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## **ACCESS TO INFORMATION IN LOCAL GOVERNMENT (Min 509/02)**

### **1 SUMMARY**

- 1.1 This report provides Members with further information on progress towards the implementation of the Freedom of Information Act 2000 coming into force in full in January 2005.

### **2 INTRODUCTION**

- 3.1 In October 2002 this Committee considered a consultation document from the Office of the Deputy Prime Minister in connection with the current access to information regime and new requirements under the Freedom of Information Act.
- 3.2 In deciding the Council's approach to this legislation Members are reminded that;
- The Act is a major opportunity for local government to become more open and accessible to its communities and residents
  - There is an important link to the e-government agenda
  - The Council's response to the challenge may be an important element in Comprehensive Performance Assessment
  - Careful preparation should avoid the cost of processing expensive individual applications for information under the Act.
- 2.1 Members agreed to receive a series of reports updating on the progress of the authority towards implementation. This is the first such report.

### **3 RESPONSIBILITIES UNDER THE FREEDOM OF INFORMATION ACT 2000**

- 3.3 Members will recall that the Freedom of Information Act 2000 (the Act) contains two basic responsibilities for local government. The first relates to the provision of a Publication Scheme, the second to requests for information.

#### **1. Publication Scheme**

- 3.4 A Publication Scheme must set out the types of information the authority publishes, the form in which the information is published and details of any changes. The Scheme must be in a form approved by the

Information Commissioner. Every Public Authority must publish information in accordance with its Publication Scheme and from time to time review its Scheme.

- 3.5 In adopting or reviewing a Publication Scheme, a Public Authority must have regard to the public interest in allowing public access to information held by the authority and in the publication of reasons for decisions made by the authority.
- 3.6 The Council's Scheme was approved by the Information Commissioner and implemented in accordance with the Act on 28 February 2003. The Scheme is intended to be widely available. Copies have been placed in the Members' Library and are on the Council's web site and intranet as well as in Reception areas, etc. Because it is so new, it is already under review to ensure all types of information published by the Council are covered and that fees and charges are up to date.

## **2. Access to Information**

- 3.7 Subject to the exemptions, by January 2005 any person, who makes a request to a public authority for information, must be informed whether the public authority holds that information and if so, that information must be supplied. However, the request will have to satisfy certain conditions.
- 3.8 Most of the exemptions will have to be considered in two stages. Firstly the public authority will have to decide whether the exemption applies to all or part of the information requested, and secondly, if it does apply, the authority will then have to decide whether it must disclose in the public interest, irrespective of the exemption. In the case of a few exemptions the public authority will not have to go on to consider the public interest.
- 3.9 There is a clear need for a general understanding by both officers and Members of how this legislation works and what it means in terms of processing individual applications. This includes an awareness of the timetable for compliance, identification of lead responsibilities, the allocation of resources, clear backing by Members for the programme of implementation and ownership by senior managers.

## **4 CODE OF PRACTICE**

- 4.1 On 20 November 2002 the Lord Chancellor laid two Codes of Practice on Freedom of Information before Parliament. The first relates to dealing with requests for information and the second to the Management of Records by Public Bodies in relation to the creation, keeping, management and destruction of records.

- 4.2 A timetable and programme of work has been produced based on a Model Action Plan for Local Government produced by the Lord Chancellor's Office to address issues arising out of the Act and the Codes. An extract of the Code of Practice and programme for Records Management is attached at Appendix 1.
- 4.3 Corporate Management Board has identified the Corporate Director (Law, Planning & Administration) as lead officer for Freedom of Information, and he has set up an officer working party to address issues with regard to record's management.
- 4.4 In accordance with the programme, the Working Party has embarked on an information gathering exercise, undertaken by questionnaire to all departments, on current record management practice.

## **5 THE NEXT STEPS**

- 5.1 It is already clear that practice and procedure varies across the authority and information is maintained by individuals, sections departments and divisions as well as within the central filing system. Some information is duplicated and takes a variety of forms from paper to microfiche as well as electronic records.
- 5.2 There is clearly a need for a comprehensive audit and analysis of records management followed by preparation of a corporate records management policy statement and, where necessary, departmental policy statements. No resources are available internally to undertake this work and, to maintain the timetable, it is proposed to employ external consultants for this purpose.
- 5.3 At the same time, in line with the IEG2 Statement, officers are investigating the possibility of electronic solutions to record's management utilising document imaging with record's management and workflow software. Preliminary findings suggest that this could be prohibitively expensive although it may be possible to introduce it in selected areas.
- 5.4 While good records management is a prerequisite for effective request handling other issues to be considered include design, documentation and testing of procedures. Members will also have to consider links with other legislation such as the Data Protection Act 1998 and Human Rights Act 1998 as well as staffing implications, the adoption of a policy statement, the policy on charges, training provision and procedures for dealing with complaints about handling of information.

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**6 RESOURCE IMPLICATIONS**

- 6.1 There are considerable potential resource implications associated with this legislation. Consultancy for audit and analysis of record's management is estimated at £4,500. This has been identified from savings and will be included within the closure of accounts for 2002/03. Officer time in preparation for the implementation date is likely to run to several months spread over a number of officers. The outcome of the analysis and policy statement may result in a level of reorganisation or restructuring and since the only efficient way to manage information is electronically, there is likely to be an identified need for additional hardware and software. Some of the above may be met from the IEG2 grant.
- 6.2 Efficiency savings will offset some of these cost but this remains to be quantified.
- 6.3 Draft regulations provide for a charge to be made for the provision of information and further reports will deal with this in due course.

**7 RECOMMENDATION**

- 7.1 It is proposed that the Committee **RESOLVES**
- to note and endorse the progress made to date with regard to implementation of the Freedom of Information Act 2000. (CD(LP&A))

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**Background Papers:**

None

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