

# GUIDANCE ON HANDLING FREEDOM OF INFORMATION REQUESTS

## Note 1. What is Freedom of Information?

The Freedom of Information Act 2000 (FOI) came into force on 30 November 2000. FOI gives you the right of access to information held by Dartford Borough Council (the Council) although the Council may refuse access to the information if that information falls within any of FOI's 24 exemptions (13 of which apply more specifically to local authorities). The exemptions protect against the disclosure of information that would harm commercial interests, information provided in confidence, personal information and other important interests.

## Note 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. FOI 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 detail as possible. The Council publishes a wide range of information. 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 obtained from the Freedom of Information Officer at the address detailed in Note 6 below or by logging onto <http://www.dartford.gov.uk/>

## Note 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.

## Note 4. Can I ask for personal information about myself?

NO. A request for personal information about yourself will automatically be treated as a subject access request under the Data Protection Act 1998 and for the purposes of a response, the 40-day calendar period under 1998 Act will apply and the fee for a straightforward subject access request is £10.00. Special fee rules apply to a request for unstructured personal information i.e. a filing system which is not organised in a way that makes it easy to locate information about a particular individual. The Data Protection Officer will provide you with more details: Tel 01322 343634 Email: [dataprotection@dartford.gov.uk](mailto:dataprotection@dartford.gov.uk)

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

YES. Personal Information relating to a third party will be dealt with under FOI. However, before you are given access to personal information relating to a third party, the Council may require that third party's consent to the disclosure particularly where the third party's legal rights may be affected by your request e.g. where the third party's right to personal privacy or the right to have information treated in confidence may be prejudiced.

## Note 6. How do I make a request for information?

Requests/applications must be in legible form i.e. in writing and capable of being used for subsequent reference. Your request may be sent to the Council by electronic means such as e-mail. Try to provide as much information as possible to enable the Council to identify and locate the information which you are seeking or requesting. You may use the form entitled 'Request for access to information under the Freedom of Information Act 2000' available from the Freedom of Information Officer. Your request must be addressed to:

The Freedom of Information Officer  
Freedom of Information Unit  
Dartford Borough Council  
Civic Centre  
Home Gardens  
Dartford  
Kent  
DA1 1DR

Tel: 44 (0) 1322 343634  
DX: 142726 Dartford 7  
Email: [foi@dartford.gov.uk](mailto:foi@dartford.gov.uk)  
Web-site: <http://www.dartford.gov.uk/>

You must provide a name and address for correspondence (an e-mail address will satisfy this requirement).

Requests from the media for information are dealt with under separate arrangements by contacting the Communications Manager (Tel: 01322 343888; Email: [public.relations@dartford.gov.uk](mailto:public.relations@dartford.gov.uk))

**Note 7. How do I make a request for information if I am suffering from a disability, am ill or illiterate?**

If you are unable to put your request in writing perhaps as a result of illiteracy, disability or illness, 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. accepting an oral request where you are unable to read, print and/or write due to your disability;
2. enabling you to inspect or have the information you are requesting explained to you;
3. providing guidance in other languages [Arabic, Bengali, Chinese, Hindi, Punjab, Somali and Urdu];
4. taking a note of your request over the telephone and then sending the note to you for confirmation;
5. providing this leaflet in Braille or audio tape.

Requests for further assistance must be addressed to the Freedom of Information Officer at the address detailed in Note 6 above.

**Note 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 and to protect commercial interests, information provided in confidence, personal information and 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.

**Note 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 5 above). 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. Where information is likely to be refused on cost grounds, the Council will give you an indication of what information could be provided within the costs ceiling (refer to Note 11 below).

**Note 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 data retention policies 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 objections 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.

**Note 11. Can the Council charge a fee?**

YES. Charges will apply in certain circumstances. There will be no charge for the search, retrieval and collation etc of information where the costs are estimated to be less than £450.00 (the Threshold). The Council may however charge the full costs of disbursements e.g. photocopying, postage, video, tape, disk, computer runs etc.

There will be a charge for the search, retrieval and collation etc of information where costs are estimated to exceed the Threshold. A minimum charge of £25.00 per hour will be applied for the time taken to locate, retrieve and collate etc information for release. In addition to the hourly rate, the Council may charge the full costs of disbursements e.g. photocopying, postage, video, tape, disk, computer runs etc. If your request falls within this category, you will be provided with an estimate of the cost of providing the information **before** the Council starts any work on your behalf.

The Council will suggest ways for you to amend your request so as to reduce or eliminate the amount of the charge. Fees may be waived or reduced where the information you are seeking would be of particular assistance to your understanding of an issue of local importance.

**Note 12. 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's Freedom of Information Officer.

**Note 13. When must the Council respond to my request?**

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

**Note 14. Can the Council refuse my request for information?**

YES. Vexatious and repeated requests and/or applications made with the aim of frustrating the operations of the Council may be refused. The Council may refuse to accede to a request for information where the Council estimates that the costs of complying with the request would exceed the costs ceiling set by the Council (refer to Note 11 above). The Council may also refuse to accede to a request for information where the information is considered to be exempted under FOI (refer to Note 8 above). You will be given an explanation of the reasons for refusing your request for information.

**Note 15. Can I make a request for Environmental Information?**

YES. You have rights of access to a broad range of environmental information such as information on the state of the environment, (air, water, soil and land), information on genetically modified organisms, information on emissions and discharges, noise, energy, radiation, waste and other such substances, measures designed to protect the environment and plans, programmes, cost benefit and other economic analyses which relate to roads, traffic maintenance, land use planning, development control and buildings and estates. Refer to the Council's Publication Scheme in the first instance <http://www.dartford.gov.uk/>.

Requests for environmental information will be dealt with in accordance with Defra's Code of Practice and Guidance. Please ask the Freedom of Information Officer for details.

**Note 16. 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 Freedom of Information Officer, or where you dispute the fee, or where you did not receive all the information requested, or you feel that the exemptions have been wrongly applied, or your application was not dealt with within the 20 working day time limit, 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 Corporate Complaints Officer  
Dartford Borough Council  
Civic Centre  
Home Gardens  
Dartford  
Kent DA1 1DR  
Tel: 44 (0) 1322 343434  
Email: [complaints.officer@dartford.gov.uk](mailto:complaints.officer@dartford.gov.uk)  
Web-site: [www.dartford.gov.uk](http://www.dartford.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  
Web-site: [www.ico.gov.uk](http://www.ico.gov.uk)

**Note 17. Who do I contact for further information or assistance on Freedom of Information?**

The Freedom of Information Act 2000 is available from any Government Publications Sales Office and from the Information Commissioner's Web site [www.ico.gov.uk](http://www.ico.gov.uk). For any further information you may require in relation to your rights of access to Dartford Borough Council information under FOI or for a more comprehensive guide to FOI please contact the Freedom of Information Officer at the address detailed in Note 6 above.

**Note 18. Can I be held liable for breach of copyright?**

Not unless you breach copyright laws. Information may be subject to copyright protection. If you wish to use any such information in a way that would infringe copyright, for example by making multiple copies, or issuing copies to the public, you will require a licence from the copyright holder. Disclosure without this licence would be considered an offence and prosecutable. OPSI have issued guidance on Crown Copyright which is available on OPSI's website at (<http://www.opsi.gov.uk/>).

*Monitoring of requests received by the Council is a necessary element of an established programme for recording and analysing the types of information requested and the Council's overall performance in handling requests. Wherever possible, the Council will keep information used for requests monitoring in an anonymised form so that it cannot be linked to any particular individual. All or part of the statistical information provided may be disclosed or supplied to relevant committees of the Council and to external organisations or bodies such as the Audit Commission/Information Commissioner for statistical information purposes. The data collected for monitoring purposes is aggregated, kept apart from general personal records and subject to strictly controlled procedures.*



Data Protection &  
Freedom of Information