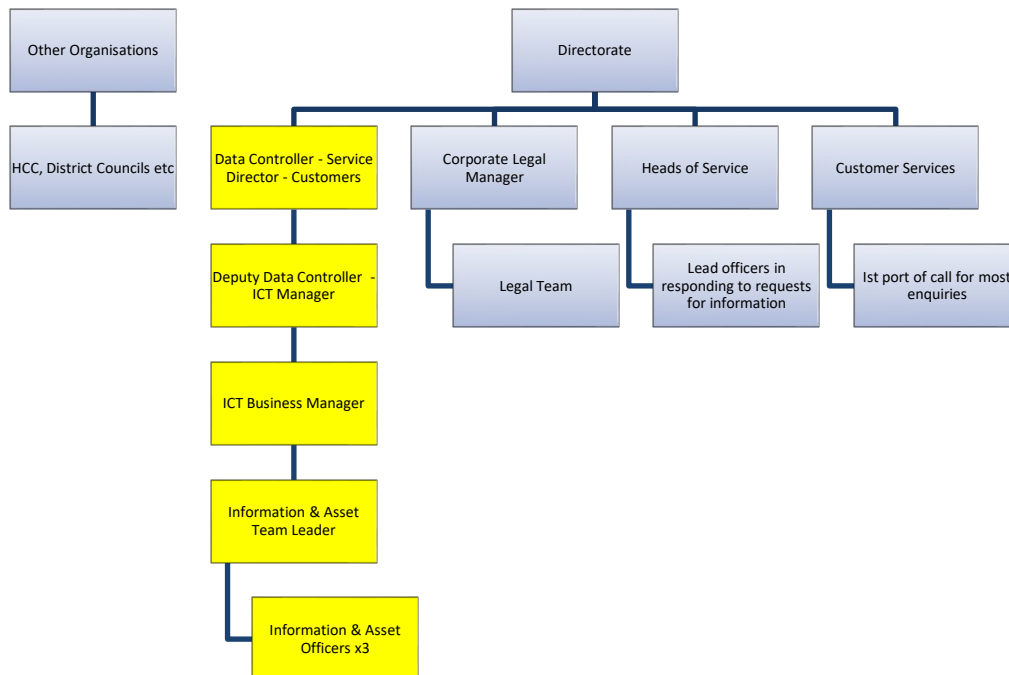


Access to Information – Responding to Requests

Access to Information - Responding to Requests

The Freedom of Information Act 2000 (**FoIA**), the Data Protection Act 2018 (**DPA**) and the Environmental Information Regulations 2004 (**EIRs**) provide a right of access to information held by the North Hertfordshire District Council.

1. Structure Chart: Who is handling the request



1. Roles and Responsibilities

- Information & Asset Officers
 - Manage the day to day enquiries. They are the primary contact for customer enquiries
 - Follow legislation and codes of practice as set out in
 - Freedom of Information Act
 - Environmental Information Regulations
 - Data Protection Act
 - Codes of Practice 45 and 46
 - NHDC local policies and procedures
 - Maintain request records
- Information & Asset Team Leader
 - Responsible for ensuring team meets objectives and priorities
- ICT Business Manager
 - Responsible for overall success of Information & Asset Team
- Deputy Data Controller
 - Particular responsibility for IT aspects of data management
- Data Controller

- Overall responsibility and management for service
- Particularly data breaches
- Data Protection Officer
 - DPOs **monitor internal compliance, inform and advise on your data protection obligations**, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the Information Commissioner's Office (ICO).

The Information and Asset Team works with other departments including the Legal department and Customer Services. They also work with Information Governance teams in other authorities.

2. Receiving Requests

- a. Requests may be received through:-
 - Customer Services (service@north-herts.gov.uk email, website, telephone)
 - The FOI Website form
 - Direct to FOI2@north-herts.gov.uk email or direct to Service Areas
 - Post
 - Our social media site
- b. It is our policy to send an acknowledgement within 2 working days. If you have not received a response please contact us or Customer Services to ensure your request has been received successfully.

3. How the Customer can assist NHDC in providing an efficient response

- a. The Council's policy is to provide as much information as possible on our website, please look on our website first or on the Hertfordshire County Council website before requesting information under FOI/EIR

We regularly have requests for information for the following data and therefore publish data sets on our website

- [Business Rates](#)
- [Public Health Funerals](#)
- [Contracts](#)

An additional resource of information is our FOI Disclosure Log which we publish on our website at:- [FOI Disclosure log](#)

- b. Please be as specific as possible in your request, whilst you have no legal obligation to explain why you want information, an explanation can be helpful for us in retrieving the exact data you require. We may need to seek further clarification from you before handling the request if it is unclear and if it is too general the Council may refuse the request,
- c. Please provide a minimum of your name and a contact email, and we prefer an address as well. Under FOI we can refuse a request if we cannot identify the requestor.

4. Responding to Requests

- a. We will respond to all requests within 20 working days in accordance with the legislation.
- b. Our responses are bound by legislation, if the information is exempt (or 'excepted') under legislation we will let you know in our response.
- c. Common requests for information that are received by NHDC, but are actually handled by HCC include:-
 - Roads and Highways
 - Education
 - Health and Social Services
 - Trading Standards
 HCC can be contacted via their FOI department at hertsdirect@hertfordshire.gov.uk

5. Charging for FOI and EIR Requests

Where a request is complex or extensive, and therefore requires more than 18 hours of staff time we can refuse the request or if we are complying with such a request will charge for the cost of supplying data. A fee notice will be issued and the time for compliance will then stop until this has been paid:

- a. Under legislation we charge for staff time at a rate of £25 per staff member per hour, i.e. 18 hours would cost £450.
- b. If we cannot provide information electronically, we will also charge for photocopying and other disbursement costs such as postage at the following rates:

Paper Size	
A4	b/w and colour £0.65 1st sheet + £0.10 per sheet thereafter
A3	b/w and colour £3.65 1st sheet + £0.21 per sheet thereafter
A2	b/w and colour £3.75 1st sheet + £0.33 per sheet thereafter
A1	b/w and colour £3.95 1st sheet + £0.53 per sheet thereafter
A0	b/w and colour £4.50 1st sheet + £1.02 per sheet thereafter

- c. Fees for EIR information are published on the website or in the Council's Publication Scheme, we charge for staff time on a similar basis as FOI.

6. Re-Use of Public Information

- a. We comply with the Re-use of Public Sector Information Regulations 2005 and we encourage the re-use of the information that we produce. Our approach is to be open and transparent and to treat all applications for re-use in a fair and non-discriminatory way.
- b. In most cases information made available through our Publication Scheme and from datasets can be re-used under the [Open Government Licence](#). You are free to:
 - copy, publish, distribute and transmit the information on our website (except for logos and insignia)
 - adapt the information
 - exploit the information commercially and non-commercially
 - and you must attribute us as the source of the information.

- There is no re-use fee, if the data set is provided under this Licence.
- c. In all cases we will comply with the exclusions highlighted under the Regulations

Unless stated this will be the Open Government Licence. Information on the different types of public sector licenses is available by clicking on this link [UK Government Licensing Framework](#).

If you would like to re-use the data that is subject to a Non-Commercial Government Licence or Charged Licence, please contact us at:- foi2@north-herts.gov.uk
We aim to respond to all applications within 20 working days.

7. Handling of Public Interest Test (PIT) Responses

Where the Council wishes to use a qualified exemption under FOI, or any of the exceptions under EIR 12(4) or 12(5) a PIT test will be used. The Officer considering the request will consider whether, on balance, it is in the public interest to provide the information or in the public interest to withhold the information. The outcome will be confirmed when you receive the response to the request.

8. Requests for Information under the Data Protection Act 2018

Under the Data Protection Act, customers have the right to request their own personal information and this is called a Subject Access Request (SAR). Under the legislation you may have to:-

1. Provide proof of identity (driving licence or passport) if we are unable to determine your identity
2. We offer a SAR form to help you formulate your request, but you can also use your own letters/forms.
 - I. We have one calendar month to respond to your request once we have received your proof of identity and fee.
 - II. We ask that you are as specific as possible in your requirements, in order that we can speed up the process.
 - III. We are unable to provide you with other people's data (third party data). If your request includes data about another person, it will be redacted (deleted) before we send out your information. In certain circumstances we may refuse to supply this data under exemptions in the Act (for example if this relates to a regulatory investigation or a criminal matter). If that applies you will receive an explanation in the reasons for the refusal.
3. Under the Data Protection Act, there are certain exemptions where we are permitted to provide personal information to third parties (e.g. crime and taxation, or regulatory activity) and we will handle this according to the legislative requirements.

9. The Publication Scheme

The Freedom of Information Act requires a publication scheme to be provided for every authority. The Publication Scheme identifies information which is exempt under FOI because it is already provided as part of the Council's normal business.

The information we provide in this format is

- Readily available to a customer by contacting the department direct or from our website
- If there are charges, they are published clearly on the website and/or in other documentation
- They may include data which has been identified under Open Government/Transparency legislation
- They may include registers which are available by law
- It does not include information that may breach the Data Protection Act

The Publication Scheme is published on our website at:-

<http://www.north-herts.gov.uk/data-protection-and-freedom-information/freedom-information/publication-scheme>

A review is carried out annually. The Information and Asset Team consults with departments before finalising the updated version.

10. The Retention Schedule

The Retention Schedule is the Council's Policy on the number of years information is retained within the Council. This varies according to the type of information. Information that is required by legislation may be kept permanently, whilst information of no long-term value to the Council may only be kept a few months.

The Council takes particular care not to retain information about individuals beyond the time that it is required in accordance with Data Protection principles.

A copy of the retention schedule is published on our website at:-

<http://www.north-herts.gov.uk/home/council-performance-and-data/data-protection-and-freedom-information/retention-schedule>

A review is carried out annually. The Information and Asset Team consults with departments before finalising the updated version.

11. Reviews and Appeals

If you are unhappy with the response you have received under FoIA, EIR, or DPA legislation, or the handling of your request you may request a Review from NHDC.

We will accept a request for a Review up to 60 days after the date of our response.

Please contact the team direct using FOI2@north-herts.gov.uk quoting your reference.

If you are dissatisfied with the handling of your request:-

If following a Review of your request you are not satisfied with the outcome, you may exercise your right to appeal to the Information Commissioner for a decision (FoIA/EIR) or for an assessment (DPA).

Appeals to the ICO should be made in writing to:-

The Information Commissioner
Wycliffe House
Wilmslow
Cheshire
SK9 5AF

Website: [The Information Commissioner's Office](#)

12. Complaints

If you believe you have a complaint regarding the service received that falls into the categories outlined in our [Complaints Policy](#) , please use the contact procedures outlined in that policy.