

# Requesting Information from the Council

## A Customer's Guide



## **Equalities Statement**

This document is available in large print and other formats from any of the Council Offices or by contacting the Chief Executives Directorate on 01246 242323.

Please bear in mind we will need a few days to arrange this facility. If you need help to read this document please do not hesitate to contact us.

**Call us on the Contact Centre telephone no:**

**01246 242424**

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## How do I request information?

Every day, the Council deals with requests for information by phone, letter and e-mail, as well as face-to-face. As part of our objective of being 'a fair, open and caring organisation', we aim to deal with these requests as efficiently as possible.

From January 1st 2005, new laws gave people more right of access to information we hold.

As we deal with requests for different sorts of information in different ways, we have produced this leaflet to explain more about requesting information from Bolsover District Council.

# The Publication Scheme

## What is the Publication Scheme?

Under the Freedom of Information Act 2000, all public authorities are required to produce and maintain a Publication Scheme. This contains a directory of the information and publications that we already make available.

Before you make a written request for information, you should first check to see if what you want is in the Publication Scheme.

## What is included in the Publication Scheme?

The Scheme's introduction contains an overview of the Council and a summary of our commitment towards open government. The document then lists the information we regularly publish, organised by 'classes'. This includes the Council's Constitution; Council, Executive and Committee agendas and minutes; corporate strategies and policies; financial statements; the Electoral Register; planning briefs and applications; press releases and many other documents.

Also included are the formats in which the information is available, whether any charges apply to obtain it, and appropriate contact details.

## Where can I find the Publication Scheme?

Call in at any of our Contact Centres and ask for a copy, or phone our Contact Centres on 01246 242424.

The Scheme can also be found on our website at [www.bolsover.gov.uk](http://www.bolsover.gov.uk), by clicking 'Council & Democracy', then 'Data Protection & Freedom of Information', then 'Publication Scheme'.

## What if I want information that is not included in the Publication Scheme?

If the information you require is not in the Publication Scheme, it will be covered within the following:

If you want to know what information we hold about you, see the Data Protection Act 1998 section on page 7.

If you want information about the environment, see the Environmental Information Regulations 2004 section on page 14.

If you want any other information, see the Freedom of Information Act 2000 section on page 11.

# Data Protection Act 1998

## What is the Data Protection Act?

The Act gives you the right to ask to see the information we hold about you, and to have that information corrected if it is wrong.

There are eight data protection principles which the Council must follow. They say that data must be:

- 1 fairly and lawfully processed
- 2 obtained only for specified and lawful purposes
- 3 adequate, relevant and not excessive
- 4 accurate
- 5 not kept for longer than is necessary
- 6 processed in line with the data subject's rights
- 7 secure
- 8 not transferred to countries outside the European Economic Area without adequate protection.

## How do I ask for information?

You must write to the Council's Strategy and Performance Department (see Contact Details). We need to be sure that you are who you say you are, so you should include your full name and address, two forms of identification, such as a utility bill, driving licence or passport etc. and any reference number that will help us.

We will let you know that we have received your request and that it is being dealt with.

## **Do I have to pay for the information?**

Yes. A £10 fee applies to all Subject Access requests.

## **How long will it take to receive the information?**

We have to respond to you within 40 calendar days of receiving your request, but will do our best to provide the information as quickly as possible.

## **What can I expect to receive?**

We will send you details of the information we hold about you. There are certain circumstances where we may not be able to send you all of the information we hold about you. If this is the case, we will explain why we cannot meet your request.

## **What can I do if I am not satisfied with your response?**

Contact the Strategy and Performance Department first if you have any questions or concerns about your request, or if the information we send to you is wrong.

When we send you the information you requested, or tell you why the information has been withheld, we will also let you know what to do if you are unhappy with the way the request was handled or if you want to appeal against the decision. This will include details of our own complaints procedure and contact details of the Information Commissioner's Office.

## CCTV

Closed Circuit Television (CCTV) cameras are used for a variety of purposes and are an effective way of reducing crime and protecting public safety and we have cameras in Bolsover, Shirebrook, South Normanton and Creswell.

We operate under a stringent code of conduct for all CCTV operations, covering what the camera sees to what can be downloaded, by whom and for what reason.

### Can I view footage?

There is an authorised list of CCTV users and viewers and they must have a valid reason to view any footage. If an outside body, such as the Police, request footage, it has to be on a prescribed form. No-one can access the cameras without proper authorisation and completing the appropriate log books. Any access to footage is automatically electronically logged and regularly audited.

If you believe your image has been captured on some CCTV footage on a camera in Bolsover, Shirebrook, South Normanton and Creswell, you can request this by completing a CCTV Subject Access Request Form. We need to be sure that you are who you say you are, so you should include your full name and address, a recent photo, two forms of identification, such as a utility bill, driving licence or passport etc. and any reference number that will help us. The form is available on the website [www.bolsover.gov.uk](http://www.bolsover.gov.uk) or by telephoning 01246 242383. The footage will be edited, this means everyone else will be pixellated out.

Please note that we only keep the footage for a period of 28 days.

## **Do I have to pay for the information?**

Yes. A £10 fee applies to all CCTV Subject Access requests.

## **How long will it take to receive the information?**

We will process CCTV Subject Access Requests within 40 calendar days of receiving your request and the appropriate fee.

# Freedom of Information Act 2000 (FOIA)

## What is the Freedom of Information Act?

The Act is part of a wide group of policies to modernise government and aims to promote a culture of openness and accountability within public authorities. It does this by giving anyone, anywhere, the right to request recorded information held by public authorities.

## Anyone asking for information has the right:

- To be told whether the information exists (except for absolute exemptions where we do not have to confirm or deny whether we have the information);
- To receive the information (unless it is exempt) and, where possible, in the format requested.

## How do I ask for information?

It will make it easier and quicker for us to deal with your request if you address it to the Strategy and Performance Department (see Contact Details). However, you can send your request, or hand it, to any Councillor or Council employee, but it must be in writing.

You need to include your name, an address for correspondence to be sent to, and a description of the information you want in your request.

Instead of writing a letter, there is a form you can fill in which is available from our Contact Centres, or on our website - [www.bolsover.gov.uk](http://www.bolsover.gov.uk) - by clicking 'Council & Democracy', then 'Data Protection & Freedom of Information', then 'Information Request Form'.

You do not have to refer to the Freedom of Information Act in your request or give a reason for wanting to see the information. However, it may make it easier for us to find exactly what you want if you mention the Act and tell us why you want the information.

You can say which format you would like to receive the information in, such as on paper or electronically, or you can ask to inspect a record.

### **Do I have to pay for the information?**

For requests which would cost us less than £450 to deal with, we can charge for the cost of photocopying and printing the information and posting it to you. This £450 limit includes the time taken for staff to find and sort the information. It does not cover the time taken to consider whether an exemption applies (see below for more details about exemptions).

We will let you know as soon as possible if a fee applies. If we do not receive payment within three months, unfortunately, we will not be able to proceed with your request.

The Government has stated that if a request would cost us more than £450 to deal with then we 'need not comply' with it. We will let you know if this is the case.

### **How long will it take to receive the information?**

We have to respond to you within 20 working days, but we will do our best to provide the information as quickly as possible. However, if we ask you to provide clarification of your request, the clock stops until we receive that clarification. The clock also stops between us asking for any applicable fee and the fee being paid.

Please check the Publication Scheme first to see whether the information you want is already available.

## **Is there any information that cannot be released?**

Yes, if an exemption applies. There are two categories: 'Absolute' exemptions cover information that should not be released under any circumstances, for example, Parliamentary privilege, court records and personal information (which may be covered by the Data Protection Act). 'Qualified' exemptions are subject to a public interest test and cover such areas as national security, law enforcement and health and safety. You will be notified in writing if an exemption applies to some or all of your request.

The only other reasons for not providing information are if the request is considered a nuisance, is unreasonable or repeated, or if the required fee is not paid within three months.

## **What can I do if I am not satisfied with your response?**

You should contact the Strategy and Performance Department if you have any questions or concerns about your request.

When we send you the information you requested, or tell you why the information has been withheld, we will also let you know what to do if you are unhappy with the way your request was handled or if you want to appeal against the decision. This will include details of our own complaints procedure and contact details of the Information Commissioner's Office.

# Environmental Information Regulations 2004

## What are the Environmental Information Regulations?

Under the Environmental Information Regulations 1992 (amended 1998), the public has a right to request access to environmental information held by public authorities and certain other bodies. This includes information about the state of the environment, including land, water, air, flora and fauna; activities which adversely affect the environment, such as light and noise pollution and other emissions, and any measures which are designed to protect the environment. Under a European Community directive, these Regulations have been revised to bring them up to the international standard for access to environmental information.

## How do I ask for information?

It will make it easier and quicker for us to deal with your request if you contact the Strategy and Performance Department (see Contact Details). However, you can make your request to any Councillor or Council employee, and it does not have to be in writing.

You do not have to mention the Environmental Information Regulations and you do not have to give a reason for wanting to see the information.

You can say which format you would like to receive the information in, such as on paper or electronically. We will, of course, need your name and an address to send the information to.

## **Do I have to pay for the information?**

We are allowed to make a 'reasonable' charge for providing environmental information and will always let you know what that charge will be. If you need to view records at our offices, there will be no charge.

## **How long will it take to receive the information?**

We have to respond to you within 20 working days, but we will do our best to provide the information as quickly as possible. For large or complex environmental requests, we are allowed up to 40 working days. We will always let you know if we need this extra time to deal with your request.

There are certain circumstances where we may not be able to send you some or all of the information you have asked for. For example, if public security or national defence is put at risk, or if confidentiality laws apply. We can also refuse any requests that are too general or unreasonable. If any exceptions apply, we will explain why we cannot meet your request.

## **What can I do if I am not satisfied with your response?**

Contact the Strategy and Performance Department first if you have any questions or concerns about your request. When we send you the information you requested, or tell you why the information has been withheld, we will also let you know what to do if you are unhappy with the way your request was handled or if you want to appeal against the decision. This will include details of our own complaints procedure and contact details of the Information Commissioner's Office.

# The Information Commissioner

## What is the Information Commissioner's Office?

The Information Commissioner's Office is an independent body that reports directly to Parliament. They monitor the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and make sure that organisations fulfil their legal responsibilities under the Acts.

## What powers does the Information Commissioner have?

Under the Freedom of Information Act, the Commissioner has powers to:

- Approve/revoke Publication Schemes
- Promote good practice
- Promote public authorities' compliance with the Act
- Issue a practice recommendation where a public authority is not following good practice
- Deal with complaints that requests for information under the Act have not been fulfilled
- Require public authorities to disclose information in appropriate cases. Further failure to comply can result in the Information Commissioner's Office informing the High Court.

## Further Information

The Data Protection Act and Freedom of Information Act in full can be found on the [legislation.gov.uk](https://legislation.gov.uk) website.

More information about the Freedom of Information Act can be found on the Information Commissioner's Office website at [www.ico.org.uk](https://www.ico.org.uk)

More information about the Environmental Information Regulations can be found on the Department for Environment, Food and Rural Affairs' website at [www.defra.gov.uk](https://www.defra.gov.uk)

The Council's Access to Information Policy contains our policy for handling requests that fall under the Data Protection Act, the Freedom of Information Act and the Environmental Information Regulations. You can ask for a copy of this Policy by contacting the Strategy and Performance Department (see Contact Details).

The Policy can also be found on our website – [www.bolsover.gov.uk](https://www.bolsover.gov.uk) - by clicking 'Council & Democracy', then 'Data Protection & Freedom of Information', then 'Access to Information Policy'.

## Contact Details:

### Strategy and Performance Department:

**Write to:** Strategy and Performance Department  
Bolsover District Council  
The Arc  
High Street  
Clowne  
Derbyshire  
S43 4JY

**Phone:** (01246) 242383

**Fax:** (01246) 242423

**Email:** [FOI@bolsover.gov.uk](mailto:FOI@bolsover.gov.uk)

### The Information Commissioner's Office:

**Write to:** Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**ICO Helpline:** 0303 123 1113

**Fax:** 01625 524 510

**Email:** [notification@ico.gsi.org.uk](mailto:notification@ico.gsi.org.uk)

**Website:** [www.ico.org.uk](http://www.ico.org.uk)

**Notes:**

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