



## Elected Members' Guide to the Freedom of Information Act 2000

- The Freedom of Information Act 2000 (FoIA) provides individuals and organisations with the right to request any recorded information held by the council.
- The council has to have and maintain a publication scheme, which helps the public know what information is routinely available and how they can access it.
- Recorded information includes information held in paper files, such as file notes, post its, letters, as well as information held electronically such as email, word documents and CCTV.
- The intentions of the FoIA are to build trust and credibility in public authorities, ensure that the public understand how key decisions are made and show there is accountability for the spending of public money.
- Elected members must be aware the information that they produce or receive could be subject to disclosure.
- The provisions of the Act are enforced by the Information Commissioner.

### How the FoIA applies to you

Elected members in their own right are not subject to the FoIA, but there are many circumstances where information produced, received or held by elected members could be liable to disclosure. If you were to write to or email an officer of the council about an issue that related to the business of the council, then the information would be covered by FoIA. Please see examples below.

If you receive a request that is really intended to be a request to the council, then you should either:

- a) Advise the requester to address the request for information to the council, or
- b) With the agreement of the requester, pass the request for information to the council.

### What about political information?

Where information produced is of a political nature, such as election strategy, this does not relate to the business of GCC and the provisions of the Act would not apply to such correspondence. However, there are potential 'grey' areas. For example members **might** consider information relating to their voting intention on the budget to be political, but it could be argued that the information would relate to the business of the council and be subject to disclosure.

### Responding to requests

- The Council must respond to written requests within 20 working days (elected members are required to support any requests received by council staff and be able to provide information to the council in a prompt manner to meet those statutory requirements).
- Information generally has to be provided free of charge if the appropriate limit of £450 is not reached.
- Access is to information, not necessarily documents.
- In every case the law requires that there will be full and unconditional disclosure unless one of the statutory exemptions applies.
- The reasons set out in law explaining why some information may not be disclosed are known as exemptions. They cover such things as legal professional privilege, commercial interests and information intended for future publication.

- When applying an exemption the content of the information must be assessed. It is likely that several tests will have to be undertaken to identify the harm and the public interest in releasing or withholding the information.
- You must be aware that you are responsible for the proper management and security of the information you hold, including being able to retrieve information that relates to council business.

### Examples to illustrate when information would be covered

- Information emailed by an elected member about the education review, to an education officer, would be covered.
- Information sent from one elected member to another would be covered if it related to council business.
- Details of expense claims submitted to the council would be covered.
- Comments on reports which have been prepared for consideration by a council committee would be covered.
- Information sent from an elected member to another elected member, about their chances in any forthcoming local elections would not be covered.

### Examples of requests for information received by the council

- What is the estimated forecast for the council's budget for 2013/14
- How many children under 18 are being treated for addiction to, a. recreational drugs and b. prescription drugs?
- Please can you provide details of the services for blind and partially sighted people provided by Gloucestershire County Council?
- With which Icelandic banks did the council hold deposits/investments in 2008? Please detail how much was held with each Icelandic bank as of the end of each calendar month, up to and including October and how much has been repaid.