

Public Access to Information Policy

1. Introduction

- 1.1 Our residents should be able to hold us to account about the services we provide, how we make decisions, and how money is spent, so they can judge our value for money and efficiency. Greater transparency makes this easier. It can highlight inadequacies and poor performance, and enforce improvements in service delivery. Central to this is the proactive publication of open data and information.
- 1.2 The council's **Declaration and Commitment Statement to Transparency** was agreed by Members at the Policy and Resources Committee in June 2014. The Statement sets out the principles under which we will work to be as transparent as possible:
 - a. **Principle 1:** open data by default - establishes an expectation that data will be published openly by default, where possible.
 - b. **Principle 2:** quality, quantity and timely - release high-quality open data that is timely, comprehensive, and accurate
 - c. **Principle 3:** usable by all - release data in open formats wherever possible, ensuring that the data is available to the widest range of users for the widest range of purposes.
- 1.3 There are also statutory drivers which demand that we comply with our Transparency & Open Data duties.
 - a. **Local Government Transparency Code**
 - b. **INSPIRE Regulations**
 - c. **Freedom of Information 2000**
 - d. **Environmental Information Regulations 2004**
- 1.4 **Access to information** - There are two main categories of information; personal and non-personal. There are also a few different laws that allow you to make requests for information.

The Information Commissioner regulates all these laws and the Information Commissioner's Office (ICO) has advice on your rights.

- 1.5 When you submit an information request to us and it is unclear or too general we will offer advice and assistance to help us identify what it is you are seeking.
- 1.6 In a limited number of cases we may not be able to provide all information held, for example where information is confidential, affects personal privacy, security issues or other instances when disclosure would not be appropriate. We will explain why we have been unable to provide the information to you.
- 1.7 Consultation with other parties to deal with your request will sometimes be necessary because third parties who have created or provided the information may have a better understanding of its sensitivity, but the final decision on whether to disclose or not will always be made by the council.
- 1.8 The Freedom of Information Act (FOI) 2000 and Environmental Information Regulations (EIR) 2004 allows the public to ask us for all the recorded information we have on any subject. A requester doesn't have to tell us why they want the information, and we won't ask. We will be open and honest and respond within 20 working days, which can be extended under exceptional circumstances to 40 working days.
- 1.9 All information disclosed under this legislation is routinely made available can found on our Publication Scheme and responses published on our Disclosure log.

The Barnet Council website explains how to exercise your right to access information

[https://www.barnet.gov.uk/citizen-home/council-and-democracy/forms/Freedom-of-Information-request-\(FOI\).html](https://www.barnet.gov.uk/citizen-home/council-and-democracy/forms/Freedom-of-Information-request-(FOI).html)

Where information is subject to Licensing or Copyright rules we will tell you.

- 1.9 The Re-Use of Public Sector Information Regulations 2015 (where the Council must make information about our core responsibilities and functions accessible and available for re-use in response to a request). The regulations set out the basis on which the authority should act when deciding whether and how to comply with a re-use request.
- 1.10 We also want to be transparent in our processing when using information you have given us. The General Data Protection Regulation (GDPR) grants an individual a **right of access** to their personal information held by an organisation, also called a **subject access request**. This provides an individual with access to their personal data, so that they know what we hold and can check how their personal data is being processed.
- 1.11 A request is free of charge to make and must be responded to within 1 month of receipt, this can be extended to a further 2 months for more complex requests.
- 1.12 The council website explains how to exercise your right to access information held about you here: <https://www.barnet.gov.uk/citizen-home/council-and-democracy/data-protection-and-freedom-of-information/data-protection-act.html>
- 1.13 Other rights for individuals include:
 - a. **The right to be informed** - please see our privacy notice (www.barnet.gov.uk/privacy) which details how we process the personal data we hold about you
 - b. **The right of rectification** – if there is information held by us which you believe to be incorrect you can ask us to correct (rectify) your personal data. Your request will be reviewed and a decision made as to

whether we can amend the information we hold. Please note the council is only required to change facts that are wrong, such as your address. It is not required to change opinions that you feel are wrong, such as a social worker's professional opinion.

c. **The right to erasure** - you can ask us to delete or remove your personal data where it is no longer required to be processed. There are restrictions on when we can comply with this type of request and the ICO website provides further detail on this. Please note, the council does not have to erase your information where it needs to use it to comply with a legal obligation, perform a public task or exercise official authority, for public health purposes, or where it needs to use the information in legal proceedings. If we are unable to comply with your request to have data erased, we will explain why to you.

d. **The right to restrict processing** - you can ask us to 'restrict' processing of your personal data whilst a complaint or concern (for example, about accuracy) is being resolved, or where you believe the processing to be unlawful. The council will review the request and confirm whether processing has ceased whilst the request is being considered.

e. **The right to data portability** - you can ask us to provide your personal data in a machine-readable manner so you can take it to another data controller. This only applies to your personal data that you've given us and when we're processing your data based on contract or your consent. It only applies when the processing is done by automated means. This right does not apply to most of the personal data that the council processes.

f. **The right to object** – you have the right to object to processing where it is based on legitimate interests or the performance of a

task in the public interest/exercise of official authority (including profiling); direct marketing (including profiling); and; processing for purposes of scientific/historical research and statistics. If you object and the council refuses to cease processing we are required to demonstrate why we believe that we can continue with the processing.

- g. **Rights in relation to automated decision making and profiling** - you have the right not to be subject to a decision based solely on automated processing, including profiling, which significantly affects you. The council does not undertake any solely automated processing.
- 1.14 Any requests for the rights listed above rights will receive a response within 1 month of receipt.
- 1.15 **Right to appeal** If you are unhappy with the response to any information request and you tell us why, we will carry out an internal review. You are also able to complain to the **ICO**. Appeals or complaints to the ICO can be made free of charge, but please give us the opportunity to resolve the issue first through our own internal review process.
- 1.16 Organisations, such as **government departments, other local authorities, solicitors, police and the courts**, can request information from us about our work or about individuals whose information we hold. We are also allowed to disclose personal data to the police where it is required for the prevention or detection of crime, or to assist in the apprehension and prosecution of an offender.
- 1.17 If organisations want to request personal data from the council they should use one of the disclosure forms on the council's website. These requests are handled confidentially and information is sent securely within 20 working days, unless otherwise stipulated within a court order.
- 1.18 The council also routinely enters into **Information Sharing Agreements (ISA)** with other organisations. Please see the Information Sharing Policy for more details.

2. Important To Know

- 2.1 Requests received under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Re-Use of Public Sector Information 2015 must be sent as soon as possible to foi@barnet.gov.uk
- 2.2 Requests received about Data Protection must be sent as soon as possible to data.protection@barnet.gov.uk
- 2.3 Requests received about open data must be sent to open@barnet.gov.uk
- 2.4 You must comply with the council's Data Protection and Privacy Policy and procedures for all handling of personal data. This includes (a) disclosing information under data sharing agreements (b) providing information to contractors and allowing them access to systems and (c) sharing information with government departments, solicitors, police and the courts.
- 2.5 All information requests must be logged centrally, using the council's information request case management system.

3. Want To Know More?

- **Information Management Policy** sets out the information management framework and all the key documents
- **Information Lifecycle Policy** sets out practical guidance on managing the information lifecycle from creation, maintenance and disposal of information
- **Public Access to Information Policy** sets out how the public may request access to information held by the Council
- **Data Protection & Privacy Policy** examines how we should protect an individual's privacy against the need to fulfil and maintain public functions
- **Information Security Policy** [LINK] looks at measures we can all take to protect information held and **Information Systems Access policy** which defines how user access to networks and systems are administered
- **Working flexibly in or out of the office** [LINK] Working out of the office or at home, think about what extra measures you need to take when handling information.
- **Information Sharing Policy** examines secure ways in sharing information with other organisations and individuals.
- **Surveillance & CCTV Policy** examines the use of privacy invasive technology such as CCTV

4. Who Does This Policy Apply To?

4.1 Remember, ALL officers working for the



Council or partners/
agency
staff,
contractual
third party
suppliers

and agents and partners working on behalf of the council must abide by all our Information Management Framework policies or an IMT approved equivalent standard when dealing with any council information. Failure to comply with the Data Protection Act or this policy could result in disciplinary action.

5. Who Does What?

- See **Roles and Responsibilities**

specific functions to this policy include

The **Data Protection Officer** has oversight of all reports and decisions being made to ensure data protection is appropriately covered, much like legal oversight or equality checks.

- Manage the case management system contract **iCasework** and support for recording information requests
- Manage the **Link Officer** network.
- Assist Delivery Units with data discovery and the identification of relevant datasets for publishing on **Open Barnet**
- handle all complaints/ internal review in relation to information requests and dealings with appeals to the **Information Commissioner's Office**

Link Officers

- Based within each delivery unit, the Link officer is responsible for **managing requests for information** and champion **Transparency** and **Open Data**, and ensure the council's compliance with information legislation. Your first point of contact whenever you need advice on access to information.

Information Management Governance Groups (IMGG)

- Each internal delivery unit of the council, along with the Commissioning Group has an IMGG, which is an operational group that is supported by, and works closely with, the Information Management Team ensuring that its delivery unit is fully aware of the requirements of council policy and process, delivering induction and training where required and ensuring compliance with public access to information management policies.

Managers and staff

- the management of information within the council structure and compliance with relevant information management legislation.

- 100%** of Freedom of Information Act 2000 and/or Environmental Information Regulations 2004 internal reviews to be met within 40 working days
- This policy will be reviewed annually or more frequently if required

Document Control

Document Description	Document which provides policy statements and practical guidance on accessing information held by Barnet Council		
Version	V.1.0		
Date Created	March 2018		
Status	Draft		
Document Owner	1) Information Management Team 2) Richard Carter, Richard.carter@barnet.gov.uk		
Last Review Date	March 2018	Next Review Date	March 2020
Approval Chain:	IMGG	Date Approved	25 May 2018

6. How Is This Policy Reviewed?

This policy will be reviewed annually or more frequently if required eg by changes in legislation. Performance measures for this policy will include:

- Customer Satisfaction Surveys
- 95%** of requests from the public under the Freedom of Information Act 2000 and/or Environmental Information Regulations 2004 to be met within 20 working days
- 95%** of data requests from the public under the General Data Protection Regulation to be met within 1 month
- 95%** of information requests under Part 4 (Schedule 11) of the General Data Protection Regulation from **government departments, solicitors, police and the courts** to be met within 1 month

Version Control

Version number	Date	Author	Reason for New Version
V01.0	02/03/2018	Richard Carter	New policy format