

REQUEST FOR ACCESS TO INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000

Guidance Notes

1. What is Freedom of Information?

The Freedom of Information Act 2000 ("the Act") came into force on 30th November 2000. The Act gives you the right of access to information held by Harlow Council (the Council) although the Council may refuse access to the information if that information falls within any of the Act's 23 exemptions. The exemptions protect against the disclosure of information that would harm commercial interests, information provided in confidence, personal information and other important interests.

2. What can I ask for?

Your right to ask for information only relates to information held by the Council at the time you make your request. 'Information' may be in any form e.g. a paper document, computerised records, printouts, maps, plans microfilm, microfiche, audio-visual material etc. The Act provides a right to 'information' rather than to records or documents. Although you are not required to specify any particular document, you must describe the information you are requesting in as much details as possible. The Council publishes a wide range of information so you may first wish to check the Council's Publication Scheme to find out whether the information you are requesting has already been published or if there are plans to do so. A copy of the Scheme may be viewed on the Council's website at www.harlow.gov.uk

3. Do I need to give a reason to see information?

NO. You do not have to give a reason as to why you want to see any information. The Council must give you an explanation if you are not given what you ask for.

4. Can I ask for personal information about myself?

NO. A request for personal information about yourself must be made under the Data Protection Act 1998 and not the Freedom of Information Act 2000. A copy of the Data Subject Access Request Form can be obtained from the Council's website www.harlow.gov.uk

5. Can I ask for personal information about a third party?

YES. Personal information relating to a third party will be dealt with under the Act. However, before you are given access to personal information relating to a third party, you will be asked to provide proof of the third party's consent to the disclosure.

6. How do I make a request for information?

Requests can be made in writing and must include your name and address for correspondence. Try to provide as much information as possible to enable the Council to identify and locate the information you are requesting. Your request may be sent to the Council by electronic means such as an email but you must provide your name and address for correspondence (an email address will not satisfy). Or you can use the form entitled 'Request for access to information under the Freedom of Information Act 2000' available from Contact Harlow or on the council's website at www.harlow.gov.uk Your request must be addressed to:

Contact Harlow
Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
Telephone: 01279 446655
Fax: 01279 446767
E-Mail: contact@harlow.gov.uk

7. What do I do if I need help in making my request?

If you are unable to put your request in writing please ask another person or agency (such as the Citizens Advice Bureau) to help you or to make the request on your behalf. The Council will provide you with assistance, examples of which may include:

1. taking a note of your request either over the telephone or in person and then sending the note to you for confirmation;
2. enabling you to inspect or have the information you are requesting explained to you;
3. providing guidance in other languages;

Requests for further assistance must be sent to Contact Harlow at the address detailed in Note 6.

8. Are there limits to the information I can ask for?

YES. Confidentiality is sometimes necessary to ensure the effectiveness of the Council's decision-making process, to protect commercial interest, in the case of information provided in confidence, for personal information and for other important interests. For these reasons, some categories of Council information are not covered by the commitment to provide information. Nevertheless, it is the Council's aim to ensure that information should be made available unless it is clearly not in the public interest to do so. All requests for information will be considered on their merits.

9. How do I describe the information I am asking for?

If at all possible, describe the information as fully as you can to enable the Council to identify and locate it. If you are requesting personal information, please state precisely in whose name the information is held. You will not normally be given access to the personal information of another person unless you have obtained the written consent of that person (refer to Note 4 and 5). Where you provide insufficient information to enable the Council to identify or locate the information you are asking for or where your request is ambiguous, the Council will as far as practicable provide you with assistance to enable you to describe more clearly the information you are requesting. The aim of this assistance will be to clarify the nature of the information sought and not to determine your aims or motivation for asking for the information.

10. What happens if the Council does not hold the information?

The Council may not hold the information you are asking for because the information may have been destroyed in accordance with the Council's record retention policy or the information may be held by another public body. In such cases, you will be told that the Council does not hold the information. Where the Council believes that the information is held by another public body and that it would be appropriate to transfer your request to that other body you will be asked whether you have any objection to the Council making the transfer. The public body will be asked whether it consents to your application being transferred to it. Your application will only be transferred with your consent and with the consent of the other public body.

11. Can the Council refuse my application?

YES. Upon receiving your request the Council will estimate the cost of efficiently finding and compiling the information. If this cost exceeds the cost limit of £450 the Council is not obliged to comply with your request. However we would provide advice and assistance in order to give you an indication of what information could be provided within the cost ceiling. Vexatious and repeated requests and/or applications made with the aim of frustrating the operations of the Council may be refused. The Council may also refuse to agree to a request for information where the information is considered to be exempt under the Act (refer to Note 8 above). You will be given an explanation of the reasons for refusing your request for information.

12. Can the Council charge for providing the information?

If the cost of finding and compiling the information you have requested exceeds the cost limit of £450 the Council will advise you of the full cost by issuing a Fees Notice. The Council will charge the cost of disbursements (if applicable) for all requests for information.

13. How do I receive the information I have asked for?

You are entitled to say how you wish the information to be communicated to you. This may be by letter, in the form of a digest or summary of the information or by inspection of the information at the Council's Offices on a date and at a time to be mutually agreed between you and the Council.

14. When must the Council provide me with the information I have asked for?

The Council will respond promptly to your request for information and in any event not later than on the 20th working day from the date of receipt of your application. If it is likely to take longer, the Council will let you know.

15. Can I appeal against the Council's decision to refuse my request for information?

YES. If you are not satisfied with the decision i.e. your request has been refused or where you consider that your request has not been properly handled and the issue cannot be resolved in discussion with the relevant department/service, you may ask for an 'internal review' of the decision under the Council's Corporate Complaints Procedure. Your request for an internal review must be submitted within 4 weeks of the date of the decision to:

The Complaints Officer
Contact Harlow
Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
Telephone: 01279 446655
Fax: 01279 446767
e-Mail: contact@harlow.gov.uk
Website: www.harlow.gov.uk

If you are not satisfied with the decision on internal review, or where the Council has failed to respond to you within the time specified in the Corporate Complaints Procedure or within the time agreed between you and the Council, you may apply to the Information Commissioner for an independent review at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: (01625) 545700
Website: www.informationcommissioner.gov.uk

16. Who do I contact for further information or assistance on Freedom of Information?

A copy of the Freedom of Information Act 2000 is available from <http://www.legislation.gov.uk> and from the Information Commissioner's website (details above). Further information about your rights of access to information held by Harlow Council under the Act is available on the Council's website at www.harlow.gov.uk or from the Corporate Information Manager at the address detailed in Note 6 above.