

SAFE WELL PROSPEROUS CONNECTED

Information Governance Framework

Schedule 05A Access to Information Policy

Background Information	
Document Purpose and Subject	To provide a council-wide policy for Access to Information.
Author	Information Governance Team.
Document Owner	Information Governance Team.
Change History	V1.3 - The policy has been updated to make reference to the UK GDPR that applies in the UK from 01 January 2021.
File Location	Information Governance Team Shared Storage Area
Retention Period	Permanent Preservation as a Core Policy
Issue Date	06 April 2021
Last Review	January 2020
Current Review	January 2021
Next Review Date	March 2022
Approved By	Cabinet Member
Approval Date	23 March 2021

Contents

1.	Introduction.....	4
2.	Scope.....	4
3.	Associated Processes and Documentation	4
4.	Freedom of Information Act.....	5
5.	Environmental Information Regulations.....	5
6.	Re-use of Information.....	6
7.	Subject Access Requests for Personal Information.....	6
8.	UK General Data Protection Regulation Schedule 2 Exemption	7
9.	Requests, Timeframes, Charging and Release of Information	8
10.	Responses to Requests for Information.....	9
11.	Publication Scheme.....	10
12.	Open Data.....	10
13.	Other Requests for Information.....	11
14.	INSPIRE Regulations.....	11
15.	Contact Details and the Route of Appeal	12
Appendix A – Freedom of Information Exemptions		13
Appendix B – Environmental Information Regulation Exceptions		14
Appendix C – UK GDPR and Data Protection Act 2018 Exemptions		15
Appendix D – Environmental Information Definition		18
Appendix E – Access to Information Charges.....		19
Appendix F – Re-use of Information.....		21
Appendix G – Contact Details		23

1. Introduction

The Freedom of Information Act, Environmental Information Regulations and the UK General Data Protection Regulation are the information request regimes under which the majority of information is 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 UK 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 UK General Data Protection Regulation). The UK General Data Protection Regulation is tailored by the Data Protection Act 2018 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:

- UK GDPR SAR Request Form – IG24
- DPA 2018 Schedule 2 Form – IG25
- Re-use of Information Form – IG55
- Annex C Request Form – IG61
- UK GDPR and Subject Access Request Guidance – NLCPR11
- FOIA & EIR Guidance – NLCPR09 and NLCPR10

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 the 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 these 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;

Requesters also have the right to request the preferred format they would like the information to be supplied in and where possible this is respected.

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 Regulations provide a right of access to environmental recorded information and are very similar to the Freedom of Information Act. 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.

Requesters also have the right to request the preferred format they 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 we aim to respond 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 UK General Data Protection Regulations to request access to your 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.

The UK GDPR applies when personal data is:

- Processed wholly or partly by automated means; or
- Processed other than by automated means where the personal data forms part of, or is intended to form part of a filing system.

Personal information is defined by the UK GDPR as information relating to natural persons who:

- Can be identified or who are identifiable, directly from the information; or
- Who could be indirectly identified from that information if it were to be combined with other information.

Under the UK 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 UK 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. UK General Data Protection Regulation Schedule 2 Exemption

The Data Protection Act 2018 has exemptions under schedule 2, part 1, paragraph 2 and paragraph 5 that allow personal information to be released to a third party in certain circumstances. An example could be where we are asked to release third party personal information to the Police for the prevention and detection of crime.

Schedule 2, Part 1(Paragraph 2) of the Data Protection Act 2018 allows us to disclose personal information to a third party organisation that has a crime prevention, law enforcement or tax collection function, if the information is needed to prevent or detect a crime, to apprehend or prosecute an offender or to assess or

collect a tax or duty. The following are examples of organisations who can make a request to the council under Schedule 2 Part 1(Paragraph 2):

- Police
- HM Revenue and Customs (HMRC)
- Local Authorities

Schedule 2, Part 1(Paragraph 5) of the Data Protection Act 2018 allows the council to disclose personal information to a third party:

- Where disclosure is required by or under an enactment, by any rule of law or by the order of a court
- For the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings) or for the purpose of obtaining legal advice or establishing or exercising or defending legal rights.

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

Schedule 2 requests must:

- Be in writing.
- Provide the name and address of the requester.
- 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 UK GDPR SAR requests within one calendar month. The timeframe starts on the next working day after an agreed request is received.

The timeframe for voluminous EIR requests can be extended to 40 working days and for UK 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. The timeframe for carrying out a complex Freedom of Information Public Interest Test (PIT) can also be extended to 40 working days.

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

There is no charge to make a FOI, EIR or UK GDPR SAR request. Charges for UK GDPR SARs may be applied for any requests considered to be manifestly unfounded or excessive or for further copies of information supplied. Charges for EIR requests may in some instances be applied. 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 for FOI, EIR and UK GDPR SAR requests and these requests will be closed after 3 months if clarification nor a fee remains outstanding. We may also seek clarification for SAR requests but these requests will not be put on hold whilst we do so and if we receive no additional information by the response deadline, we will respond to the best of our ability.

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 generally 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. Occasionally where permitted we will refuse to confirm or deny if the information requested is held, where responding would in itself reveal information that should be withheld, and in these instances we will provide no further detail.

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, and
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. Information in draft form;
5. 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 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 Requests for Information

Other Social Service related requests are also on occasion received, including the following:

- Requests from other Local Authorities;
- Requests from Child Exploitation and Online Protection (CEOP) Command;
- Requests from the Police in relation to concerns about children.

These are considered on a case by case basis.

Please see the council's CCTV Policy for information about how the Police access CCTV information.

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 and the Route of Appeal

So that we understand exactly what information you are requesting ideally requests should be made by sending an email to the inforequest@northlincs.gov.uk as explained on the Information Governance area of the council's website and in Appendix G of this Policy.

Anyone dissatisfied with how their request for information or request to re-use information has been handled or with the council's Publication Scheme can make an Information Complaint, as set out in our 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 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 of the requestor	Section 40(1)	
08	Personal Information of a third party	Section 40(2)	
09	Information provided in confidence	Section 41	
10	Other legal prohibitions on disclosure	Section 44	

Qualified Exemptions

No	Exemption Description	Exemption Section	Other Information
01	Information intended for future	Section 22	
02	Research information	Section 22A	Prejudice based
03	National security	Section 24	Prejudice based
04	Defence	Section 26	Prejudice based
05	International relations	Section 27(1)	Prejudice based
06	International relations - relating to information obtained from another state	Section 27(2)	
07	Relations with the UK	Section 28	Prejudice based
08	The economy	Section 29	Prejudice based
09	Investigations and proceedings conducted by public authorities	Section 30	
10	Law enforcement	Section 31	Prejudice based
11	Audit functions	Section 33	Prejudice based
12	Formulation of government policy	Section 35	
13	The effective conduct of public affairs	Section 36	Prejudice based
14	Communications with Her Majesty – to the extent not absolute	Section 37	
15	Health and safety	Section 38	Prejudice based
16	Environmental information	Section 39	
17			
18	Legal professional privilege	Section 42	
19	Commercial interests – which apply to trade secrets	Section 43(1)	
20	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) and Regulation 13	
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	The interests of the person who provided the information would be affected.	Regulation 12(5)(f)	Adversely affect
13	Disclosure would affect the protection of the environment to which the information relates.	Regulation(5)(g)	Adversely affect
14	Information relating to emissions is treated differently with the regulations stressing transparency and openness. They provide a greater right of access to information about emissions and Regulation 12(9) removes the right to rely on certain exceptions if someone requests information on emissions.		

Appendix C – UK GDPR and Data Protection Act 2018 Exemptions

Whether or not we can rely on an exemption generally depends on why we are processing the personal data. Some exemptions apply because of the reason for processing, but others only apply to the extent that complying with the UK GDPR would:

- Be likely to harm or have a detrimental effect on the processing, or
- Prevent or seriously impair us from processing personal data in a way that is required or necessary for the purpose.

There are exemptions listed in Schedules 2-4 of the Data Protection Act 2018. These add to and complement a number of exceptions already built in to certain parts of the UK GDPR.

In addition some things are not listed here as exemptions, although in practice they work a bit like an exemption. For example:

- Personal or household activities – personal data processed in the course of a purely personal or household activity, with no connection to a professional or commercial activity, is outside the UK GDPR's scope.
- Law enforcement – the processing of personal data by competent authorities for law enforcement purposes is outside the UK GDPR's scope (e.g. the Police investigating a crime). Instead, this type of processing is subject to the rules in Part 3 of the Data Protection Act 2018.
- National security – personal data processed for the purposes of safeguarding national security or defence is outside the UK GDPR's scope. However, it is covered by Part 2, Chapter 3 of the Data Protection Act 2018 (the 'applied UK GDPR'), which contains an exemption for national security and defence.

Below are the exemptions found in Schedules 2-4 of the Data Protection Act 2018:

Crime, law and public protection

- Crime and taxation: general (DPA 2018 Schedule 2, Part 1, Para 2)
- Crime and taxation: risk assessment (DPA 2018 Schedule 2, Part 1, Para 3)
- Information required to be disclosed by law or in connection with legal proceedings (DPA 2018 Schedule 2, Part 1, Para 5)
- Legal professional privilege (DPA 2018, Schedule 2, Part 4, Para 19)
- Self incrimination (DPA 2018, Schedule 2, Part 4, Para 20)
- Disclosure prohibited or restricted by an enactment (DPA 2018, Schedule 4)
- Immigration (DPA 2018, Schedule 2, Part 1, Para 4)
- Functions designed to protect the public (DPA 2018, Schedule 2, Part 1, Para 7)

- Audit functions (DPA 2018, Schedule 2, Part 1, Para 8)
- Bank of England functions (DPA 2018, Schedule 2, Part 1, Para 9)

Regulation, parliament and the judiciary

- Regulatory functions relating to legal services, the health service & children's services (DPA 2018, Schedule 2, Part 2, Para 10)
- Other regulatory functions (DPA 2018, Schedule 2, Part 2, Para 11-12)
- Parliamentary privilege (DPA 2018, Schedule 2, Part 2, Para 13)
- Judicial appointments, independence and proceedings (DPA 2018, Schedule 2, Part 2, Para 14)
- Crown honours, dignities and appointments (DPA 2018, Schedule 2, Part 2, Para 15)

Journalism, research and archiving

- Journalism, academia, art and literature (DPA 2018, Schedule 2, Part 5, Para 26)
- Research and statistics (DPA 2018, Schedule 2, Part 6, Para 27)
- Archiving in the public interest (DPA 2018, Schedule 2, Part 6, Para 28 and Section 19)

Health, social work, education and child abuse

- Health data – processed by a court (DPA 2018, Schedule 3, Part 2, Para 3)
- Health data – an individual's expectations and wishes (DPA 2018, Schedule 3, Part 2, Para 4)
- Health data – serious harm (DPA 2018, Schedule 3, Part 2, Para 5)
- Health data – restriction of the right of access (DPA 2018, Schedule 3, Part 2, Para 6)
- Social work data – processed by a court (DPA 2018, Schedule 3, Part 3, Para 9)
- Social work data – an individual's expectations and wishes (DPA 2018, Schedule 3, Part 3, Para 10)
- Social work data – serious harm (DPA 2018, Schedule 3, Part 3, Para 11)
- Social work data – restriction of the right of access (DPA 2018, Schedule 3, Part 3, Para 12)
- Education data – processed by a court (DPA 2018, Schedule 3, Part 4, Para 18)
- Education data – serious harm (DPA 2018, Schedule 3, Part 4, Para 19)
- Education data – restriction of the right of access (DPA 2018, Schedule 3, Part 4, Para 20)
- Child abuse data (DPA 2018, Schedule 3, Part 5)

Finance, management and negotiations

- Corporate finance (DPA 2018, Schedule 2, Part 4, Para 21)
- Management forecasts (DPA 2018, Schedule 2, Part 4, Para 22)
- Negotiations (DPA 2018, Schedule 2, Part 4, Para 23)

References and exams

- Confidential references (DPA 2018, Schedule 2, Part 4, Para 24)
- Exam scripts and exam marks (DPA 2018, Schedule 2, Part 4, Para 25)

Subject access requests – information about other people

- Protection of the rights of others (DPA 2018, Schedule 2, Part 3, Para 16 and Para 17)

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) UK 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.

The RPSI apply to Public Sector information produced as part of the ‘Public Task’, which means our core role and functions, as defined in legislation or established through custom and practice.

‘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 Public Task 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. RPSI also does not apply to information that would be exempt from disclosure under access to information legislation, unless the exemption is section 21 where the information is already reasonably accessible to the requester. RPSI does not apply where the council does not hold the intellectual property rights.

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 Contact Details

Website - <https://www.northlincs.gov.uk/your-council/information-governance/>

Email - inforequest@northlincs.gov.uk

Telephone - 01724 296224

In Person - By contacting one of our Information, Advice and Guidance Centres.

North Lincolnshire Council Customer Service Centres

Ashby & District - Ashby High Street, Scunthorpe, DN16 2RY

Barton – Baysgarth Leisure Centre, Brigg Road, Barton-upon-Humber, DN18 5DT

Brigg and District - The Angel, Market Place, Brigg, DN20 8LD

Crowle & North Agholme – Crowle Library, 52-54 High Street, Crowle, DN17 4LB

Epworth & South Agholme - Epworth Library, Chapel Street, Epworth, DN9 1HQ

Scunthorpe Central - Scunthorpe Central, Carlton Street, Scunthorpe, DN15 6TX

Winterton & District - Winterton Library, 54 West Street, Winterton, DN15 9QF

How to contact the Information Commissioner

Website - <https://ico.org.uk/global/contact-us/> or

<https://ico.org.uk/make-a-complaint/>

Telephone - 0303 123 1113

Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF