



Internal Ref:	NELC IG 04
Review date	March 2020
Version No.	V01

Access to Information Policy

1.0 Introduction

- 1.1 The [Freedom of Information \(FOI\) Act 2000](#) and the [Environmental Information Regulations \(EIR\) 2004](#) give you a general right of access to the recorded information held by public authorities including North East Lincolnshire Council.
- 1.2 This is done in two ways:
- By requiring public authorities to publish certain information about their activities in a Publication Scheme; and
 - By allowing individuals, groups or organisations to request information from public authorities.
- 1.3 FOI and EIR do not however give you a right of access to your own personal data (i.e. information about you), If you want to see what information we hold about you, you will need to make a subject access request under the General Data Protection Regulation / Data Protection Act 2018. Further details about this can be found on the [Data Protection section of our website](#).
- 1.4 If your request is a normal service enquiry that a staff member would answer as part of their daily work, this does not fall under FOI or EIR and will be dealt with under normal procedures.
- 1.5 The Information Commissioner's Office (ICO) is an independent body that enforces the Freedom of Information Act and the Environmental Information Regulations, and you might find the [information on their website](#) helpful.

2.0 Our Publication Scheme

- 2.1 [Our publication scheme](#) which is published on our website tells you about the broad classes of information we routinely make available to the public, how it can be obtained and any associated costs.
- 2.2 We follow the template designed by the Information Commissioner's Office which uses the word "classes" to cover the following seven topics, Who we are and what we do; How we make decisions; What we spend and how we spend it; What our priorities are

and how we are doing; Our policies and procedures; Public lists and registers; and the services we offer.

3.0 How to make a request

- 3.1 Before making a request please check our website, as we routinely publish information which may answer your request, we also identify other sources where the information you require can be obtained.
- 3.2 FOI requests must be made by you in writing, but EIR requests can be made either in writing or verbally. Should an EIR request be made verbally we will ask for confirmation in writing to ensure clarity of the information requested.
- 3.3 If you want to request information from us, you can do this in a number of ways:
 - a) By completing our [on line form on our website](#); or
 - b) By sending us a letter or an e-mail to the addresses in the '[contact us](#)' section below.
- 3.4 Your request must detail the information you require, along with your real name and an address for us to reply to.
- 3.5 The Council will be happy to provide you with advice or assistance to help you make and pursue your request.

4.0 What type of information can I ask for?

- 4.1 You can ask for any information that we hold in a recorded form apart from your own Personal Data (see 4.3).
- 4.2 FOI and EIR do not require us to create new information in order to respond to a request, or providing opinions or comments in relation to questions or comments you make.
- 4.3 If you want to request a copy of your own personal data, you will need to make a Subject Access Request. To make a subject access request, further details can be found on the [Data Protection section of our website](#).
- 4.4 The Local Government Acts 1972 and 2000 govern access to minutes, agendas and background documents of meetings of the Council, Cabinet and various Committees.
- 4.5 The Audit Commission Act 1998 and the Accounts and Audit Regulations, governs applications to inspect the Council's accounts.

5.0 Can I request the information in a particular format?

- 5.1 You can express a preference as to how the information you have asked for is provided to you, and we will try to comply with this so far as is reasonably practicable.

- 5.2 Please be aware that there may be a charge for providing information in your preferred format, if that is not how we currently hold the information.

6.0 What response will I receive?

- 6.1 We respond to all requests promptly, and in no longer than 20 working days following the date of receipt of a valid request. The timescales for responding to a request will be put on hold until any fees notice if applicable are paid or extended by a reasonable time if required to determine whether or not the balance of public interest lies in maintaining an exemption.
- 6.2 Our response will, subject to any exemptions or exceptions, tell you if we hold the information you have requested and provide you either with that information or an explanation of why we cannot provide you with that information (please see section 7 for further details).
- 6.3 We will tell you if any charges apply to responding to your request, and provide you with an explanation of how they have been calculated and advice and assistance if possible on how to reduce them (please see [section 8](#) for further details).

7.0 Can my request be refused?

- 7.1 We will provide you with the information you request unless there is a good reason for not doing so, examples of when your request may be declined are:
- 7.2 If it is not clear what information you are asking for, in such cases we will contact you for further details, and offer you advice and assistance with your request.
- 7.3 When the information requested is covered by an exemption or an exception. If we apply an exemption (see sections 21 to 44 of the FOI ACT) or exception (see sections 12 & 13 of the EIR) to the disclosure of information, we will explain why we have done this, including if appropriate the public interest factors considered. We will only withhold the specific information to which the exemption or exception applies. Where disclosure of information would affect a third party, we may consult with them, if appropriate, to determine if and how it should be disclosed.
- 7.4 A FOI request can be refused under section 12 of the FOI Act if it would cost more than the Appropriate Limit of £450 to find and extract the information you have requested. If responding to your request would exceed the Appropriate Limit we will offer you advice and assistance to help you refine your request so that the Appropriate Limit is not exceeded. Please note that when determining if the Appropriate Limit would be exceeded the costs of answering more than one request can be added together or aggregated in certain circumstances.
- 7.5 If we consider your request vexatious (see section 14(1) FOI Act) or manifestly unreasonable (see section 12(4) (b) EIR). For more information please see the ICO's guidance on ['dealing with vexatious requests'](#) and ['manifestly unreasonable requests'](#).

- 7.6 The request is a repeat of a previous request made by you (see section 14(2) FOI Act). For more information please see the ICO's guidance on 'dealing with repeat requests'.
- 7.7 If you don't agree with our decision to refuse your request, you can ask us to reconsider our decision through an internal review. If the request is still declined you have the right to apply directly to the [information commissioner](#) for a decision (please see **section 9** for further details).

8.0 Do I have to pay to make my request or receive information?

- 8.1 Whilst there is no cost or fee charged to make a request, charges can be made in the following circumstances for making information available:
- a) If the Appropriate Limit (Prescribed costs) is exceeded for FOI requests;
 - b) For Disbursements costs for FOI requests;
 - c) To recover reasonable costs incurred in responding to EIR requests.
- 8.2 When applying charges we will always issue a notice explaining why a charge is being applied and how we have calculated it.
- 8.3 If the information requested is only available from a Public Authority, then any fees charged will not attract VAT. However, if the requested information is available from another source that is not a public authority, VAT can then be added to the fees to be charged.
- 8.4 No work will be started on answering your request, until your payment has been received and cleared. If your payment is not received within 1 month of the fees notice being issued, the request will be treated as lapsed and closed.
- 8.5 Where charges apply the date between the issue of the fees notice and the date when the payment is received and cleared are disregarded in calculating the 20 working day response period.

Prescribed costs for FOI requests:

- 8.6 Section 13 of the FOI Act, allows a charge to be made if complying with a request is estimated to exceed the Appropriate Limit of £450 or 18 hours.
- 8.7 In estimating if the Appropriate Limit has been exceeded, we can only take account of the costs we reasonably expect to incur in relation to:
- a) determining whether we hold the requested information;
 - b) locating the requested information, or a document which may contain the requested information,

- c) retrieving the requested information, or a document which may contain the requested information, and
 - d) extracting the requested information from a document containing it.
- 8.8 When estimated costs relate to the time which an officer will spend undertaking any of the allowed activities, the estimate will be based on rate of £25 per person per hour.
- 8.9 Regulation 5 of [The Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004 SI No. 3244](#) allows for the cost of answering more than one request to be added together or aggregated for the purposes of estimating whether the appropriate limit would be exceeded in relation to any one of the requests.
- 8.10 For further information about 'Fees that may be charged when the cost of compliance exceeds the appropriate limit' please see the ICO's guidance [here](#)
- 8.11 If the actual cost of answering your request is less than the estimated cost charged, we will refund the amount overpaid.
- 8.12 If the actual cost of answering the request is greater than the estimated cost charged, the additional cost will be borne by us, and no additional fee will be charged to you.

Disbursements costs for FOI requests:

- 8.13 The Council is permitted to charge for the cost of physically producing and delivering the information to you, these costs are known as disbursements.
- 8.14 Disbursements include:
- a) Reproducing any document containing the information, such as printing or photocopying;
 - b) Postage and other forms of transmitting the information; and
 - c) Complying with section 11 of FOI Act where you have expressed a preference for the means of communication and where this is reasonably practicable.
- 8.15 We are committed to the use of electronic means to provide the information you have requested, and will encourage the use of these means in all appropriate cases, subject to your preferred format. Normally information supplied electronically will not involve a cost unless information has been specifically converted for this purpose.
- 8.16 The disbursement costs will be based on no documents that you have requested being withheld, unless an exemption applies. Therefore, a copy of an email message plus a copy of the reply that contains the original message will both be supplied and charged for. This is because we do not need to know why you want the information, and therefore cannot assume what information will not be relevant to you.
- 8.17 Disbursement costs can be applied even if the Appropriate Limit is not exceeded, but normally we will not charge for disbursements under £10, but reserve the right to charge on a case-by-case basis.

- 8.18 The disbursement charges we apply are shown in [Appendix A](#).
- 8.19 For further information about 'Fees that may be charged when the cost of compliance does not exceed the appropriate limit' please see the ICO's guidance [here](#)

Environmental Information Regulations requests:

- 8.20 Regulation 8 of the EIR allows a reasonable charge to be applied to cover the cost of making information available in response to a request. These charges can either cover the disbursement costs incurred in transferring the information to you (photocopying, printing, postage, etc.) or the officer time taken to locate, retrieve and extract the requested information.
- 8.21 Under EIR charges cannot be made for:
- a) access to public registers; or
 - b) lists of environmental information; or
 - c) access to examine information at the place we make it available (although we can make a reasonable charge for Officer time needed to prepare information for inspection).
- 8.22 Unlike with FOIA requests, EIR does not specify an appropriate limit below which fees are not charged or above which the request can be refused.
- 8.23 In the interests of consistency, the Council has decided that any charges applied for EIR requests, shall be no less favourable than if the request had been made under the FOIA.
- 8.24 The ICO's guidance on Charging for environmental information (Regulation 8) can be found [here](#)

9.0 What I am not happy with the response I receive?

- 9.1 If you are dissatisfied with the response you receive or the handling of your request you can request an internal review. To do this you should send an email or a letter to us, using the contact details in [section 11](#), setting out why you are unhappy with the response you have received.
- 9.2 If after an internal review, you are still dissatisfied with the response you have received or the handling of your request, you can make a complaint to the Information Commissioner's Office. Contact details for the Information Commissioner's Office are available on their [website](#).

10.0 Intellectual Property Rights

- 10.1 The information supplied to you may be protected by Intellectual property rights owned by us or a third party.
- 10.2 Whilst disclosing information under the FOI Act will not infringe these rights, these rights will still apply once it has been disclosed to you.
- 10.3 The ICO's guidance on 'Intellectual property rights and disclosures under the Freedom of Information Act' including what you can do with information subject to Intellectual property rights can be found [here](#)

11.0 Contact us

- 11.1 Our email address for FOI and EIR requests is: FOI@nelincs.gov.uk
- 11.2 Our postal address for FOI and EIR requests is:
Freedom of Information,
North East Lincolnshire Council,
Municipal Offices, Town Hall Square,
Grimsby, North East Lincolnshire, DN31 1HU

Appendix A Disbursement Charges

These costs are designed to recoup the expenditure incurred by the Council in responding to your request, and do not include any profit element.

Photocopies:	Cost
A4 Black & White	£0.05 per sheet
A4 Colour	£0.10 per sheet
Other sheet sizes and specialist documents i.e. plans or maps	Price on application.
Computer generated printouts:	Cost
A4 Black & White	£0.05 per printed page
A4 Colour	£0.10 per printed page
Other sheet sizes and specialist documents i.e. Photo quality prints	Price on application.
Scanning of images:	Cost
A4 Paper Records	£0.15 per image
A3 Paper Records	£0.30 per image
Print outs from microfiche:	Cost
All sizes	Price on application.
Electronic Media:	Cost
CD Rom (700Mb)	Price on application.
Postage:	Cost
Postage cost	Standard Royal Mail rates will apply. Unless otherwise specified documents will be sent by second class post.
Packaging	£1 per parcel irrespective of size or weight