

## **YOUR ONLINE GUIDE TO THE FREEDOM OF INFORMATION ACT 2000**

The Freedom of Information Act came fully into force on 1 January 2005. It gives you the right to request information from the Council and over 100,000 other public authorities including

- Government Departments
- NHS bodies such as hospitals
- Schools, colleges and universities
- The Police
- The House of Commons
- The House of Lords
- Local Authorities
- Many other public bodies

At Nuneaton and Bedworth Borough Council, we are committed to freedom of information and to promoting an understanding of the work we do. We will deal with information requests as speedily as possible and offer advice and assistance courteously, promptly and effectively.

### **1. What is the Freedom of Information Act and what are my rights?**

The Freedom of Information Act 2000 applies to us, as it does to all other public authorities.

The Act comes into force in two stages:-

- Publication Scheme

Since 28 February 2003, we are required to adopt and maintain a Publication Scheme setting out classes of information that we publish; the manner in which we publish it, (paper, internet or any other means), and whether the material is available to you free of charge or on payment.

Information through the Publication Scheme is generally available free of charge, apart from where there was originally a charge made.

View our [Publication Scheme](#)

Our publication scheme has been approved by the Information Commissioner, who enforces and oversees the Freedom of Information Act.

- Information Requests

From 1 January 2005, any person, anywhere in the world, can ask us for any information, which is not otherwise available through our Publication Scheme or through any other means. As the Act is retrospective, you can ask for any information from before that date as well as current information.

When you ask us for information, you have a right

- To be told whether we hold that information and
- If we do, to be supplied with it, generally within 20 working days of receiving your request.

## **2. What happens if I need some help to send in a request?**

We are required by the Act to provide advice and assistance to anyone who wants to apply for information from us or who has already applied.

This can take the form of:

- Helping you write a question to send to us
- Telling you if another organisation might be able to help you
- Providing you with an outline of different kinds of information which might meet your request
- Providing you with access to information we hold to help you find the information you want
- Giving you any alternative information which might be available
- Transferring your request to another public authority who actually holds the information you want
- In exceptional cases, offering to take a note over the telephone of your request and then sending it out to you for confirmation (once you return the note with your name and address we can then deal with it).

## **3. What information will be available?**

There are no limits to the kinds of information you can ask us for but some of it may not be available because it is confidential or personal.

## **4. How do I make a request for information?**

You must

- Ask us for the information in writing, which includes the use of email
- Give your name and an address for us to send you a reply
- Describe the information that you want

Note: The request must be legible

Click here to send us an [online request](#) for information

## **What happens if we do not understand your request?**

Under the Freedom of Information Act, we have (as mentioned at question 2 above) a duty to advise and assist you. If we do not understand your request or we cannot find the information from your description, we will ask you to clarify what it is you want or ask you for some more information.

### **5. Do I have to say why I want the information?**

No.

### **6. What can I do with the information?**

You can use the information for any purpose you like and can pass it on to anyone else. If you change the information and then pass it on, you do so at your own risk.

### **7. Do I have to say this is a Freedom of Information request or mention the Freedom of Information Act?**

No. It will be up to us to check all written requests for information to see which ones are Freedom of Information requests.

### **8. Will I have to pay for the information?**

If you submit an information request, which is very complex or will take a considerable time to process, we may charge you a fee. This fee will be based on a scale which will be laid down by the Information Commissioner.

### **9. Will I get all the information I have asked for?**

You may get all the information, some of the information, or none of it. One of the factors that may affect the amount of information you receive is the cost of providing it.

You do not have an automatic right to be given 'exempt information', although in limited circumstances it may be provided.

### **10. What is 'exempt information'?**

The exemptions fall into two categories – those which are **absolute** where the information is never disclosed, such as information which is

- Accessible by other means, such as through our Publication Scheme or items published by us or available on our website [www.nuneatonandbedworth.gov.uk](http://www.nuneatonandbedworth.gov.uk)
- Contained in documents filed with a Court
- Provided to us in confidence

- Personal data about yourself (this is available instead through the Data Protection Act).
- Information which is prohibited from disclosure by law

And

Those which are subject to a **public interest test** (see question 12 below)

Examples include information which relates to

- Investigations and proceedings
- Law enforcement
- Health and safety
- A third party
- Commercially confidential material

### **11. Can I be given information where the Public Interest Test applies?**

Yes, sometimes. We have to release the information unless we think that the public interest in withholding it outweighs the public interest in releasing it. This means that we will have to consider and decide where the public interest is greater.

### **12. What happens if only some of the information is 'exempt information'?**

If only part of the information you ask for is exempt, we will provide you with that part which is not exempt.

### **13. What happens if my request is refused?**

We can only refuse a request if it:

- Comes under one of the exemptions
- It is a repeated or vexatious request (see question 15 below)
- Exceeds a set cost limit in providing it

If your request is refused, we will tell you why and give you details of how to ask for an internal review of our decision. If you are unhappy with this decision or feel that your request was not handled properly, you will be able to make a formal complaint using the Council's on-line complaint form. Your complaint will be reviewed by someone who was not involved in the original decision.

If, after the internal review, we still refuse your request, you can ask the Information Commissioner to review that decision.

#### **14. How many requests can I make?**

As many as you like but, under the Act, we can reserve the right to refuse any repeated requests from the same person for the same information, or requests which are intended to or have the effect of seriously disrupting the Council's work.

#### **15. How long will I have to wait for the information?**

We have to provide the information promptly – generally within 20 working days of receiving your request.

If we ask you to pay a fee for the information, the 20 working days period stops temporarily until you have paid the fee. You have up to 3 months to send the fee to us. When we receive the fee, the 20 working days period re-starts from the point that had been reached when we asked you for the fee.

If the information is covered by an exemption, but we are going to provide it to you because it is in the public interest to do so, the 20 working days period does not apply. In those circumstances, we must provide you with the information within a 'reasonable' time.

NB: In some cases, we may need to consult other public authorities or third parties to check that the information can be released.

#### **16. What happens if I think my request has not been dealt with properly?**

You should contact us and try to resolve the problem directly with us through our Complaints and Compliments Procedure. This will involve a different person reviewing the way your request was dealt with.

If after this you are still not satisfied with the way your request was handled, you can contact the Information Commissioner for a decision as to whether the complaint was dealt with according to the requirements of the Freedom of Information Act. His address is: The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF  
([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk))

#### **17. What happens if I make an application to the Information Commissioner?**

The Information Commissioner will consider your complaint and tell you his decision, which will be set out in a 'decision notice'. He will send this notice to you and to us.

If we have

- Not given information we should have provided;
- Not explained, as we should, whether information was being held;
- Not provided the information in the proper form;
- Not made a proper decision when considering the public interest test; or
- Not provided a proper notice explaining why information was not being provided

The Information Commissioner can say in his decision notice what we must do to correct the failure and how long we have to do it.

In certain circumstances the Information Commissioner does not have to make a decision. (See question 20 below). You will be told if this is the case.

**18. When does the Information Commissioner not have to make a decision?**

- When you have not exhausted our Complaints and Compliments procedure;
- When there has been undue delay in making your application to the Commissioner
- Where the Commissioner thinks your application is frivolous or vexatious; or
- Where you have withdrawn or abandoned your application.

**19. Is the Information Commissioner's decision final?**

No. You, or we, can appeal against the Information Commissioner's decision to the Information Tribunal, which is an independent appeal body. Information about the right of appeal will be included in the Information Commissioner's decision notice.

**20. Need any further information about Freedom of Information?**

Contact us by

- Telephone: 024 7637 6376
- Council's website: [www.nuneatonandbedworth.gov.uk](http://www.nuneatonandbedworth.gov.uk)
- Email: [contactcentre@nuneatonandbedworth.gov.uk](mailto:contactcentre@nuneatonandbedworth.gov.uk)
- Letter or in person: Customer services, Nuneaton and Bedworth Borough Council, Town Hall, Cotton Road, Nuneaton CV11 5AA

Or you can contact the Information Commissioner's Office:

Information Commissioner's Office (ICO),  
 Wycliffe House, Water Lane,  
 Wilmslow,  
 Cheshire  
 SK9 5AF

Telephone: 01625 545745  
 Website: [www.ico.gov.uk](http://www.ico.gov.uk)