

FREEDOM OF INFORMATION - FOI

Briefing Note for Members

The introduction of the Freedom of Information (Scotland) Act 2002 (FOISA) on January 1st 2005 brings new rights and responsibilities for the Council and 10,000 other public agencies in Scotland

These are the key points for Members. Detailed advice can be sought from Carol Henshall, Service Manager Committee and Members Services t: 01387 260022 or from Alex Little Senior Information Officer based in the Communications Unit t: 01387 260102 (from January 24th 2005)

- Political parties are not covered by the legislation. It will be very important that you keep any paperwork or communications associated with your political activities separate from your Council work and your role as a Member. The FOISA legislation covers what you do as a Member on behalf of the Council.
- Think before you write. Anything you create or receive in any format, of any date that relates to Council business – including informal meetings about Council business - may need to be disclosed by the Council in response to a request for information.
- You should continue to carry out your work as you normally do, but you need to learn to recognize an information request that comes within the scope of the FOISA legislation and make sure it is fast tracked to the right place in the organisation. The 20 working days response rule will start when you receive the request.
- The Members contact will be: Carol Henshall, Service Manager Committee and Member Services.
- To summarise, the vast majority of requests for information will be 'Business as Usual'. If you normally deal with similar requests and intend to send out the information within 20 days, do what you normally do. If the request mentions FOISA, the request seems unusual, or if you are **not** intending to give out the information, send it immediately to Carol Henshall who will log it as an FOISA request and track the outcome. Remember FOISA only relates to council business - political and constituency business is not covered by the legislation.

Detailed information will be put on the portal site and the list of FOISA Contacts in the Council will be widely circulated. In the meantime here are a few answers to basic questions.

Who is responsible for FOISA in the Council?

- Leslie Jardine, Corporate Director for Corporate Services has overall responsibility
- A Senior Information Officer based in the Communications Unit has been appointed and will be responsible for ensuring the Council complies with the Act
- Each service will have an FOISA Contact to deal with FOISA requests for information held by that service.

How can people get access to information held by the Council?

- The Council has a Publication Scheme that sets out their rights and lists everything that we have agreed should be readily available. The scheme is available on dumgal.gov.uk and dgcommunity.net and in Customer Service Centres and libraries.
- If they want information not on this list they need to make a formal application by letter, by email or by filling in a Council Information Request Form. These will be widely available at Council premises.
- We have a duty to help people make a request in the right way

Can they get personal information?

- It depends. People can already ask to see their own personal details under the Data Protection Act. Access to anyone else's personal details would only be given if it didn't breach that Act.

What does it mean for me personally?

- All recorded information that the Council holds, including your business emails, memos and letters, past and present, could be released to the public as part of an information request.

Do they need to mention the Freedom of Information (Scotland) Act 2002?

- No

Do they have to tell the Council why they want the information?

- No

Does the Council have to provide the requested information?

- Yes, unless there is a good reason not to. Examples of a good reason might be: the information is exempt under the Act; we don't hold that information; we hold it, but on behalf of someone else.

How quickly does the Council have to respond?

- As quickly as possible but within 20 working days we must provide the information, or explain why we can't or won't. A refusal would need the involvement of the FOI Contact in your service.

What if the customer is not happy with our response?

- Explain the decision. If they are not happy they can request an in-Council review. If still not happy they can appeal directly to the Scottish Information Commissioner

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