



Northumberland County Council

INFORMATION GOVERNANCE POLICIES AND PROCEDURES

Freedom of Information Policy

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Northumberland County Council

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VERSION	DATE	DESCRIPTION
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1.0	06/12/2007	Final Version
1.1	02/05/2013	Updated
2.0	11/11/2015	Updated to include the Publication Scheme and Datasets
2.1	21/11/2016	Changes made after consultation with the Information Governance Group, Digital Northumberland Board and Corporate Leadership Team
2.2	08/05/2018	Amendments to this policy in line with GDPR
3.0	22/02/2021	2 Year Review

Related Policies

POLICY NAME	POLICY REFERENCE
Records Management Policy	NCC.IG01
Data Protection and Confidentiality Policy	NCC.IG02
CCTV Policy	NCC.IG03
Freedom of Information Policy	NCC.IG04
Environmental Information Policy	NCC.IG05
Information Charging Policy	NCC.IG06
Re-use of Information Policy	NCC.IG07
Information Complaints Policy	NCC.IG08
Anonymisation and Pseudonymisation Policy	NCC.IG09
Information Security and Transportation, Transfer and Sharing of Data Policy	NCC.IG10



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Data Quality Policy	NCC.IG11
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1. Introduction

- 1.1 Northumberland County Council is committed to implementing the provisions of the Freedom of Information Act 2000, and related legislation. From 1 January 2005 there is a general right of access to all types of recorded information held by the Council, subject to certain exemptions, and a response is required within strict deadlines. The Act is fully retrospective and covers all information held by the Council. The Information Commissioner's Office (ICO) regulates the Act in the UK and a copy of their guidance note about this legislation can be accessed at www.ico.org.uk.
- 1.2 The council already makes a considerable amount of information available to the public via its website, contact centres, tourist information offices, local newspapers and libraries.
- 1.3 The council's constitution sets out the basis of the public's right to information held by the council including information on council decisions and the reasons for those decisions. Information is an important asset that the council manages and the Act provides a catalyst to make it more widely available.
- 1.4 The Act gives a right of access to both individuals and organisations to all types of recorded information held by public authorities, such as the council. Recorded information includes paper records, emails, information stored on computer, audio or video cassettes, microfiche, maps, photographs, handwritten notes or any other form of recorded information. The Act now also places certain obligations on the council in relation to datasets, which in this instance are collections of factual raw data gathered as part of delivering services and functions. The section 45 code of practice of the Act gives recommendations for public authorities about their handling of requests.
- 1.5 Public authorities have two main responsibilities under the Act. They have to produce and maintain a Publication Scheme (a guide to the information they hold which is publicly available) and they have to deal with individual requests for information. The Act also sets out exemptions from the right of access.
- 1.6 Generally, requests for information need to be responded to within 20 working days. To ensure compliance, information needs to be well managed to enable us to determine if it exists and be able to locate it promptly. The code of practice on the management of records under section 46 of the Act provides guidance on practices to be followed.



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- 1.7 All requests for information are recorded in a single corporate register with a unique identification reference number.

2. Purpose & Scope

2.1 Purpose

- 2.1.1 The purpose of this policy is to provide a framework to ensure that the Council fully complies with its statutory requirements under the Freedom of Information Act 2000 (FOIA). Compliance with the Act will be achieved by making sure that we maintain an up to date Publication Scheme and that requests for information are dealt with as set out in this policy.
- 2.1.2 Compliance with this policy will facilitate compliance with other information related legislation; this includes our Environmental Information Regulations Policy, Records Management Policy, Data Quality Policy and the Data Protection and Confidentiality Policy.
- 2.3 To support the Council's principles of openness and accountability in respect of its local decision making processes.
- 2.4 To ensure that Council staff are aware of their responsibilities under the Act.
- 2.1.3 Elements of the County Council's Employee and Members Codes of Conduct will also apply.
- 2.1.4 This policy is part of a suite of Information Governance policies.

2.2 Scope

- 2.2.1 This policy applies to all elected members, employees, contractors, agents, consultants, partners or other servants of the Council who manage and handle personal information held by, or on behalf of Northumberland County Council (NCC).
- 2.2.2 It applies to all the information the Council holds i.e. all the information created, received and maintained by staff and Members of the Council in the course of their work. Information can be held in all types of format including paper documents, electronic, visual and any other type of records that are not about living individuals.

3. Aim of the Policy

- 3.1 Northumberland County Council will, through appropriate procedures and controls:

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- Comply with the Freedom of Information Act 2000, and use this as an opportunity to enhance public trust and confidence.
- Seek to satisfy all FOI requests promptly and within 20 working days. However, if necessary this timescale will be extended to give full consideration to a Public Interest Test. If we do not expect to meet the deadline we will inform the applicant as soon as possible of the reasons for the delay and when they can expect a reply.
- Continue to protect the personal data entrusted to us, by disclosing that information only in accordance with the provisions of the General Data Protection Regulation 2018.
- Maintain a comprehensive 'Publication Scheme' that provides information which is accessible without the need for a formal FOI request.
- Provide advice and assistance to facilitate their use of FOI. We publish our procedures and assist applicants to clarify their requests so that they can obtain the information that they require.
- Aim to supply the information in the format requested.
- Work with its partners and contractors to ensure that we can meet our FOI obligations, including the disclosure of any information that they hold on the Council's behalf.
- Apply the exemptions provided in the Act and, where qualified exemptions exist, we will disclose the information unless the balance of public interest lies in withholding it.
- Consult with third parties before disclosing information that could affect their rights and interests. However, according to the Act, the Council must take the final decision on disclosure.
- Record all FOI requests and our responses and will monitor our performance in handling requests and complaints.
- Charge (where applicable) for information requests in line with the FOI Fees Regulations
- Adopt good information and record management practices in line with the Secretary of State's "Code of Practice on the keeping, management and destruction of records under section 46 of the FOI Act".
- Ensure that all permanent and contract staff are aware of their obligations under FOI and will include FOI education in the induction of all new staff.

4. Roles and Responsibilities

- 4.1 Council
- 4.2 CEO
- 4.3 Senior Information Risk Owner (SIRO)
- 4.4 Executive Directors/Service Directors/Head of Service
- 4.5 IG Board
- 4.6 IG Team
- 4.7 Link Officers
- 4.8 All Staff



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5. Definitions

6. Freedom of Information Act

6.1 Publication Scheme

6.1.1 The council's Publication Scheme publishes information divided into the following seven classes, as recommended by the Information Commissioner (ICO) in the Model Publication Scheme:

1. Who we are and what we do
2. How we make decisions
3. What we spend and how we spend it
4. What our priorities are and how we are doing
5. Our policies and procedures
6. Lists and registers (including datasets)
7. The services we offer

6.1.2 The Publication Scheme is available on the council's website www.northumberland.gov.uk.

4. Information not covered by the publication scheme

6.1 The following information is not usually made available by the council's publication scheme:

- Information prevented from disclosure by law or by an exemption under the FOIA, EIR or General Data Protection Regulation;
- Information in draft form;
- Information no longer readily available including that which has been archived or is difficult to access for similar reasons.

6.2 Any information held by the council that is not published in the scheme can be requested and its disclosure will be considered in accordance with the relevant legislation. Details of how to make such requests are available on the council's website.



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7. Datasets and the publication scheme

- 7.1 Section 19 of the FOIA now means that the Council must publish any datasets released under FOIA in its Publication Scheme. The Council will also consider publishing electronic dataset information made available under the EIR in the same way.
- 7.2 Where possible these datasets will be made available in a form that is capable of re-use. Where the council alone owns the Copyright of the dataset details of the terms under which the information can be re-used will also be advised in the Publication Scheme.
- 7.3 Any regular updates to the datasets that it is reasonable for the council to make will also be regularly added to the scheme.
- 7.4 For more information about the re-use of information please see the Council's Re-use of Information Policy, which is available on the council's website using the following link www.northumberland.gov.uk.

8. How do I obtain information through the publication scheme?

- 8.1 Where possible we will provide the information detailed in our Publication Scheme on our website. If this is not the case or if a copy in another format is required we will advise how the information can be accessed in these other formats in the scheme.
- 8.2 If an appointment is required to view information, details will be provided within the Publication Scheme about how to make an appointment.
- 8.3 If the Publication Scheme or documents available through it are required in another form to comply with disability legislation we will if possible provide the requested format. Information is generally published in the language in which it is held. If copies are requested in other languages the council will translate if legally required to do so.

6.2 Requests for information

- 9.1 The Act provides individuals and organisations, from anywhere in the world, with the right to request access to information held by the council. These are known within the Council as FOI requests.
- 9.2 The Act only covers requests for recorded information and does not cover instances where explanations, opinions, comment, interpretations or unrecorded discussions are requested.
- 9.2 The applicant does not have to state that the request is being made under the Act. Any request for information not able to be answered as part of normal day to day business or where the applicant asks for it to be handled under the Act will be treated as a potential FOI request.



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9.3 An applicant making a request for information is entitled to be informed if the Council holds the information specified in the request (the duty to confirm or deny), and if the Council holds the information to have that information communicated to them, subject to certain conditions and exemptions.

9.3 If we decide to deal with a request for information under another information request regime or as a combination of regimes we will advise accordingly. An example is when a request for someone's own personal information is made under the Act. In this instance the request would be considered under the General Data Protection Regulation 2018.

9.4 A valid FOI request must:

- Be in writing.
- Provide enough information to determine the information requested, however there is no legal requirement to state why the information is required.
- Include the applicant's name and either a postal address or email address.
- State whether the response should be either in hard copy or by email.

9.5 Requests should be direct to:

Information Governance Team
Northumberland County Council
County Hall
Morpeth
NE61 2EF

Or by email to InformationGovernance@northumberland.gov.uk

9.6 Under Section 16 of the Act, the Council has a duty to provide advice and assistance, so far as is reasonable, to the applicant requesting information. This may involve assisting the applicant in making their requests by suggesting what information is available or seeking clarification from the applicant in order that the information requested can be identified.

9.7 Upon receipt of an FOI Request, the Information Governance Team commission Link Officers (LOs) to collate the requested information.

9.8 We aim to respond as soon as possible within the statutory time limits however this time may be extended if an exemption applies where we need to carry out a public interest test. Working days are considered to be any day other than a Saturday, Sunday, Christmas Day, Good Friday, Boxing Day or a day which is a bank holiday under the Banking and Financial Dealings Act 1971.

9.7 If we are unable to provide some or all information we will explain why in writing within 20 working days advising which exemption applies and why.

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10. Exemptions

- 10.1 The Act has a series of exemptions that may prevent the right of access to information and which therefore may prevent release including:
- Information accessible to applicant by other means
 - Information intended for future publication
 - Environmental information
 - Information provided in confidence
- 10.2 Some exemptions are 'absolute' either in whole or part. This means that the requested information does not need to be disclosed under any circumstances.
- 10.3 Other exemptions are 'qualified' exemptions in that they are subject to a public interest test either in whole or part. This means that a public interest test will be carried out and the information will only be withheld if the public interest in not disclosing is greater than the public interest in disclosing.
- 10.4 Some of the 'qualified' exemptions are also subject to a prejudice test, which must be carried out before the information can be considered exempt. This test considers whether harm will or is likely to be caused if the information is released.
- 10.5 We will explain in our response if we have carried out a public interest or a prejudice test and if we are withholding the information, why this is the case.
- 10.6 In some cases if an exemption applies and permits it, we may also decide to not to say whether we hold the requested information. This would be the case if, for example to say we hold the information would reveal something of the content. Again, we will explain this in our response.
- 10.7 The Council reserves the right to refuse vexatious or repeated requests where we have previously complied with a similar request from the applicant within a reasonable period of time.

XXX Charges and Fees

XX7 Please refer to the Council's Information Request Charging Policy



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XXX1 Release of Council Employee Names/Details

It is the Council's policy to only disclose details of senior members of staff either via the Publication Scheme or in response to an information request. Requests for details of junior staff will only be disclosed with their consent or where the information is already in the public domain. eg their name is mentioned on a procurement contract or in the minutes of a public meeting etc

This is in accordance with the Information Commissioner's Officer (ICO) guidance on personal data which states that only senior officials that carry out a public role should expect their information to be disclosed.

XXX2 Appeals and complaints

Xxx22 Please refer to the Council's Information Complaints Policy

XXX3 Re-Use of Public Sector Information

Xxx33 Please refer to the Council's Re-Use of Information Policy

11 Transfer of requests

11.1 Where the Council believes information to be held by another public body it will either:

- Transfer the request to the appropriate body when consent has been given to do so, or
- Supply the applicant with the name and address of the public authority to be contacted.

12. Roles and responsibilities

12.1 Each Corporate Director, Director and Head of Service has responsibility for ensuring that individual employees follow procedures for handling requests for information and manage all records to ensure that requests for information can be handled efficiently and effectively.

12.2 The Council will ensure that:



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- There is a nominated Officer with specific responsibility for Freedom of Information in the Council. The nominated Officer for the Council is the Data Protection and Information Governance Officer.
- The Data Protection and Information Governance Officer will oversee the day to day operation of Freedom of Information procedures.
- An Officer is appointed in each Group as the Freedom of Information Link Officer with responsibility for Freedom of Information.
- Staff are aware of their responsibilities in compliance with the Freedom of Information Act and associated Codes of Practice.
- Staff are trained to an appropriate level to respond to requests for information.
- Procedures for handling Freedom of Information requests are clearly described.
- Freedom of Information requests are promptly and courteously dealt with.
- Anyone wanting to make enquiries about making a Freedom of Information request knows how to do so.
- Internal Audit to conduct periodic reviews of the way Freedom of Information is managed.
- Our performance in handling Freedom of Information requests is reviewed and assessed on a regular basis.

12.3 Corporate responsibilities

- 12.3.1 All employees and Elected Members have obligations and responsibilities to ensure that Freedom of Information requests are met within timescales, as determined by their role and function they fulfill within the Council.

12.4 Elected Members

- 12.4.1 If Elected Members are acting as Members of the Council then they will have the same corporate responsibilities as employees to ensure that all Freedom of Information requests are met within timescales.
- 12.4.2 The responsibilities of Elected members is to:
- Gain an understanding of Freedom of Information and how it affects the Council
 - Require Officers to develop and implement an effective framework for managing records
 - Ensure the Members Code of Conduct is adhered to

12.5 The Senior Information Risk Owner (SIRO)

- 12.5.1 The Executive Director of Finance is the SIRO for NCC and has the overall responsibility for Freedom of Information in the Council. The SIRO is responsible



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for ensuring the integration of Freedom of Information through compliance with the codes of practice for local authority functions and records management, and the promotion of standards and best practice, to meet the requirements of the Freedom of Information Act.

12.5.2 It is also the role of the SIRO to ensure that Freedom of Information is managed effectively through the continued implementation of the Freedom of Information Policy.

12.5.3 The SIRO is responsible for:

- Approving and promoting the implementation of the policy
- Monitoring and reviewing the effectiveness of the policy
- Ensuring that officers with responsibilities for Freedom of Information functions are supported in their work in terms of commitment and resources
- Ensuring that Freedom of Information is suitably recognised in the setting and monitoring of budgets

12.6 Executive Directors, Directors and Heads of Service

12.6.1 It is the role of the Executive Directors, Directors and Heads of Service to manage the effective implementation of the Council's Freedom of Information Policy. Their responsibilities are to:

- Appoint a group representative to be responsible for Freedom of Information requests (Service Link Officers)
- Include the roles and responsibilities of the Freedom of Information representatives within current and future job descriptions
- Ensure all staff complete the online training package for Freedom of Information as part of their annual appraisal
- Maintain awareness for Freedom of Information in the course of the Council's business activities
- Ensure all staff adhere to the Council's agreed Policy, strategy and framework for Freedom of Information
- Feedback on Policy implementation
- Recognise Freedom of Information issues in service planning and resource allocation

12.7 Data Protection and Information Governance Officer

12.7.1 The role of the Data Protection and Information Governance Officer is to have responsibility for the freedom of Information mailbox, to ensure the logging of all incoming Freedom of Information requests and disseminate the requests to the appropriate Directorate Freedom of Information Link Officers. Other duties will include:



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- Preparing statistics and report these on a monthly to the Corporate Leadership Team and Digital Northumberland Board.
- Act as the point of contact for advice and guidance for all members of staff in NCC in respect of general Freedom of Information matters and the conditional exemptions to the Freedom of Information Act.

12.7.2 The responsibilities of the Data Protection and Information Governance Officer

- Ensure all Freedom of Information requests are logged correctly upon receipt
- Monitor requests to ensure that deadlines for responses are met
- Provide performance reporting, training and support to Link Officers
- Offer advice to staff on how to respond to requests
- Manage the content of the Freedom of Information public and staff webpages
- Ensure that correct records management procedures are followed in accordance with S.46 of the Freedom of Information Act.
- Monitor access rights to Freedom of Information logging system and case files
- Appoint a named stand-in during planned absence from work

12.8 Service Link Officer

12.8.1 Each Director should appoint a Service Link Officer. The roles and responsibilities for these representatives should be formally documented and included in job descriptions to ensure coordination and an effective distribution of responsibilities. This person will act as contact point within each service and will ensure a consistent approach to managing Freedom of Information risks.

12.8.2 The role of the Service Link Officer is to disseminate and monitor requests that have been passed to their Group by the Information Governance Office, ensuring that Freedom of Information requests are handled effectively in their service area.

12.8.3 The responsibilities of the Service Link Officer

- Champion the Policy within their Service
- Disseminate and monitor progress of Freedom of Information requests
- Escalate issues to the IGO at the earliest opportunity
- Save all of the documentation from each Freedom of Information request into its own case file
- Maintain the case file documentation in compliance with S.46 of the FOIA
- Appoint a named stand-in during planned absence from work

12.9 All employees



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- 12.9.1 All staff whether or not they create, receive or maintain information have responsibilities under the Act. It is the duty of all employees of the Council to ensure that they are fully aware of this Policy and their responsibilities, and they must comply with this Policy and the Council's Freedom of Information procedures.
- 12.9.2 All employees must:
- Be aware of Freedom of Information and what it means to the Council
 - Follow the Council's procedures for handling Freedom of Information requests
 - Respond to requests within 20 working days of receipt
 - Ensure that all Freedom of Information requests are forwarded to the Information Governance Office immediately upon receipt
 - Provide advice and assistance to persons making requests for information
- 12.9.3 The responsibilities of all employees
- All staff comply with the Freedom of Information Policy
 - Pass all Freedom of Information requests to the Information Governance Office for logging
 - Ensure that records are maintained according to the Council's Records Management Policy and Retention and Disposal Schedules
 - Consult with the Data Protection and Information Governance Officer for further advice and guidance

12.10 All contractors, consultants, partners or agents of Northumberland County Council

- 12.10.1 It is the responsibility of those staff dealing with external partners or consultants to:
- Ensure that they and all of their staff who create or manage records on behalf of the Council, are aware of the Policy and are fully trained in and aware of their duties and responsibilities under the Act
 - Ensure that all contractors are aware that any information supplied to the Council will be subject to the terms of the Act
 - Ensure that Freedom of Information requests are handled effectively
 - All contractors, consultants, partners or agents to comply with Freedom of Information Policy
 - Ensure that records are maintained according to the Council's Records Management Policy and retention schedules

13. Training and awareness



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- 13.1 The Chief Executive, Executive Directors, Directors, Heads of Service and Managers are responsible for identifying staff training needs and will ensure that Members and employees are appropriately trained and understand their responsibilities as set out in this Policy.
- 13.2 An e-learning training package is available through Learning Together. Other guidance and information are available on the Council's Freedom of Information webpage and the Council's Information Governance Intranet pages
- 13.3 All new employees must complete the digital Freedom of Information awareness training module as part of their Mandatory training. Staff whom are regularly co-ordinating FOI requests will receive further bespoke training from the IG Team.
- 13.4 Key Staff that have been indicated as FOI Link Officers will receive further bespoke training.

14. Implementation

- 14.1 This policy is effective immediately.
- 14.2 All staff are required to comply with the requirements of this Policy; failure to do so may result in disciplinary action. This policy is implemented in conjunction with the Council's Environmental Information Regulations (EIR) Policy and the Information Request Charging Policy.

15. Monitoring and review

- 15.1 Responsibility for this policy rests with the Information Governance Team.
- 15.2 This policy will be monitored by the Information Governance Board and will be reviewed every two years or where there are changes to Legislation.
- 15.3 The Information Governance Team will maintain a register of FOI requests which will be reviewed, updated and monitored on a daily basis.
- 15.4 The Information Governance Team will provide bi-monthly compliance updates to the Information Governance Board to demonstrate compliance.

16. Useful contacts

- 16.1 Data Protection Officer: InformationGovernance@northumberland.gov.uk
Freedom of Information: InformationGovernance@northumberland.gov.uk
Information Commissioner's Office via www.ico.org.uk



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