

Freedom of Information Policy 2015

1. The Freedom of information Act 2002

- 1.1. The Freedom of Information (Scotland) Act 2002 came into force on the 1st of January 2005 and gives everyone a legal right to request information held by a Scottish Public Authority.
- 1.2. The Act aims to increase openness and accountability across the public sector by ensuring that individuals have the right to access information held by Scottish Public Authorities. People are able to see and question how public bodies function and how decisions are made.

2. A Freedom of Information Enquiry

- 2.1. A Freedom of Information enquiry is a request for **recorded information**. It can be a request for information about the council, the decisions it makes, its processes and its functions. This includes any information recorded from meetings, minutes, written policies and the content emails.
- 2.2. A Freedom of Information request must be in a permanent recorded format, ie a letter or an email. It must have the name and correspondence address for the enquirer.
- 2.3. Some information, for example information about identifiable individuals and commercially sensitive information, can be exempt from release. Where the Council considers the information to be exempt from release an explanation of this decision must be provided within the 20 working day timescale.
- 2.4. It is a criminal offence to destroy information that is subject to an FOI enquiry.

3. Requests For Council Services

- 3.1. Requests for routine Council Services, such as a request for housing or an uplift of waste. These do not seek recorded information and so should not be treated as a Freedom of Information enquiry.

4. Responsibilities

- 4.1. Under the Act East Dunbartonshire Council must provide a full response to a Freedom of Information enquiry within 20 working days of receiving the request.
- 4.2. All employees should be aware of the Freedom of Information (Scotland) Act 2002 and its implications for East Dunbartonshire Council as a Scottish Public Authority.
- 4.3. Freedom of Information requests can be received anywhere in the Council and it is our responsibility to identify and respond to these. An enquiry does not need to be entitled Freedom of Information for it to be a valid request.
- 4.4. The Council's Directors have responsibility for Freedom of Information requests where that information is held by their service areas.
 - 4.4.1. Directors have responsibility for
 - a) the logging of requests if it has been received directly by their Service
 - b) compiling the response
 - c) responding to the enquirer
 - d) logging the request off the Fol 'Live' Tracking Database

- 4.4.2. The Council's Information Management Team has responsibility for;
 - a) logging the Freedom of Information requests received in the Council's FoI Mailbox and Contact Centre Mailbox
 - b) allocating requests to the appropriate Service
 - c) providing advice and assistance to the Services
 - c) monitoring the service areas to ensure that they are responding to their enquiries within the statutory timescales
- 4.5. Where the information required for a response is held by more than one service area the request will be allocated to one Directorate that will co-ordinate a response on behalf of the Council.

5. Dealing with Requests

- 5.1. The 20 working day timescale to respond to Freedom of Information enquiries means that it is vital that all Freedom of Information enquiries are recognised and acted on immediately.
- 5.2. Each service area has one or more point of contact who can offer advice on dealing with Freedom of Information enquiries. It is important that all employees know who this individual is.
- 5.3. It is the responsibility of the employee who receives a Freedom of Information request to consult their line manager and the appropriate FoI Contact for their service area in order to ensure that the request is recognised, logged on the FoI Tracking Database and passed to the employee(s) best able to provide the response.
- 5.4. The Information Management Team should be made aware of all Freedom of Information requests once they have been received.
- 5.5. Responses to Freedom of Information enquiries must follow the Council's standard layouts. These are made available to staff on the Freedom of Information Toolkit.
- 5.6. Enquirers must be made aware of their right to seek an internal review of the Council's response to their enquiry should they be dissatisfied. This Review should be addressed to the Freedom of Information Officer, however if a request for review is received directly by a Service it should be passed to the freedom of Information Officer for action.
- 5.7. The Council has a **20 working day** timescale under which to consider the request afresh and provide a response to the enquiry altering or upholding the content of the original response.
- 5.8. Reviews will be co-ordinated by the Council's Information and Records Manager and Shared Services Manager. A meeting will be held with the appropriate manager from the service area responsible for the request.
- 5.9. A root cause analysis of the request will be carried out to identify if any improvements to the delivery can be identified in light of the Review request.

6. Environmental Information

- 6.1. Requests for information about the environment, earth, air, water, living organisms or any force or activity that could affect the environment or human health must be dealt with under the Environmental Information (Scotland) Regulations 2004 (EIR).
- 6.2. As with the Freedom of Information legislation the Environmental Information (Scotland) Regulations 2004 demand that a request for information is responded to within **20 working days**, however, additional time can be obtained if the request is particularly complex or sizable.
- 6.3. A separate set of exceptions impose restrictions on what the Council is able to provide in response to an Environmental Information enquiry.
- 6.4. Environmental request **can be made verbally** without the requirement to be in a permanent form, ie during a telephone conversation.

7. Requests for Personal Information

- 7.1. Information released in response to a Freedom of Information enquiry is considered to then be publicly available information. For this reason special care must be taken over the release of information which could lead to the identification of a living individual. Specific exemptions exist under the Freedom of Information (Scotland) Act 2002 in relation to personal information. For advice on dealing with requests which may allow for the identification of individuals please contact the Freedom of Information Officer.
- 7.2. Enquirers **should not** be provided with information about themselves under the Freedom of Information legislation. There is a separate right of access to this personal information where the Council has to take steps to verify the identity of the individual seeking the information. Further advice on this can be obtained from Council's Freedom of Information/ Data Protection Officer.

8. Further Information and Advice

For advice or guidance please contact:

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Document Control Table	
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Peer Reviewed By	Information and Records Manager Information and Archives Officer Shared Service Manager Senior Responsible Person Legal Services
Authorised by Senior Responsible Person	Signature:- _____ Date:- _____ Print Name _____
Source Location	
Published Location	
Other Documents Referenced	
Related Documents	Information and Records Management Strategy and Information Management Strategic Implementation Programme(IMSIP) EDC Classification Scheme and Retention Schedules Appraisal and Disposition Policy and Procedures Vital Records Policy Confidential Waste Policy Data Protection Policy Data Protection Breach Reporting Policy and Guidance Freedom of Information Policy and Guidance Toolkit Information Security Policy IM – File Housekeeping – Employees Guidance Note (1) 03.08.12 IM – Top Ten Tips for Better Records Management – Employee Guidance Note (2) 03.08. Saving an Email Guidance Naming Electronic Records
Acknowledgements	

Version Control Table			
Version number	Date issued	Author	Update information
V1	April 2012	Freedom of Information/ Data Protection Officer	EDC Freedom of Information policy Policy 2012
V1.1	December 2014	Freedom of Information/ Data Protection Officer	EDC Data Protection Policy 2014

V1.2	April 2015	Freedom of Information/ Data Protection Officer	EDC Data Protection Policy 2015