

Freedom of Information Policy



1. Rationale

The Freedom of Information Act 2000 (FOI Act) came into force fully on 1 January 2005. As a public authority Oxfordshire County Council has two main obligations under the FOI Act.

- 1.1 The County Council must provide a 'Publication Scheme'. This is a guide to the information it holds and which it makes routinely available to the public.
- 1.2 The County Council must deal with 'individual requests for information'. Individuals already have the right to access their personal data, held by the council under the General Data Protection Regulations and the Data Protection Act 2018.

2. Aim of the policy

This policy provides a framework within which Oxfordshire County Council will ensure compliance with the requirements of the FOI Act. The policy will guide the specific operational procedures and activities connected with the implementation of the FOI Act.

The Council's Complaints & FOI Team is the first port of call for persons to submit requests and to ensure the Council complies with its legal obligations.

3. General principles

The FOI policy applies to all officers and members of the council.

The policy applies to all recorded information the council holds, including any information that is created, received and maintained by officers and members in the course of their work, but only for the council's own business. Information can be held in a number of different media including paper, electronic, audio and video.

3.1. Dealing with Requests

The council offers advice and assistance to any person wishing to make a request for information. The council is committed to completing information requests within the statutory timescale of 20 working days and sooner wherever possible. In certain circumstances this timescale may be extended. Repeated or vexatious requests for information maybe refused. The council will maintain its commitment to openness, scrutiny and the public interest while claiming exemptions where appropriate.

- 3.1.1 The council will have in place an appropriate procedure for balancing the public interest when considering an exemption which requires such a test.
- 3.1.2 Any request in writing for recorded information will be considered a Freedom of Information request. There is no need for requests to indicate they are made under the FOI Act and all such requests will be dealt with under this policy.
- 3.1.3 The council may refuse requests where the cost of supply of the information would exceed the appropriate limit in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This limit is currently £ 450, which equates to 18 hours of work.
- 3.1.4 Where the council requires clarification of a request or a fee before providing the information, it will inform the requester in writing. The requester will be given three months in which to provide the clarification or fee. This date will be communicated to the requester.
- 3.1.5 Where a request is for environmental information the council will apply the Environmental Information Regulations 2004 (EIR) as appropriate. Under the EIR it is possible to make a verbal request.
- 3.1.6 Where the council does not hold the information being requested but another organisation does, the council will advise the requester to contact that other organisation. Wherever possible the council will provide up to date contact details for that organisation.
- 3.1.7 Where the information being requested is held by the council but was created by a third party, the council will make every reasonable effort to contact that third party and consult with them regarding the disclosure.

3.2. Complaints and Review of requests

Where a requester complains or requests a review of the response to their information request, a review will be undertaken by a manager who was not involved in making the original decision. The request for a review will be acknowledged within 5 working days of receipt and the council will aim to provide a full response within 20 working days beginning the day following receipt, in accordance with guidance from the Information Commissioner's Office.

- 3.2.1. Following the Further Review of the request, if the requester remains dissatisfied, they will be directed to the Information Commissioner's Office.
- 3.2.2. The council will accept a complaint or request for review in relation to an information request no more than six months after the date the response was originally sent. In the case of the Environmental Information Regulations, a request for a Further Review must be made within 40 working days of receiving the

Initial Response (that is, on becoming aware of their dissatisfaction with it).

3.3. Adopting and Maintaining Publication Schemes

In accordance with Section 19 of the FOI Act the council maintains a Publication Scheme; the content of the Scheme is the council's website, www.oxfordshire.gov.uk. The Council will also have regard to its responsibilities under the Freedom of Information Act with regard to the publication of datasets and to the Secretary of State's Code of Practice (issued from time to time) on this responsibility.

3.4. Responsibilities

All officers who hold or process information covered by the FOI Act (or Environmental Information Regulations) are responsible for complying with this policy, irrespective of whether information is released or not. Officers are also responsible for good information handling practice and implementing records management policies and procedures as appropriate to their post. The relevant Head of Service will ensure compliance is met and the Monitoring Officer will monitor the council's overall compliance with this policy and the FOI Act and Environmental Information Regulations.

Complaints regarding the use of this policy should be directed to the Complaints & Freedom of Information Team.

4. Challenges and Representations

Any challenges or representations about this policy may be made to:

Access & Disclosure Team
Oxfordshire County Council
County Hall
Oxford
OX1 1ND
foi@oxfordshire.gov.uk

5. Compliance checks

See below for details of appropriate compliance checks.

5.1. Human Rights

This policy complies with Article 8 of the European Convention of Human Rights.

5.2. Data Protection & Freedom of Information

Personal data processed as a result of this policy will be managed in accordance with, the General Data Protection Regulations and The Data Protection Act 2018.

5.3. Freedom of Information

Copies of this policy are available online at www.oxfordshire.gov.uk.

6. Further Information

The council have produced a short film about making a 'Freedom of Information' request and can be seen by following the link:

[Watch our short film about making an FOI request](#)

7. Monitoring & Review

To ensure this policy remains compliant and meets the needs of the council, it will be reviewed regularly by the Monitoring Officer.

Responsible Officer: Director for Law and Governance and Monitoring Officer

Date: May 2018

Review Date: March 2020