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# DOCUMENT AND INFORMATION REQUESTS

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Records Management Policy  
RMP-11

## **Records Management Policy project – RMP 4.7**

<b>NORTHAMPTON BOROUGH COUNCIL</b>	<b>Date</b>	<b>9<sup>th</sup> July 2004</b>
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### **INTRODUCTION**

Principle 3 of Northampton Borough Council's Information Strategy states "A presumption is made that information will be made generally available either through the Council's Publication Scheme or via requests for it unless it is appropriate that access is restricted based on one or more of the reasons listed in the Exemption classes".

Principle 5 of Northampton Borough Council's Information Strategy states "It is a guiding principle of this Council that no one should be excluded from access to public information held by the Council".

Identifying and handling requests for information is fundamental to providing an accountable service to both the stakeholder and the public in general. It is the principle behind which open government provides the public with the knowledge to know what is going on, how a decision is reached and how it is going to be implemented, a commitment supported by Northampton Borough Council, (the Council).

The Freedom of Information Act 2000 (the Act) enables members of the public to inspect any record the Council holds, increasing the accountability of everything it does. This new culture of openness will ensure members of the public will be better informed and thereby able to question the decisions of the Council more closely. The services we provide, and the way we provide them, will be open to scrutiny like never before.

This Policy statement sets out the guidelines for members of the public to request information through the Act, how the Council's officers will handle information requests and provides the framework to build the procedures needed to ensure all document and information requests are dealt with promptly, correctly and consistently. It is not a statement of how compliance is to be achieved; this is covered in the 'Handling Information Requests' Procedural Document RMP-PD11.

## **DOCUMENT AND INFORMATION REQUESTS POLICY STATEMENTS**

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1. Requests for information will be dealt with by officers trained and dedicated to handling them.
2. It is every employee's responsibility to forward a request for information to the relevant officer.
3. The Council will respond to Information Requests within 20 working days. Northampton Borough Council calculates each working day to be office-opening days (Monday to Friday) and ignores Bank Holidays.
4. The Council is not obliged to respond to vexatious requests or repeated or substantially similar requests from the same person or group.
5. Employees who are asked for information relating to a request must supply that information to the relevant officer within 5 working days. It is a disciplinary offence not to do so.
6. If an officer is claiming an Exclusion or Exemption in respect of the information this must also be done (as in 5 above) within 5 working days.
7. The Public Interest Test must be met in deciding whether to release information. This Consultation with the relevant Director where appropriate and justifying the Exclusion or Exemption on grounds within the Act, with regard to the guidance provided and seeking such legal advice as may be required.
8. The Council will adopt the 'National Fees Register' and use it as guidance for any charges for information.
9. A 'Fees Notice' is valid for 3 months. Failure to pay discharges the Councils obligation to respond to the request.
10. Requests can only be transferred if we do not have the information and can show that the other Public Body has the information.
11. The Council will consult with the owners of any information being requested that it holds and could release without the need to transfer the request, (third party agreement).
12. The applicant will be informed of a refusal of the request within the 20 working days by a 'Refusal Notice'.

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13. When a decision has not yet been made in respect of an Exclusion or Exemption claim the applicant must be informed of this within the 20 working days and a date given when a response will be made by an 'Exemption Notice'.
14. All responses must include details of the Council's information Complaints and Appeals procedures and inform them of their right to refer any appeal refusal to the Information Commissioner.
15. All Information Requests will be recorded in a 'Disclosure Log', along with the Council's responses, any Exclusion or Exemption claims, any refusal and any complaint or appeal.

### REQUEST TIMELINE

Day 1	Identify, assist and forward the request to relevant officer. Respond to request if information is easily accessible i.e. already published, available through the Publication Scheme.
Day 2	Acknowledge the request, forward any relevant information on the request procedure and inform the applicant when they will receive a reply.
By Day 5	If unable to do so on day 2 a letter confirming or denying we hold the information being requested
By Day 10	If applicable a 'Fees Notice' must be issued informing the applicant of any charges that will be incurred in respect of the request for information.
	An Exemption or Refusal notice must be issued before the 20 working day deadline.
Day 20	The applicant must have the Council's response to the Information Request by this day.

### REFERENCE DOCUMENTS

- Environmental Information Regulations 1992
- Data Protection Act 1998
- Freedom of Information Act 2000
- Lord Chancellor's Code of Practice on the Discharge of Public Authorities' Functions under Part I of the Freedom of Information Act 2000, issued under section 45 of the Act, November 2002.
- Lord Chancellor's Code of Practice on the Management of Records under section 46 of the Freedom of Information Act 2000, November 2002.
- Delivering freedom of Information – The Constitution Unit

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**DISTRIBUTION**

This Policy is available at all the Council's offices and every Member and Manager has been given a hard copy as part of the Records Management Policy and Procedures Manual. Further copies are also available from the Records Officer, on the Council's Intranet and Internet and it is published under the Freedom of Information Act 2000's Publication Scheme.

**REVIEW**

This Policy and its associated procedure 'Handling Information Requests' RMP-PD11 will be reviewed annually in November from 2005.