

Information Governance Framework

Schedule 05A

Access to Information Policy

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Version v1.1

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**North
Lincolnshire
Council**



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1. Introduction

The Freedom of Information Act, Environmental Information Regulations and the General Data Protection Regulation are the information request regimes under which information is generally requested from the North Lincolnshire Council.

Anyone can request access to general information held by the council using the Freedom of Information Act. The Environmental Information Regulations provide the same right but for environmental information and the General Data Protection Regulation provides this right of access for an individual's personal information. The Freedom of Information Act also requires us to produce a Publication Scheme to list information that is made available without the need to request it. We also include environmental information in our Publication Scheme.

This policy outlines how we will meet access to information obligations through access to information processes that are based on and informed by the Information Commissioner's Office Codes of Practice (Guide to Freedom of Information, Guide to Environmental Information Regulations and Guide to the General Data Protection Regulation).

The Data Protection Act 2018 came into force 25 May 2018 and clarifies some parts General Data Protection Regulation and they should be read together.

This policy is part of a suite of Information Governance policies and procedures.

2. Scope

This policy applies to all council employees and all individuals or organisations acting on behalf of the council.

Schools, who are Data Controllers in their own right, may choose to adopt this policy but where this is not the case it is expected that they will have their own appropriate policy.

3. Associated Processes and Documentation

Associated Request for Information process documents and forms are in place, as follows

- GDPR SAR Request Form – IG24
- DPA 2018 Schedule 2 Form – IG25
- Re-use of Information Form – IG55
- GDPR Guidance – PR03
- FOIA & EIR Guidance – PR01 and PR02

4. Freedom of Information Act

We have two main responsibilities under the Freedom of Information Act, as follows:

- Produce a Publication Scheme;
- Handle and respond to individual requests for information.

Under the Freedom of Information Act anyone can request access to recorded general information we hold. This includes paper records, emails, information stored on computer, audio records, photographs, handwritten notes or any other form of recorded information. A Code of Practice under section 45 of the Act sets out recommendations for the handling of requests for information. To comply your request:

- Must be in writing;
- Must provide your real name and contact address/email;
- Must describe the information you are requesting;
- Ideally state the preferred format you would like the information to be supplied in.

Any request that cannot be answered promptly as part of normal day to day business or where we are asked to handle it under Freedom of Information will be treated as a Freedom of Information request.

Information can be withheld if one or more of the exemptions shown in Appendix A applies. Requests for information can be refused for reasons including:

- The information is not held.
- Complying would exceed the 'appropriate limit' fee limit.
- The request is considered vexatious.
- The request is considered repeated.

5. Environmental Information Regulations

The Environmental Information Regulation provides a right of access to environmental recorded information and is very similar to the Freedom of Information regime. The definition of environmental information is set out in Appendix D.

There is a Code of Practice in the Environmental Information Regulations that recommends good practice for the handling of requests for information and to comply your request:

- Can be verbal or in writing.
- Must provide your real name and contact address/email.
- Must describe the information you are requesting.
- Ideally state the preferred format you would like the information to be supplied in.

Any request that cannot be answered promptly as part of normal day to day business or where we are asked to handle it under the Environmental Information Regulations will be treated as an Environmental Information Regulation request.

Information can be withheld if one or more of the exceptions shown in Appendix B apply. Requests can be refused for reasons including:

- The information is not held.
- The request is considered manifestly unreasonable.
- The request is considered repeated.

6. Re-use of Information

You can ask to re-use information we have already made accessible. Requests should be made in writing as set out in Appendix F of this Policy and will be responded to within 20 working days, as set out by the Re-use of Public Sector Information Regulations 2015 (RPSI). In the spirit of transparency information will be made available for re-use free of charge whenever possible. Appendix F provides further information.

7. Subject Access Requests for Personal Information

You have the right under the General Data Protection Regulations to request access to your own personal information. This is known as making a Subject Access Requests or SAR. A third party can make a SAR on your behalf but your permission would be required or the third party must be someone permitted to act on your behalf.

Personal information is defined by the GDPR as:

Any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person (Article 4).

Under the GDPR SAR requests for information:

- Can be verbal or in writing.
- Must provide your real name and address and proof of identification.
- Must clearly describe the information you are requesting.

Information can be withheld in response to a SAR if an exemption in the General Data Protection Regulation / Data Protection Act 2018 applies including those shown in Appendix C. SAR requests are considered on a case by case basis and on occasion we may decide not to release

information unless a court order is obtained. SAR requests can be refused for reasons including:

- The information is not held.
- The request is for someone else's personal information that you are not entitled to see.
- A SAR request has been made for a child's information from someone with parental responsibility where the child is considered mature enough to make their own request and has not given consent for the requester to do so on their behalf.

Children's Requests

Children have the right of access to their personal information, although for young children it is likely the individual with parental responsibility will make the request. Where we consider a child is mature enough to understand their rights we will usually respond to the child.

If a child is not considered mature enough generally an adult with parental responsibility can make the request on their behalf, but this is a case by case decision based on what is in the best interests of the child.

8. General Data Protection Regulation Schedule 2 Exemption

The Data Protection Act 2018 has exemptions under schedule 2 that allow personal information to be released to a third party. An example could be when we are asked to release third party personal information to the police for the prevention and detection of crime.

Further information on Data Protection Act 2018 exemptions can be found in Appendix C.

Schedule 2 requests must:

- Be in writing.
- Provide your name and address.
- Clearly describe the information required including the name and address of the person whose personal information is being requested.
- Ideally state the format required.
- Explain how the information would assist the requester and the harm that would be likely to occur without the information.

Schedule 2 requests are considered on a case by case basis and on occasion we may decide not to release information without a court order.

9. Requests, Timeframes, Charging and Release of Information

Requests are recorded in a single register and assigned a unique identification reference number.

We aim to acknowledge requests within 5 working days and to respond to Freedom of Information, Environmental Information Regulation and Re-use of Information requests within 20 working days and to GDPR SAR requests within one calendar month. The timeframe starts on the next working day after the request is received for FOI and EIR requests and on the next day for GDPR SAR requests.

The timeframe for voluminous EIR requests can be extended to 40 working days and for GDPR SAR requests for a further two months where the request is considered complex or where a number of SAR requests are received from an individual.

If personal information is being requested two pieces of identification may be required as explained on the SAR form on the council's website.

There is no charge to make a FOI, EIR or GDPR SAR request but charges for GDPR SARs may be applied for any requests considered to be manifestly unfounded or excessive or for further copies of information supplied. A summary of any charges that apply is shown in Appendix E and further information on charging can be found in our Information Charging Policy.

Any fees or identification will be promptly requested and if the request cannot be understood we will promptly seek clarification. The response timeframe will not start or will be put on hold until the request is understood and agreed. Requests will be closed after 3 months if clarification nor a fee remains outstanding.

10. Responses to Requests for Information

Information may be withheld if one or more of the exemptions shown in Appendix A, B or C apply.

If it is appropriate to release the information it will be collated, we will advise it is held and provide a copy in the preferred format, if this is reasonably practicable. Information will be redacted, if for example someone would be identified who should not be. A written explanation will be provided if some or all the requested information is being withheld.

Advice and assistance will be provided with responses about how to make an Information Complaint (request an Internal Review) and how to appeal to the ICO.

If the information being released is a dataset wherever possible it will be provided in a re-usable format. Datasets will from the point of release be made available via the Publication Scheme with regular updates, unless this is not practical. Duties relating to datasets were added to the Freedom of

Information Act by the Protection of Freedoms Act 2012. A dataset is defined by the Information Commissioner (ICO) as:

'A collection of factual information in electronic form to do with services and functions of the authority that is neither the product of analysis or interpretation, nor an official statistic and has not been materially altered'.

11. Publication Scheme

The Information Commissioner's Office (ICO) produces a list of the information that to be published in our Publication Scheme and our scheme is based on this. We commit to:

1. Make the Publication Scheme and information publically available;
2. Explain how information can be obtained and if there is a charge;
3. Publish any dataset released in a re-usable form;
4. Make any published datasets that are 'relevant copyright works' available for re-use under a licence. The licence may be chargeable but will if possible be the free Open Data Licence;
5. Routinely review and update all published information, including dataset information, unless in the case of datasets it is not appropriate to do so

The following categories of information are published:

1. Who we are and what we do;
2. What we spend and how we spend it;
3. What our priorities are and how we are doing;
4. How we make decisions;
5. Our policies and procedures;
6. Lists and registers (including datasets);
7. Services offered.

Information such as the following will not generally be published:

1. Information prevented from disclosure by law or by an exemption;
2. Information that is no longer readily available including that which has been archived or is difficult to access for similar reasons;
3. Information that is not held;
4. Where it would not be practical to publish or it would be too resource intensive.

We also include Environmental Information in our Publication Scheme.

12. Open Data

The Local Government Transparency Code 2015 requires us to regularly publish certain Data Sets as Open Data. This is defined by the Open Data Handbook as:

‘Data that can be freely used, re-used and redistributed by anyone – subject only, at most, to the requirement to attribute and share alike’.

We publish data sets defined as Open Data on our website with the aim of:

- Making non-personal data that doesn’t identify anyone open data so that it can be turned into useful applications;
- Supporting transparency and accountability;
- Making sharing between public sector partners more efficient.

The Data Sets we publish can to re-used in accordance with the Open Government Licence requirements. Appendix F provides further information about the re-use of information.

13. Other Social Service Requests for Information

Other Social Service related requests are also on occasion received, as follows:

- Requests from other Local Authorities;
- Requests from CEOP Command;
- Requests from the Police in relation to concerns about children.

These are considered on a case by case basis.

14. Inspire Regulations

Spatial data is any data with a direct or indirect reference to a specific location or geographical area and is covered by the INSPIRE Regulations.

The INSPIRE Regulations apply to all public authorities covered by the Environmental Information Regulations, such as the council and place a legal obligation on these organisations to publish certain datasets.

The information must be published in line with standards and be registered on www.data.gov.uk in a certain way so the information is consistent and can be shared or combined to benefit the development and monitoring of environmental policy across Europe. The DEFRA Website <https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs> and the Local Government Association a guide to INSPIRE compliance in Local Government provide further information.

Charges to be made in certain circumstances as set out in the UK Location Data Sharing Operational Guidance Part 2 – Licensing and Charging. Further information can be found in our Information Charging Policy.

15. Contact Details for Requests & Route of Appeal

So that we understand exactly what information you are requesting ideally requests should be made using the appropriate automated or downloadable forms on the Information Governance area of the council's website. Other requests are accepted via Customer Services using the contact details are shown in Appendix G.

Anyone dissatisfied with how their request for information or request to re-use information has been handled or with the council's Publication Scheme should make an Information Complaint, as set out in the Information Complaints Policy. The Route of Appeal for anyone remaining dissatisfied after complaint investigation is to the Information Commissioner's Office (ICO) using the contact details set out in Appendix G.

Appendix A – Freedom of Information Exemptions

The Act has a series of exemptions that may allow information to be withheld, as follows:

- ‘Absolute’ exemptions – information will not be disclosed under any circumstances.
- ‘Qualified’ exemptions - a public interest test will be carried out and the information will only be withheld if the public interest in not disclosing is greater than the public interest in disclosing.
- Some of the ‘qualified’ exemptions are also subject to a prejudice test, which must be carried out before the information can be considered exempt. This test considers whether harm will or is likely to be caused if the information is released.

Absolute Exemptions

No	Exemption Description	Exemption Section	Other Information
01	Information accessible to the applicant by other means	Section 21	
02	Security Matters	Section 23	
03	Court Records	Section 32	
04	Parliamentary Privilege	Section 34	
05	Conduct of public affairs in relation to parliament	Section 36	
06	Communications with Her Majesty and awarding of honours	Section 37	
07	Personal Information	Section 40	
08	Information provided in confidence	Section 41	
09	Other legal prohibitions on disclosure	Section 44	

Qualified Exemptions

No	Exemption Description	Exemption Section	Other Information
01	Information intended for future	Section 22	
02	National security	Section 24	Prejudice based
03	Defence	Section 26	Prejudice based
04	International relations	Section 27(1)	Prejudice based
05	International relations - relating to information obtained from another state	Section 27(2)	
06	Relations with the UK	Section 28	Prejudice based
07	The economy	Section 29	Prejudice based
08	Investigations and proceedings conducted by public authorities	Section 30	
09	Law enforcement	Section 31	Prejudice based
10	Audit functions	Section 33	Prejudice based
11	Formulation of government policy	Section 35	
12	The effective conduct of public affairs	Section 36	Prejudice based
13	Communications with Her Majesty – to the extent not absolute	Section 37	
14	Health and safety	Section 38	Prejudice based
15	Environmental information	Section 39	
16	Personal information – to the extent not absolute	Section 40	
17	Legal professional privilege	Section 42	
18	Commercial interests – which apply to trade secrets	Section 43(1)	
19	Commercial interests	Section 43(2)	Prejudice based

Appendix B – Environmental Information Regulation Exceptions

The Regulations have a series of exceptions that may allow information to be withheld, as follows:

- ‘Absolute’ exemptions – there is one exception that falls into this category that applies to requests for personal information and it means that this information will not be disclosed under any circumstances.
- ‘Qualified’ exemptions - a public interest test will be carried out and the information will only be withheld if the public interest in not disclosing is greater than the public interest in disclosing.
- Information on emissions into the environment is subject to more limited exceptions than other environmental information.
- Under the Regulations there is an express presumption in favour of disclosure meaning that information should be made available unless there is a very strong reason for it not to be.

No	Exemption Description	Exemption Regulation	Other Information
01	Personal information - Applies where the personal information of a third party is requested.	Regulation 12(3)	
02	Information not held	Regulation 12(4)(a)	
03	Request is manifestly unreasonable	Regulation 12(4)(b)	
04	Request is too general	Regulation 12(4)(c)	
05	Request is for unfinished documents	Regulation 12(4)(d)	
06	Request involves the disclosure of internal communications	Regulation 12(4)(e)	
07	Disclosure would affect international relations, defence, national security or public safety	Regulation 12(5)(a)	Adversely affect
08	Disclosure would affect the course of justice, the ability of a person to receive a fair trial or ability of a public authority to conduct or criminal or disciplinary enquiry	Regulation 12(5)(b)	Adversely affect
09	Disclosure would affect intellectual property rights	Regulation 12(5)(c)	Adversely affect
10	Disclosure would affect the confidentiality of the proceedings of a public authority where such confidentiality is protected by law	Regulation 12(5)(d)	Adversely affect
11	The interests of the supplier of the information would be affected, such as where the provider of the information did so voluntarily and was not under (and could not have been put under) a legal obligation to supply the information and also did not give consent to its disclosure	Regulation 12(5)(e)	Adversely affect
12	Disclosure would affect the protection of the environment to which the information relates.	Regulation(5)(g)	Adversely affect

Appendix C – Data Protection Act 2018 Exemptions

The GDPR permits member states to create some exemptions from compliance with certain part of the GDPR. For the UK these are set out in the Data Protection Bill with the table below providing a summary of the exemptions and the relevant Articles of the GDPR. The relevant GDPR Articles are:

Article 5: the Principles

Article 13: Transparency information when collecting personal data directly

Article 14: Transparency information when not collecting personal data directly

Article 15: Subject access

Article 16: Right of rectification

Article 17: Right to erasure

Article 18: Right to restriction of processing

Article 19: Notification regarding rectification, erasure or restriction

Article 20: Right of data portability

Article 21: Right to object

*The “**serious harm test**” involves consideration of whether the application of the Article 15 Right of Access under the GDPR to the data would be likely to cause serious harm to the physical or mental health of the data subject or another individual.

Exemption	Article									
	5	13	14	15	16	17	18	19	20	21
Crime and taxation: general (Schedule 2, Para 2) Exemption for the purposes of the prevention or detection of crime, the apprehension or prosecution of offenders or the assessment or collection of tax or duty.	√	√	√	√	√	√	√		√	√
Crime and taxation: risk assessment system (Schedule 2, Para 3) Exemption for personal data which consists of a classification applied to a data subject as part of a risk assessment system operated by government, local authority or another authority administering housing benefit for crime and taxation purposes.	√	√	√	√						
Immigration (Schedule 2, Para 4) Exemption for the purposes of the maintenance of effective immigration control, or the investigation or detection of activities that would undermine the maintenance of effective immigration control.	√	√	√	√		√	√			
Information required to be disclosed by law etc or in connection with legal proceedings (Schedule 2, Para 5) Exemption if: <ul style="list-style-type: none"> the controller is obliged by enactment to make personal data available to the public; disclosure is required by an enactment, rule of law or court/tribunal order; or disclosure is necessary for the purposes of actual or prospective legal proceedings, or obtaining of legal advice or establishing, exercising or defending legal rights. 	√	√	√	√	√	√	√		√	√

<p>Functions designed to protect the public etc (Schedule 2, Para 7) Exemption for the purpose of certain bodies or persons discharging functions, including:</p> <ul style="list-style-type: none"> to protect the public in relation to financial loss, harm by persons authorised to carry on any profession or other activity, to protect charities and community interest companies and their property from mishandling, to protect the health and safety of persons at work or other persons in connection with the action of persons at work, to protect the public for maladministration and failures by a public body and to regulate anti-competitive behaviour. 	√	√	√	√	√	√	√		√	√
<p>Regulatory functions relating to legal services, the health service and children’s services (Schedule 2, Para 8) Exemption for the purpose of certain bodies or persons discharging functions relating to the Legal Services Board, considering legal complaints, complaints as to the maladministration of a health service redress scheme by anybody or other person, complaints about health care or social services, the investigation of complaints relating to social and palliative care and complaints about social services.</p>	√	√	√	√	√	√		√	√	
<p>Regulatory functions of certain other bodies (Schedule 2, Para 9) Exemption for the purpose of certain bodies or persons discharging functions relating to the Financial Ombudsman, the investigator of complaints against the financial regulators, a consumer protection officer other than the Competition and Markets Authority, the monitoring officer of a relevant authority and the Public Services Ombudsman for Wales.</p>	√	√	√	√	√	√		√	√	
<p>Parliamentary privilege (Schedule 2, Para 11) Exemption if this is required for the purpose of avoiding an infringement of parliamentary privilege.</p>	√	√	√	√	√	√		√	√	
<p>Protection of the rights of others (Schedule 2, Para 14) Exemption if a disclosure of information by a controller would involve disclosing information relating to another individual identifiable from the information.</p>	√			√						
<p>Legal professional privilege (Schedule 2, Para 17) Exemption for information subject to legal professional privilege or in Scotland, confidentiality of communications.</p>	√	√	√	√						
<p>Self-incrimination (Schedule 2, Para 18) Exemption from certain GDPR provisions where compliance would reveal evidence of the commission of an offence and would expose that person to proceedings for that offence.</p>	√	√	√	√						
<p>Confidential references (Schedule 2, Para 24) Exemption if the personal data consists of a confidential reference for purposes including the education, training or employment of the data subject. This exemption also applies to the appointment of the data subject to any office, including that of a volunteer, or the provision of any service by the data subject.</p>	√	√	√	√						
<p>Exam scripts and exam marks (Schedule 2, Para 23)</p>	√	√	√	√						

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Exemption when personal data is recorded by a candidate during an exam.										
Research and statistics (Schedule 2, Para 25) Exemption if personal data is processed for scientific or historical research purposes, or for statistical purposes.				√	√		√	√	√	√
Archiving in the public interest (Schedule 2, Para 26) Exemption if personal data is processed for archiving purposes in the public interest.				√	√		√	√	√	√
Health data processed by a court (Schedule 3, Para 3) Exemption if health personal data is processed by the Court.	√	√	√	√	√	√	√		√	√
Data subjects expectations and wishes with respect to health data (Schedule 3, Para 4) Exemption relating to a request for health data in certain situations where the data subject is under 18 years old (16 in Scotland) and the requestor has parental responsibility or the data subject is incapable of managing their own affairs and responding to the request would not confirm with the data subject's wishes.	√	√	√	√	√	√	√		√	√
Serious harm from health data disclosure (Schedule 3, Para 5) Exemption from Article 15(1) and (3) when the serious harm test* is met or where a controller who is not a health professional obtains an opinion from someone who appears to be an appropriate health professional.				√*						
Social work data processed by a court (Schedule 3, Para 9) Exemption if personal data concerning social work is processed by the Court.	√	√	√	√	√	√	√		√	√
Data subjects expectations and wishes with respect to social work data (Schedule 3, Para 10) Exemption relating to a request for social work data in certain situations where the data subject is under 18 years old (16 in Scotland) and the requestor has parental responsibility or the data subject is incapable of managing their own affairs and responding to the request would not conform with the data subject's wishes.	√	√	√	√	√	√	√		√	√
Serious harm from social work data disclosure (Schedule 3, Para 11) Exemption from Article 15(1) and (3) of the GDPR when the serious harm test* is met. In addition there is a restriction of Article 15(1) and (3) of the GDPR where a controller is obliged to disclose social work data which was originally supplied by the Scottish Children's Reporter Administration ("the Principal Reporter") and which the data subject is not entitled to receive. This restriction does not apply where the Scottish Children's Reporter Administration is of the opinion that the serious harm test is not met.				√*						
Education data processed by a court (Schedule 3, Para 18) Exemption if educational personal data is processed by the Court.	√	√	√	√	√	√	√		√	√

<p>Serious harm from education data disclosure (Schedule 3, Para 19) Exemption from Article 15(1) and (3) when the serious harm test* is met. There is also a restriction of Article 15(1) and (3) where a controller is obliged to disclose education data which was originally supplied by the Scottish Children's Reporter Administration and which the data subject is not entitled to receive. Where a request is made by a data subject in accordance with Article 15(1) and (3), this must be notified to the Scottish Children's Reporter Administration within 14 days. This restriction does not apply where the Scottish Children's Reporter Administration is of the opinion that the serious harm test is not met.</p>					√*						
<p>Child abuse data (Schedule 3, Para 21) Exemption from Article 15(1) and (3) when a request for child abuse data would not be in the best interests of the data subject under 18 years old and the requestor has parental responsibility or the data subject is incapable of managing their own affairs and the person making the request has been appointed by a court to manage those affairs.</p>					√						

Exemption	5	13	14	15	16	17	18	20	21	60-62	63-67
<p>Journalistic, academic, artistic and literary purposes (Schedule 2, Para 24) Exemption from certain GDPR provisions if the personal data is being processed for the special purposes with a view to publication by a person of journalistic, academic, artistic and literary material in the public interest.</p>											

Exemption	5	15
<p>Exemption from certain GDPR provisions if personal data is processed for the following purposes, when disclosing information about:</p> <ul style="list-style-type: none"> • human fertilisation and embryology information (Schedule 4, para 2); • adoption records and reports (Schedule 4, para 3); • statements of special educational needs (Schedule 4, para 4); • parental order records and reports (Schedule 4, para 5); and • information provided by the Principle Reporter for children's hearing (Schedule 4, para 6). 		

The following exemptions are also available:

- when assessing a person's suitability for judicial office or the office of Queen's Counsel (Schedule , para 12);
 - when assessing a person's suitability for offices such as the Poet Laureate etc (Schedule 2, para 13);
 - in connection with a corporate finance service involving price-sensitive information (Schedule 2, para 19);
 - management forecasting or planning in relation to a business or other activity (Schedule 2, para 20); and
 - any negotiations with the data subject and where this would be likely to prejudice those negotiations (Schedule 2, para 21).
-
- **National security** – personal data processed for the purposes of safeguarding **national security** or defence is outside the **GDPR's** scope. However, it is covered by Part 2, Chapter 3 of the DPA 2018 (the 'applied **GDPR**'), which contains an **exemption** for **national security** and defence.

Appendix D– Environmental Information Definition

- a) The state of the elements of the environment – e.g. air, atmosphere, water, soil, land, landscape and natural sites such as wetlands, coastal and marine areas, biological diversity and the interaction of these elements;
- b) Factors affecting (or likely to affect) the environment – including energy, noise, radiation, waste, emissions, discharges and other releases into the environment.
- c) Measures – such as policies, legislation, plans, programmes, environmental agreements and activities affecting or likely to affect the elements and factors referred to above;
- d) Reports – on the implementation of environmental legislation;
- e) Economic analyses – including cost benefit and other economic analyses and assumptions used within the framework of measures and activities referred to in (c);
- f) The state of human health and safety – including the contamination of the food chain, conditions of human life, cultural sites and built structures insofar as they are or may be affected by the state of the elements of the environment referred to in (a) or through those elements by any of the matters referred to in (b) or (c).

Appendix E– Access to Information Charges

1) Freedom of Act 2000 Charges

a) Freedom of Information Fee Limit Calculation:

This fee limit is reached under FOIA if it is estimated that the time taken to carry out the following four activities would exceed 18 hours of employee time, based on a £25 per hour rate regardless of job grade.

The same calculation is used to determine the fee if a request remains over the fee limit but it is agreed that we proceed with the request on payment of a fee by the applicant: -

- Determining whether the information requested is held;
- Locating the information;
- Retrieving the information;
- Extracting the information to be disclosed (including the cost of materials used for editing redacting information, but not including staff time for this task).

The following costs cannot be included in this calculation: -

- Checking whether the request meets the requirements of the FOIA;
- Locating information due to poor records management practice;
- Considering the application of an exemption;
- Applying a public interest test;
- Obtaining internal or external legal advice;
- Considering whether a request is vexatious or repeated;
- Repeating an activity already undertaken;
- Employee time for editing or redacting information;
- Obtaining authorisation to provide information;
- Calculating any fees to be charged;
- Issuing a fees notice;
- Providing advice and assistance.

b) Charges under other Legislation

If information is requested where other legislation permits a charge providing this information will to be chargeable.

c) Publication Scheme

Information made available through the council's Publication Scheme is generally free and where a charge applies this will be published.

d) Disbursement Costs

A reasonable charge may be made to cover the actual cost of communicating information to the requester. These charges can be made up of the cost of the following (other similar charges may also be included but it should be noted that the council is not permitted to charge for staff time):

- Reproducing any document containing the information, e.g. printing or photocopying;
- Postage and other forms of transmitting the information;
- Providing information in a particular format where the applicant has expressed a preference for the means of communication and where this is reasonably practicable.

e) Data Protection Schedule 2 requests

A charge may be made to supply CCTV images and will be advised on a case by case basis. See our CCTV Policy for further details.

2) Environmental Information Regulation Charges

The aim of the Environmental Information Regulations is to enable straightforward access to environmental information. However, reasonable charges to supply environmental information can be made. In general, a reasonable charge may include the actual costs of staff time taken to locate information and put it in an appropriate format for disclosure and the disbursement costs in transferring the information to the applicant. This is in contrast to the Freedom of Information Act (FOIA) where disbursements are the only charges permitted unless the appropriate cost limit is exceeded. Any charges made will be based on the same £25 per hour rate as in the Freedom of Information Act and are explained in detail in the Information Charging Policy.

3) Requests to Re-use Information

Where possible in the spirit of transparency information will be made available for re-use free of charge. Any charges associated with requests to re-use information will be applied as explained in Appendix H.

4) General Data Protection Regulation Charges

There is no charge to make a request.

A reasonable fee for the administrative costs of complying with the request may be charged where a SAR request is considered manifestly unfounded or excessive or to supply further copies of the information supplied.

Appendix F– Re-use of Information

We comply with the Re-use of Public Sector Information Regulations (RPSI) and encourage your re-use of our information. Our approach is to be open and transparent and to treat all applications to re-use in a fair and non-discriminatory way.

‘Reuse’ means the use by a person (or company) of a document or information held by the council for a purpose other than the initial purpose for which it was produced.

Please note, that although the Freedom of Information Act and Environmental Information Regulations give you a right of access to recorded information, but they do not provide you with the right to re-use the information which is disclosed to you.

To re-use North Lincolnshire Council’s information you may need to contact us to request a licence.

Personal Use of Information

You are free to use the material on the council’s website, or the content from any council publication for your own purposes, including any non-commercial research, private study, reviews or news reporting.

Reusing Information under the Open Government Licence (OGL)

Information that is published under the ‘Open Data and Transparency’ agenda on our website is immediately available for you to use under version 3 of the Open Government Licence. No registration is necessary.

Further information about what the Open Government Licence allows and does not allow you to do is available from the National Archives website.

Our Information Asset List that is part of our Publication Scheme identifies the council’s data sets.

When you use information under the Open Government Licence, you should include the following attribution: [Open data, North Lincolnshire Council], licensed under the Open Government Licence.

Applying for a Licence to Re-use Information

To re-use information for a commercial purpose, not covered by the Open Government Licence you will need to contact the council to apply for a licence to re-use the information. We use the UK Government Licensing Framework (UKGLF) and further information is available from the National Archives website.

To apply to re-use information you can complete the Re-use Application Form shown as Appendix I or make an application in writing, by email or letter to the Information Governance Function stating:

- Your name and contact details;
- A full description of the material you wish to re-use (including the web address of the material if appropriate); and
- A short description of your intended re-use of the material (including the website address you plan to publish the information on if appropriate).

You should receive a reply within twenty working days confirming your licence or telling you if there is a problem (for example, we might not own the copyright on some of the information).

Further information about the Reuse of Public Sector Information Regulations and how applications are dealt with including rights of appeal can be found on the Information Commissioner’s website.

Appendix G– Contact Details

North Lincolnshire Council Contacts

Telephone (Informal complaints only)	01724 297000
Email	customerservice@northlincs.gov.uk
Post	North Lincolnshire Council, Hewson House, Station Road, Brigg, DN20 8XB
In Person	By contacting one of our advisors at a Local Link Office – listed below

North Lincolnshire Council Local Links

Ashby & District Local Link	Ashby High Street, Scunthorpe, DN16 2RY
Barton Local Link	Providence House, Holydyke, Barton, DN18 5PR
Brigg & District Local Link	The Angel, Market Place, Brigg, DN20 8LD
Crowle & North Axholme Local Link	52 – 54 High Street, Crowle, DN17 4DR
Epworth & South Axholme Local Link	Chapel Street, Epworth, DN9 1HQ
Scunthorpe Central Local Link	Scunthorpe Central, Carlton Street, Scunthorpe, DN15 6TX
Crosby Local Link	Citizens Advice Bureau, 12 Oswald Road, Scunthorpe, DN15 7PT
Winterton & District Local Link	West Street, Winterton, DN15 9QJ

How to contact the Information Commissioner

Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF; Telephone: 0303 123 1113 or 01652 545700;
 Email: notification@ico.gsi.gov.uk; Web: www.ico.gov.uk