

**WYRE FOREST DISTRICT COUNCIL****CABINET**  
**26<sup>TH</sup> MARCH 2009****Revised Freedom of Information Policy 2009-2011**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME</b>	Stronger Communities
<b>CORPORATE PLAN AIM</b>	A Well Run and Responsive Council
<b>CABINET MEMBER</b>	Councillor Nathan Desmond
<b>HEAD OF SERVICE</b>	Head of Community and Partnership Services
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<b>APPENDICES</b>	Appendix A – Revised Freedom of Information Policy 2009-2011 Appendix B – Procedure for Dealing with FOI Requests <i>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details).</i>

**1. PURPOSE OF REPORT**

- 1.1 To update the Council's Freedom of Information Policy.

**2. RECOMMENDATION**

**The Cabinet is asked to RECOMMEND to Council that:**

- 2.1 **The revised Freedom of Information Policy 2009/2011 be adopted by the Council and the next review of the policy be carried out in 2011.**

**3. BACKGROUND**

- 3.1 The Freedom of Information Act 2000 introduced a new culture of openness throughout the public sector and is part of a wider group of policies to ensure that design-making is transparent and accountable. The key elements introduced were:
- a) A general right of access to information held by public authorities;
  - b) A requirement to adopt a publication scheme specifying the classes of information the authority intends to publish, the manner of that publication and whether the information will be made available free of charge; and
  - c) The establishment of the Office of the Information Commissioner to ensure compliance.
- 3.2 Whilst the Act provides a general right of access to information held by public bodies, it also sets out 23 exemptions where the right is either disapplied or qualified. Apart

from repeated or vexatious requests to which an authority need not respond, the exemptions fall into two broad categories:

- a) exemptions where the authority has a duty to consider whether disclosure is required in the public interest; and
  - b) 'absolute' exemptions where there is no duty to consider the public interest.
- 3.3 The public interest test involves considering the circumstances of each particular case and the exemption that covers the information. The balance will lie in favour of disclosure in that information may only be withheld if the public interest in withholding it is greater than the public interest in releasing it.
- 3.4 This policy outlines how the Council complies with the Act and provides a framework for managing requests.
- 3.5 This policy makes textual amendments to the previous policy which was agreed by Cabinet in November 2004. The amendments have been made in the light of the experience of administering information requests since the introduction of the Act in January 2005.
- 3.6 The policy will be reviewed in 2011 to ensure that it remains relevant and reflects the prevailing information security environment at that time.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 None

#### **5. LEGAL AND POLICY IMPLICATIONS**

- 5.1 There are no direct legal and policy implications in connection with this report.

#### **6. RISK MANAGEMENT**

- 6.1 The Council requires sound policy and procedures to be able to administrate freedom of information requests effectively and to ensure that the statutory requirements of the legislation are being met.
- 6.2 In the four years since the introduction of the Freedom of Information legislation, Wyre Forest District Council has had no complaints about its handling of requests referred to the Information Commissioner.

#### **7. CONCLUSION**

- 7.1 The Council is continuing to manage its legal responsibilities under the Freedom of Information Act 2000 in accordance with its statutory requirements.
- 7.2 This updated policy makes textual amendments to the previous policy in the light of the experience of administering information requests since the introduction of the Act in January 2005.

#### **8. CONSULTEES**

- 8.1 Corporate Management Team.

8.2 Cabinet Member for Community and Corporate Services – Councillor Nathan Desmond.

**9. BACKGROUND PAPERS**

9.1 Report to Cabinet – 25<sup>th</sup> November 2004 “Freedom of Information Policy”.

9.2 Freedom of Information Act 2000.