

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:	27 th March 2014
Forward Plan Ref:	ID2808

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 advice and guidance from the Information Commissioner

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. Introduction

- 1.1 This Report seeks to provide the background to the revision of the Council's 2013 Access to Information Policy. The Report is intended to inform Council Members, the public and other stakeholders why the Authority has an Access to Information Policy, its purpose and the reason why it is being revised prior to the timescale set for revision.

2. Background

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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 following recommendations made by the Information Commissioner, the Regulator for Data Protection and Freedom of Information as part of an external Audit of the Council's practice.

3. The ICO Audit

- 3.1 In July 2013 the Information Commissioner invited the Authority to take part in a voluntary audit of its Data Protection handling processes. Such audits are offered to enable the Authority to review its operational practice in consultation with the Regulator, and to benefit from the professional advice and assistance the Regulator can offer.
- 3.2 The audit considered a number of aspects of the Authority's data handling including the handling of requests for information, information security, and records management. In addition it also looked at the documentation provided to guide and

assist officers in handling requests for information and managing the security of personal data.

- 3.3 One of the documents reviewed was the Policy statement on Access to Information which had been republished in a revised format in May 2013. The Recommendations in respect of the Policy included:

Ensure that the eight Principles of the Data Protection Act are communicated to staff in policies and guidance. This has been achieved by including the Principles as an Annex to the Policy and referencing them in Section 5.9.

Amend the Access to Information Policy to accurately reflect key roles, committees and their current responsibilities and reporting lines. If these are included in formal process then ensure these are referenced in the Policy. This has been achieved by adding Sections 5.5 and 5.6 which specifically state the line of responsibility in respect of answering requests for information and Section 5.7 which cross references the procedural guidance.

Ensure the Access to Information Policy outlines the individual responsibilities for ensuring the provision and completion of data protection related training in line with current requirements. This has been achieved by adding section 5.8 which specifically references the officer and Services with training responsibilities.

Create an 'Access to Records Group' chaired by a suitably senior member of staff, to oversee process improvements and ensure effective oversight of SAR processing. This has been achieved by the convening of a Data Protection Subject Access Group, referenced in Section 5.10.

4. Equalities Impact Assessment Outcomes

- 4.1 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.

5. Conclusion

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

6. Recommendation

- 6.1 That the Executive Member for Council Strategy & Performance, Housing, ICT, Corporate Support, and 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:	Access to Information Policy
Version and release date of item (if applicable):	Version 3 January 2014
Owner of item being assessed:	Sue Broughton
Name of assessor:	Sue Broughton
Date of assessment:	29 th January 2014

1. What are the main aims of the item?
To ensure the fair, consistent and equitable handling of requests for information and personal data

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: 29th January 2014