

# **FREEDOM OF INFORMATION REQUESTS**

## **Introduction**

The Freedom of Information Act 2000 came into effect in January 2005.

The Act aims to promote openness in the public sector, which includes government departments, councils, hospitals, schools and the police. The Act helps the public to get a better understanding of how public authorities carry out their duties, why they make their decisions, and how they spend public money.

The Act gives individuals rights to see official information held by public authorities such as local councils, hospitals and the police.

Under the Freedom of Information Act, any individual, or business entity is able to make a request to Nottinghamshire County Council for information held by the Council. This right is known as the 'right to know'. It gives everyone the right to request recorded information held by public bodies.

Under the Freedom of Information Act, an applicant can make a request for information held by the County Council but cannot request information held about themselves. Requests for personal information that is being held by an organisation must be made under the Data Protection Act 1998. The 1998 Data Protection Act applies to all bodies public and private.

The Freedom of Information Act 2000 applies to public authorities in England, Wales and Northern Ireland and to those which are UK-wide. The Freedom of Information Act only applies to public authorities and companies that are wholly owned by public authorities.

## **Applying for information under the Act**

The majority of requests under the Freedom of Information Act will be handled by the appropriate department in the County Council. However, if the request relates to information held on a school level, requests may be made directly to Head Teachers or the Governing Body of a school.

Requests must be made in writing or by e-mail and an applicant is entitled to be informed in writing as to whether the information requested is held and to have that information communicated to them. Applicants should state their name, an address to reply to, and a clear description of the information being requested.

Applicants do not have to explain why they want that particular information or for what purpose they intend to use it for.

The Act stipulates that requests for information should be responded to within 20 working days.

## **Confidentiality**

If you have concerns regarding the confidentiality of a pupil related request you will need to contact your Local Education Officer:

Ashfield, Bassetlaw, Mansfield and Newark schools:

North Base – 01623 433 433

Broxtowe, Gedling and Rushcliffe schools:

South Base – 0115 854 6000

If you have concerns regarding the confidentiality of a staffing related request you will need to contact your area HR Business Partner.

## **Costs**

In most cases the information will be provided free. But some costs, such as photocopying and postage, can be charged for. If the authority has specific permission to charge for a particular type of information, it can ask the applicant to pay these fees.

## **Exemptions to the “right to know”**

The Freedom of Information Act also recognises that there are valid reasons for withholding information by setting out a number of exemptions from right to know.

Information must be disclosed unless there is a good legal reason not to. If you are refused information, the authority must explain why.

Legal grounds for not releasing requested information include:

- Release of the requested information may be refused on the grounds that the cost of collecting and providing it exceeds the “appropriate limit”.
- The information is reasonably accessible to applicant by other means than being provided by the school or County Council.
- The information requested is intended for future publication and that it is reasonable in the circumstances that the applicant wait until such time that the information is actually published.
- The information requested is subject to legal professional privilege e.g specialist legal advice given in confidence to the school or County Council.
- The information requested covers sensitive matters of national security and defence of the United Kingdom. e.g the Armed forces, Security Service, Secret Intelligence Service, Government Communications Headquarters (GCHQ).
- Release of the information requested would prejudice the ability of law enforcement agencies to prevent or detect crime; or apprehend criminal suspects.
- Release of the information is likely to prejudice any actual or potential legal action or formal investigation involving the school or County Council.

- Release of the information would prejudice the ability of the authority to carry out an effective audit of its accounts, resources and functions.
- The information being requested is subject to Parliamentary privilege.

## Complaints

If an applicant is unhappy about the way a request for information has been handled, a complaint should be in writing (or via e-mail) and set out:

- Contact details (name, address, e-mail address)
- The information that was requested
- The reason why they are dissatisfied
- The date which the information was requested

A reply to a complaint should be sent within 20 working days. If the complaint is complicated, this may take longer, and the complainant should be kept informed about what action is being taken and when to expect a reply in full.

If the complainant is still unhappy after making an initial complaint the matter can be referred to the Information Commissioner at **website:**

[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)