

Individual Executive Member Decision

Title of Report:	Access to Information Policy Revision
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	9 th May 2013
Forward Plan Ref:	ID2642

Purpose of Report: To present the revised Access to Information Policy for consideration by the Executive Member for Council Strategy & Performance, Housing, ICT, Corporate Support, Legal

Recommended Action: That the Executive Member for Council Strategy & Performance, Housing, ICT, Corporate Support, Legal approves the revised Access to Information Policy

Reason for decision to be taken: The Policy is subject to regular review, and has been revised to take account of procedural and statutory changes

Other options considered: N/A

Key background documentation: Freedom of Information Procedure; Data Protection Requests Procedure; Security Policy

Portfolio Member Details	
Name & Telephone No.:	Councillor Roger Croft - Tel (01635) 868638
E-mail Address:	rcroft@westberks.gov.uk

Contact Officer Details	
Name:	Sue Broughton
Job Title:	Information Management Officer
Tel. No.:	01635 519747
E-mail Address:	scbroughton@westberks.gov.uk

Implications

Policy:	This is a review and revision of an existing Policy
Financial:	None
Personnel:	None
Legal/Procurement:	None
Environmental:	None
Property:	None
Risk Management:	Access to Information falls within statutory legislation. There is a risk to the Council of enforcement by the Regulator (The Information Commissioner) if requests are not answered in a consistent and timely manner.
Equalities Impact Assessment:	As at Appendix A - no requirement to go to Stage 2.

Consultation Responses

Members:

Leader of Council:	Councillor Gordon Lundie
Overview & Scrutiny Management Commission Chairman:	Councillor Brian Bedwell
Ward Members:	N/a
Opposition Spokesperson:	Councillor Tony Vickers
Local Stakeholders:	Consultation with Local Stakeholders is not required for this item
Officers Consulted:	David Lowe, Directors & Heads of Service
Trade Union:	Rosemary Culmer

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

Supporting Information

1. Background

- 1.1 The Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection Act 1998 are the three statutory provisions which between them encompass public or individual access to information held by the authority.
- 1.2 The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 make provision for an individual or organisation to request general information from the authority. The information must be released unless a relevant exemption applies.
- 1.3 The Data Protection Act 1998 makes provision for an individual to request their own personal data from the authority. Again, the information must be released unless a relevant exemption applies. In addition the Data Protection Act 1998 sets out Principles for the appropriate and lawful processing of personal data, and sets out the statutory requirements for data security.
- 1.4 Failure to provide requested information in a consistent and timely fashion, or to protect personal data from misuse, is subject to investigation and enforcement action by the Regulator for these statutory regimes (The Information Commissioner). Consequently, the authority provides training and guidance to inform all staff of their statutory responsibilities.
- 1.5 Whilst none of these statutes contains a mandatory requirement for a Policy statement, a Policy statement is necessary to state the authority's intentions in respect of the legislation, and to outline to the residents and other stakeholders the Council's commitment to abide by the legislation. The previous Policy requires review and revision to ensure it complies with current practice.

2. Access to Information

- 2.1 While there is no recommendation or mandatory requirement for a Policy Statement in respect of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or the Data Protection Act 1998, the Council has a commitment to abide by the legislation.
- 2.2 The provision of a Policy statement is a formal recognition of this commitment. Procedural guidance is also published and will be updated in line with the Policy.

3. Equalities Impact Assessment Outcomes

- 3.1 The Policy makes specific provision for advice and assistance to be provided to those identified as vulnerable groups who may experience difficulties in making a request or understanding the information provided.

4. Conclusion

- 4.1 The Access to Information Policy has been revised in line with best practice and the recommendations of The Information Commissioner.

5. Recommendations

- 5.1 That the Executive Member for Council Strategy & Performance, Housing, ICT, Corporate Support, Legal approves the revised Access to Information Policy.

Appendices

Appendix A – Equality Impact Assessment – Stage 1
Appendix B – Access to Information Policy

Equality Impact Assessment – Stage One

Name of item being assessed:	Corporate Complaints Policy
Version and release date of item (if applicable):	Version 4 February 2013
Owner of item being assessed:	Sue Broughton
Name of assessor:	Sue Broughton
Date of assessment:	14 th February 2013

1. What are the main aims of the item?
To ensure the fair, consistent and equitable handling of corporate complaints

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)

Group Affected	What might be the effect?	Information to support this.
Age	The Policy makes provision for those with vulnerabilities to access the Access to Information process	S 3.1.2 Advice and assistance shall be offered to help any enquirer frame their request. S3.1.6 Assistance shall be offered to any enquirer to help them understand the information they receive.
Disability	The Policy makes provision for those with vulnerabilities to access the Access to Information process	S 3.1.2 Advice and assistance shall be offered to help any enquirer frame their request. S3.1.6 Assistance shall be offered to any enquirer to help them understand the information they receive.
Race	The Policy makes provision for those with language barriers to access the Access to Information process	S 3.1.2 Advice and assistance shall be offered to help any enquirer frame their request. S3.1.6 Assistance shall be offered to any enquirer to help them understand the information they receive.

Other aspects	N/A	
Further comments relating to the item:		

3. Result (please tick by double-clicking on relevant box and click on 'checked')	
<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: Sue Broughton

Date: 14th February