



FREEDOM OF INFORMATION AND DATA PROTECTION POLICY

1. General
 - 1.1 This policy explains how the Council will deal with its customers in relation to the Data Protection Act 1998 and the Freedom of Information Act 2000
 - 1.2 References to 'the Council' in this policy mean Warwick District Council.
 - 1.3 References to the Information Commissioner (IC) means the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AE Telephone (01625) 545700, fax 01625 524510 Email data@dataprotection.gov.uk.
 - 1.4 References to the 'responsible officer' means the Officer in each business unit responsible for Data Protection And Freedom of Information issues..
2. Data Protection
 - 2.1 The Council needs to collect and use information about people in order to operate. This personal information must be dealt with properly whether collected on paper, in a computer or recorded on other material.
 - 2.2 To this end the Council fully endorses and adheres to the principles of Data Protection Act 1998 namely, that personal information
 - shall be processed fairly and lawfully and in particular, shall not be processed until specific conditions are met.
 - shall be obtained for specified and lawful purpose(s) and shall not be further processed in a manner incompatible with these purposes.
 - shall be adequate, relevant and not excessive in relation to the purpose/purposes for which they are processed.
 - shall not be kept longer than necessary.
 - shall be processed in accordance with the rights of data subjects under the Act.
 - appropriate technical and organizational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.
 - Shall not be processed without appropriate technical or organisational measures being taken against unauthorized or unlawful processing of personal data and against accidental loss or destruction of , or damage to personal data.
 - 2.3 The Council will therefore, through appropriate controls:
 - observe fully conditions regarding the fair collection and use of

information.

- meet its legal obligations to specify the purposes for which information is used.
- collect and process information, only to the extent that it is needed to fulfill operational needs so as comply with legal requirements.
- ensure the quality of information used.
- apply strict checks to determine the length of time information is held.
- ensure that the rights of data subjects are able to be fully exercised.
- take appropriate technical and organization security measures to safeguard personal information.
- ensure personal information is not transferred abroad without safeguards.

2.4 the data protection officer shall have overall responsibility for data protection matters within the Council.

- each business unit shall in addition have a responsible officer.

2.5 staff managing and handling personal information shall be trained and supervised and know from whom to seek advice.

- queries about handling personal information shall be promptly and courteously dealt with.
- the Council will not normally charge a data subject for collecting information to meet a subject access request but may do so if a large amount of administration is involved. The Council will normally charge up to the statutory maximum if the request involves providing CCTV footage and/or records.as a large amount of administration is normally involved.

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3. Freedom of Information

3.1 The Freedom of Information Act 2000, in the words of the Information Commissioner (IC) “encourages public bodies to publish information about themselves and their plans. This should ensure better information about matters which affect peoples daily lives and help people make better choices. The Act will increase transparency and accountability at all levels of public life, promoting better administration”. The Council fully endorses the intended spirit of the Act.

3.2 Accordingly the Council will answer requests for information positively and openly wherever possible and will not seek to withhold information without reasons, which are lawful under the Act.

3.3 The Council will make as much information as possible readily accessible to the public by providing public access to its Publication Scheme, corporate documents and other information on the website and at its offices one-stop shops and public libraries.

- 3.4 The Council will not normally charge a person making a request for information for the cost of providing the information but may do so at its discretion if a large amount of administration is involved. A charge will normally be raised for providing CCTV footage and/or records as this normally involves a large amount of administration.
- 3.5 A request for information can be made to any member of staff. Accordingly all staff within the authority shall receive training on the Freedom of Information Act to an appropriate level, on a regular basis.
- 3.6 A request for information shall be dealt with according to the scheme and flow chart set out in appendix one to this policy.
- 3.7 The Council will discharge its functions under the Freedom of Information Act 2000 in accordance with the Code of Practice issued under Section 45 of the Act.

4. Document Management

- 4.1 The Council will manage its documents in accordance with the Code of Practice issued under Section 46 of the Freedom of Information Act.
- 4.2 The retention and disposal of records shall be carried out in accordance with this policy.
- 4.3 All records should be complete and accurate so as to be sufficient to
- protect the legal and other rights of the Council, its clients and any other persons affected by its actions and
 - provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
 - records shall be arranged in both paper and electronic record keeping systems.
- 4.4 Storage accommodation shall be maintained in a clean and tidy condition and IT hardware shall also be used in compliance with the Council's ICT security policy to prevent unauthorized and unlawful access to the information. The policy will comply with the Council's contingency or business recovery plan in order to provide protection for records vital to the continuing function of the Council.
- 4.5 Archiving or destruction of records shall be undertaken in accordance with this policy which will be monitored by the monitoring officer and implemented by the responsible officer.
- 4.6 The monitoring officer shall be provided once a year by the responsible officer with copies of schedules recording the types of information destroyed during the year and the date it was destroyed.
- 4.7 Each department within the Council has two schedules summarizing the information it holds and how long it will hold it for. The latter document

complies with the Records Management Society of Great Britains document retention guidelines for Local Authorities. Copies of both schedules are available on request.

- 4.8 Any records selected for permanent preservation and no longer in regular use by the Council shall be archived as soon as possible.
- 4.9 Records that have reached the end of their administrative life should be destroyed in accordance with this policy in a secure manner as is necessary for the level of confidentiality of security relating to the record. Their date of destruction will be recorded on a schedule.
- 4.10 Where a record due for destruction is known to be the subject of a Request for Information under the Freedom of Information Act 2000, destruction shall be delayed until disclosure has taken place or if the Council has decided not to disclose the information, until the complaint and appeal provisions of the Freedom of Information Act have been exhausted.

5 Information held by members

Information held by members in connection with Council business is information belonging to the Council. Members should not therefore deal with the request themselves but pass the request to the Monitoring Officer, who will allocate the request to the appropriate department(s). Information held by members not relating to Council business is not caught by the Act.

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Complaints

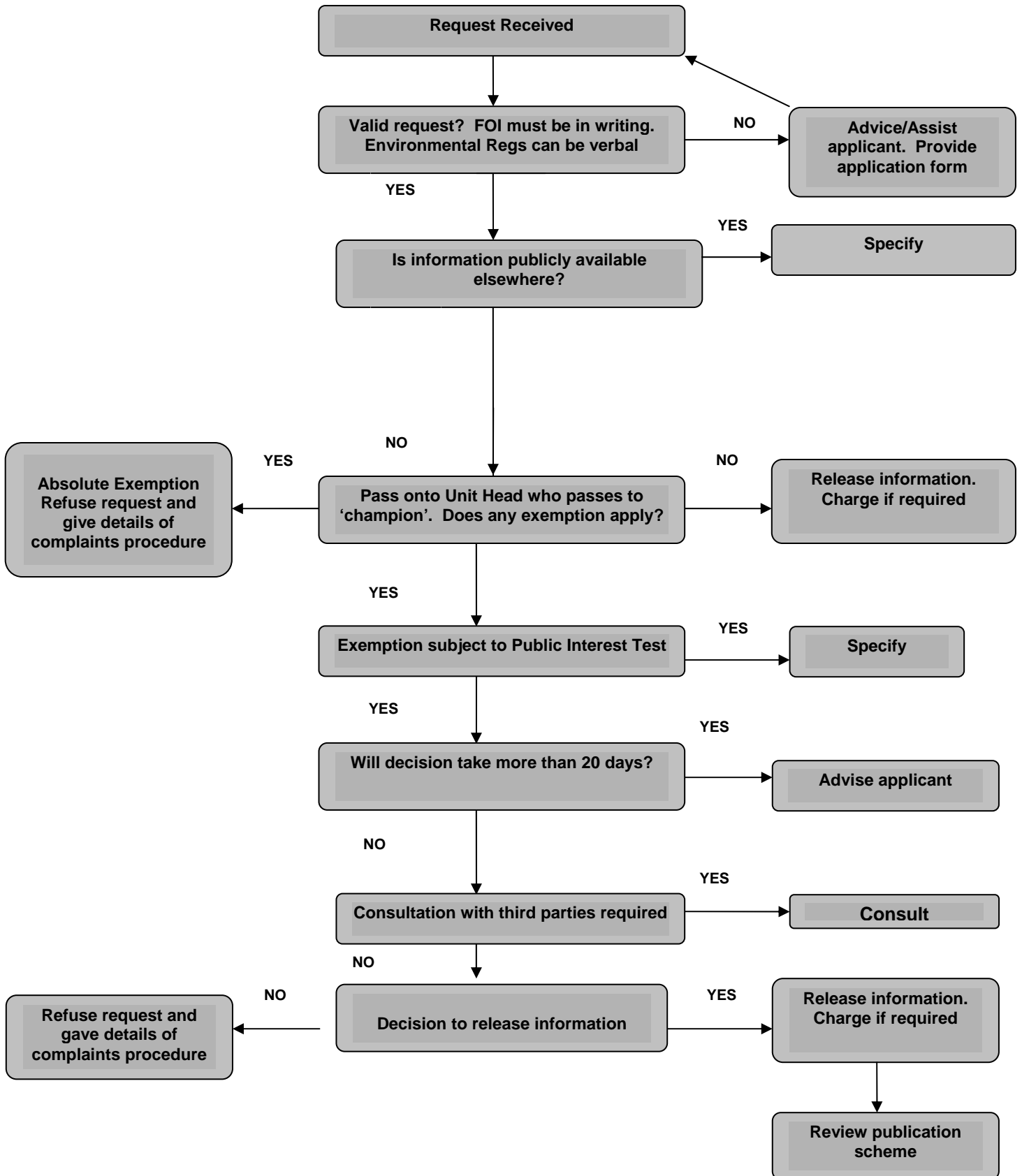
Anyone unhappy with the way they feel the Council has dealt with a Data Protection or Freedom of Information issue should complain initially by using the Corporate Complaints procedure. Once that has been exhausted the Information Commissioner (see details in 1 above) has the powers to further investigate the complaint, make findings and take sanctions against the Council if they consider this appropriate.

Copies of this policy are available from:

1. The Council's website, on www.warwickdc.gov.uk
2. The Council Offices,
Riverside House,
Milverton Hill,
Royal Leamington Spa,
Warwickshire
CV32 5HZ.
3. Other council premises.



FREEDOM OF INFORMATION ACT FLOWCHART



FREEDOM OF INFORMATION ACT 2000

WARWICK DISTRICT COUNCIL REQUEST HANDLING POLICY

1. Each Business Unit will have a Freedom of Information “Officer” responsible for dealing with requests for information under the Freedom of Information Act 2000. The “Champions” are listed in Appendix 1.
2. All staff will be trained to offer basic “advice and assistance” as required by the Act. At its most basic level, this will be telling someone a verbal request, should be put in writing and providing an advice form/request form as illustrated in Appendix 2; i.e. how to make a valid request.
3. Staff will be aware of “easy requests”, i.e. information routinely made publicly available in corporate documents, public registers, on the web site and in Council literature, and will direct customers to these sources. As this information is available elsewhere, the Act is not engaged by these requests.
4. Non-routine requests caught by the Act will be passed to the Unit Head of the relevant Business Units, the “Responsible Officer” within that Unit and the Monitoring Officer. The Unit Head will notify the “Responsible Officer” who will notify the Monitoring Officer, and provide them both with a copy of the request.
5. The Monitoring Officer will diary for 8 and 16 days from notification to check on the progress during the 20 day response period.
6. Easy/fast track requests will be promptly released. The “Responsible Officer” will be responsible for handling the retrieval and release of that information.
7. If the request is complex the following procedures will apply:
 - (i) The “Responsible Officer” will determine whether the request is vexatious or repeated.
 - (ii) The “Responsible Officer” will speak to the applicant to clarify.
 - (iii) An estimated time-scale and plan to collect the information will be agreed by the “Responsible Officer” and other employees within the Unit.
 - (iv) If the “Responsible Officer” is of the view that the information will take longer than 20 working days to provide, they shall notify the person making the request and the Monitoring Officer in writing. This should only be done in exceptional cases.
 - (v) The Monitoring Officer shall identify if the request “cross cuts” more than one department and if so, shall pass a copy of the Information request to all relevant departments, and identify the appropriate “Responsible Officer” to deal with the request from the affected business units and notify them in writing.
 - (vi) The “Responsible Officer” will determine which exemptions apply.

- (vii) If the exemptions are qualified exemptions the “Responsible Officer” will apply the public interest test to determine whether to disclose or not. He will need to decide whether disclosure within 20 days is possible whilst the determination is being made. If not, the applicant should be advised.
- (viii) A decision should then be made by the “Responsible Officer” on whether to release.
- (ix) The “Responsible Officer” shall decide whether consultation with third parties, e.g. contractors, is required and if so consult accordingly.
- (x) During this process the “Responsible Officer” will be able to seek advice from the Monitoring Officer and Legal Services as a matter of priority.
- (xi) If the request is refused:
 - (a) The refusal shall be reviewed by the Monitoring Officer/Legal Services.
 - (b) If confirmed, the decision shall be communicated to the applicant with the reasons for refusal.
 - (c) The applicant shall be sent with the refusal, details of the Council’s Corporate Complaints Procedure which shall apply to Freedom of Information Act requests.
 - (d) The refusal, and reasons shall be recorded by the Unit concerned and copied to the Monitoring Officer.
- (xii) If the request is granted:
 - (a) The information is to be released.
 - (b) An assessment should be made as to whether it can go on the publication scheme in the future.
 - (c) The fact that the information has been released and when, and the nature of the information should be recorded in writing by the relevant Business Unit.
 - (d) If the information can be released electronically and the applicant wants it so released it shall be provided electronically.
 - (e) The Council reserves the right to charge a fee in appropriate circumstances for administrative charges incurred in providing the information, to be determined by the “Responsible Officer”.
 - (f) In implementing this policy. Officers shall observe the Code of Practice laid down under Section 45 of the Freedom of Information Act 2000.