes of information it holds, and whether there is a charge for the information. The Council's Publication Scheme was approved by Cabinet on 18<sup>th</sup> December 2002 and is due to be updated.

**Normal Business Requests** As mentioned above, RFIs under the Fol Act must be in writing; however, many of the requests that the Council receives are verbal (either by telephone or at reception areas) and concern 'Normal Business Requests' (NBRs), such as requests for benefit claim forms, details of leisure facility opening times, and interactions of a personal nature, eg to do with housing or planning application issues: such NBRs are considered to be outside of the scope of this report.

**Disposal and Retention of documents** The retention of documents for extended periods has been a feature of Local Government for as long as it has been in existence. However, unnecessarily retaining a large document-base under an Fol regime has the potential to generate a significant workload in responding to RFIs and creates inefficiencies in day-to-day business operations. Furthermore, in the light of the current plans to centralise the Council's offices, there will be restrictions on available document storage space. In the light of this, an exercise will be undertaken to consider the disposal of documents against an agreed schedule available in Bourne Hill Reception, in the Members' Room and on the Internet.

3. **Approach to compliance:** The introduction of the FoI Act on 1<sup>st</sup> January 2005 will bring with it a need to respond in an efficient, effective and timely manner to RFI's, a large percentage of which (perhaps 80%) will be dealt with by 'front-of-house' Customer Service Unit (CSU) staff; to assist in this response, an approach to compliance has been drawn up which provides the tools to enable CSU staff (and those in the 'back office' Service Units) to effectively manage the task:

**Updated Publication Scheme** The Scheme is currently being updated to reflect current circumstances and with a view to avoiding too many requests having to be met within the 20-working-day limit. The initial pass is scheduled for completion by December 2004, but the Scheme will be subject to continual updating.

**List of Frequently Asked Questions (FAQs)** Service Units have been asked to provide details of the questions that they consider are most likely to be asked under an FoI regime. Answers would be provided in advance, along with any relevant documents. The initial list to be available by December 2004, but again, will be subject to continual updating.

**RFI-handling and request-tracking procedures** Procedures will have been drawn up by December 2004 to enable CSU and other staff to respond effectively to RFI's and to track their progress where an immediate answer cannot be provided. The procedures will initially be 'manual' (but using some elements of existing computer systems) and will be largely automated once the Customer Relationship Management system goes live in 2005.

**Awareness and training** Arrangements have been made for a structured programme of training and awareness, some of which has already been delivered to Service Units. CSU staff and Service Unit Heads and their Data Access Reps will be trained by December, the remaining staff by March 2005.

**Electronic Document Records Management System (EDRMS)** The 'Valid' EDRMS, which has so far been used for scanning hard-copy documents, has modules that can manage electronically-produced documents, particularly with FoI in mind. A long-term development programme is under consideration (scheduled to commence in April 2005 and likely to last for 18 months to two years) that would benefit FoI request-processing and the reduction of hard-copy document holdings in advance of Office Centralisation.

**Information Audit** An audit of all documents holdings will be undertaken, commencing in the first quarter of 2005, following the disposal exercise mentioned at 2 above. The remaining documents will be included in an Information Catalogue that will eventually (subject to any exemptions that might apply) be published on the SDC website and will not only serve the public in their information requests, but as a general resource for staff and Elected Members.

4. **Recommendations:** It is recommended that the Council adopt the above approach to compliance with the FoI Act and the EIRs and approve the Access to Information and Retention and Disposal policies.

**Background Papers:** Current Council Publication Scheme

5. **Implications:**

- **Financial:** The cost of the new Act is impossible to determine as it depends on the demand for information; however by accepting the recommendations of the report, the Council will reduce the potential impact of information requests. Furthermore, the Government has announced that where requests cost under £450, they will not be chargeable, but that councils will be reimbursed for any additional costs, in 2005-06 and beyond, falling on them as a result of the FOI Act.
- **Legal:** Covered in the report
- **Council's Core Values:** The report and recommendations help to support the Core Values by:
  - Providing excellent service
  - Being fair and equitable
  - Communicating with the public
  - Being environmentally conscientious
  - Wanting to be an open, learning Council and a willing partner
- **Consultation Undertaken:** Service Unit Heads/Unions