



FREEDOM OF INFORMATION

DEALING WITH REQUESTS FOR INFORMATION

A GUIDE FOR STAFF

1 Freedom of Information requests

The Freedom of Information Act (FOIA) is intended to allow any person in the world the ability to obtain information they require from public bodies. The Council is covered by the legislation, which puts in place three basic requirements:

- To routinely put in the public domain as much information about the Council as is reasonably possible
- To ensure that where a person requires information that the Council holds but has not already published, he/she is provided with the relevant information, unless a relevant exemption under the Act applies
- That we have in place a properly structured approach to managing records to ensure that essential records of our activities are maintained in appropriate detail (and hence relevant information is readily available to the public).

This guide is specifically designed to help you deal with requests for information that come under the terms of the Act. It is not an exhaustive source of information but should assist officers in handling most requests.

2 The FOI Process in West Lancashire Borough Council

2.1 FOI email account

The Council has an FOI e-mail address at freedomofinformation@westlancs.gov.uk for receipt of requests. There are online request forms on our website for FOI and Data Protection requests. Enquirers do not have to use these forms though they may assist in cases where insufficient information is given initially by enquirers.

2.2 Information Officer

The Council has nominated an Information Officer (Sylvia Smith) who keeps a central log of information requests. You must inform the Information Officer about all requests on receipt preferably by email (address to 'Freedom of Information Officer').

2.3 Link Officers

A member of staff in your Service/Section has been nominated as the FOI Link Officer and they will take responsibility for managing information requests within your service. You should also notify your Link Officer (as well as the Information Officer) on receipt of an FOI request. Your Link Officer will assist you in replying to the request using appropriate standard response letters (available from the Council's Intranet) and should also be your first point of contact if you have any doubts or problems relating to a request. Should your Link Officer be unavailable, the Information Officer will be able to assist you.

2.4 Verbal requests

If you are contacted directly by an individual requiring information – either face-to-face, or on the telephone – ask them to write in or e-mail or provide them with a copy of the relevant request form and ask them to complete it. FOI requests must be made in writing.

However, a verbal request would be valid under the Environmental Information Regulations, a specialised version of FOI that applies to a broad definition of 'environmental information' that covers a lot of the Council's work. To avoid confusion, where a verbal request for any information can immediately be answered, you should do so. Where a verbal request cannot be immediately be answered, the applicant should be asked to make it in writing.

2.5 'Business as usual' requests

'Business as usual' refers to the type of service requests that officers routinely encounter as part of their day-to-day work. It is difficult to provide a definitive statement of what these cover but examples include details of opening hours and costs of services. If your role involves distributing information on request or where you can answer a request without difficulty, as part of your job then you should continue to deal with these requests in the normal way.

2.6 Request for Information already in the public domain

If you receive a request for information that is readily available for the public then you should respond within the Council's usual response times (10 working days). You or your Link Officer have to provide the enquirer with instructions on how to find the information. Usually, it should be enough to direct them to our Publication Scheme.

2.7 Publication scheme

FOI requires that the Council maintain a Publication Scheme, which is a method of proactively making available specific information. The content of the Scheme is largely dictated by guidance from the Information Commissioner. The Publication Scheme (the Council's website) holds or describes the types of information available, where it can be obtained or is available for public inspection. The Publication Scheme can be viewed online at (www.westlancsdc.gov.uk) or at the Council Offices and Public Libraries in the borough. You should ensure that any frequently requested information that has been provided is made available through the Publication Scheme.

3 How to deal with a FOI request:

An outline of the process for dealing with enquiries is also described in the attached flow chart "Handling requests" – Appendix B with additional help set out below.

Template letters are also available on the Intranet to assist you in responding to requests.

3.1 Notify your Link Officer and the Information Officer

On receipt of a FOI request (not business as usual requests) please forward this to your FOI Link Officer and the Information Officer immediately so that they can log the request and note the statutory deadlines for responding to the request.

3.2 Is the request for information is clear?

If you receive a request where it is not clear what information is being requested; or where you cannot respond and/or do not know where/if the information can be found; or where the request appears to cover potentially problematic or exempt information (for example, information that might contain the personal details of an employee or another person) then again you should forward the request to your Sectional/Service Freedom of Information Link Officer **immediately**. The Link Officer may need to contact the requester to clarify what information is being asked, do this as soon as possible, do not wait until near the 20 day deadline. See further paragraph 3.4(c)

3.3 Advice and assistance

Where a request is unclear, the Council has to assist the applicant to make a clear request. If the above clarification process does not result in a clear request, advice and assistance should be provided. This might be by suggesting options that the applicant may take up, or describing what information is held by the Council on the subject that the applicant is asking about.

3.4 Is the request for information valid?

On receipt of a request you need to ensure that the request is valid before going any further.

A valid request must include three elements. Until you have those three elements, the request is not valid and the 20 working days do not start. It is not necessary for a valid request to mention 'FOI' to be valid. The three elements are:

- The name of the applicant
- The address of the applicant
- The requested information

(a) Name

Any person is entitled to ask for information – it is irrelevant whether they are a journalist, a commercial company or a politician, and the applicant's motive should usually be ignored. The only relevant question is generally whether there is any harm in the information being made public – even if only one person is currently requesting it.

The applicant's name can be that of a company or an organisation. However, where a group are effectively making requests on behalf of an organisation, rather than as separate individuals, it is possible to add together the time taken to find the requested information, and potentially refuse some requests if an organisation makes too many requests on the same topic in too short a time.

If the applicant uses an obviously fake name, but the request is otherwise harmless, you should ignore that factor. However, if you believe that a fake name is being used to get around a previous refusal (e.g. a cost-based refusal, or a decision that the request is vexatious), you can ask for evidence that the name is real. You must not ask for proof of ID unless you have good reason to believe that the new request is related to one previously refused by the Council.

(b) Address

An address can be home or business address, a P.O. Box or email address, or even a Twitter account. The only test for the address is whether it can be used to send the requested information – for example, a Twitter account can only be used to make a request if the response can be shortened to 140 characters or if the applicant provides an alternative email or postal address where a larger amount of information can be sent.

(c) Requested information

A request is not valid until it is clear to the Council what is being requested. Clarification should be requested as soon as possible if a request is vague, unclear, covers a large amount of information or could be read in more than one way. Elements that can legitimately be clarified include:

- The time period covered by the request, especially where the request is for 'all information'
- The type of information being requested
- The meaning of unclear words i.e. a request for 'details' of a matter or issue
- The meaning of technical terms or jargon
- A request posed in the form of questions e.g., 'why did you do this?'

If clarification is requested, the 20 working days start when the Council has received a revised request.

3.5 Complex or sensitive requests.

If the request for information is complex, especially sensitive and/or requires detailed analysis then Services/Sections should not respond directly but seek assistance from

the Council Information Officer Sylvia Smith, Ext 5031, or Tina Sparrow, Assistant Solicitor, Ext 5178, to aid them in giving a response.

4 Responding to a request

Once you have a valid request, there are a number of questions to ask:

- Is the information held?
- Does the Council or some other body already publish the information?
- Has the information already been disclosed by the Council in response to a previous FOI?
- Is the information covered by FOI or EIR?
- How long will it take to find?
- Is any fee payable?
- Is the request vexatious, manifestly unreasonable or repeated?
- Does an exemption apply to the information?

In general, these questions should be answered in order. It is a waste of time to search for information that is already published, or to seek to refuse information that the Council has already decided should be disclosed. Most importantly, if the information is not already available, you should make a reasonable estimate of how long it will take to find the request information before you search for it.

4.1 Is the information held?

If you know that the person is asking for information that the Council does not hold, refuse the request on this basis. If there is any doubt about whether information is held, the request must be processed and a search carried out. If you know that another public authority holds the requested information (e.g. Lancashire County Council) the applicant should be informed and you can offer to transfer the request to the other public authority if the applicant agrees.

4.2 Is the information already published by the Council or some other body?

You should generally be aware of what the Council publishes routinely about your team and Service, and you should also know what is already made available in the Council's FOI publication scheme, which publishes a variety of policy and other documents proactively. If in doubt, check. You can legitimately direct someone to the website of either the Council or another body, but only if the information is definitely there. Some organisations – the Land Registry or Companies House for example – are clearly statutory sources of information that is also sometimes held by the Council. However, if you believe that another organisation makes the requested information available, you must check first.

4.3 Has the information already been disclosed by the Council in response to a previous FOI?

Before you find the information, and especially before considering a refusal, be certain that it has not previously been disclosed in response to an FOI request.

4.4 Is the information covered by FOI or EIR?

The definition of environmental information is wide, and some council functions are highly likely to be covered by the definition – e.g. planning, waste and recycling. If you are going to give out the information, or if it is not held, the differences between FOI and EIR are not relevant. If you think it is appropriate to refuse the request for any reason, it is essential that you determine whether the information is covered by FOI or EIR as different exemptions/exceptions may apply.

4.5 How long will it take to find?

If the request is for a discrete piece of information (eg a figure, statistic, piece of correspondence or a document), locate it as soon as possible. If the request covers a wide range of information or if there is some uncertainty about whether the information is held, you should next make an estimate of how long it will take to find and collate all of the information. The limits on finding and collating information apply to the whole council, so if the request covers more than one part of the council, ensure that the estimate covers all relevant areas. There are a number of ways to do an estimate:

- The best way is to carry out an experiment for a limited time (e.g. 30mins to 1 hour) – search for the requested information and see how much progress is made in the time period. From there, estimate how long it will take to find all of the information covered by the request.
- Base your estimate on the time taken to locate the same or similar information in response to another request
- Base your estimate on the time taken to carry out normal office tasks similar to finding the information (if you already know)

Under FOI, if the estimated time exceeds 18 hours (the cost ceiling is £450 calculated at a rate of £25 an hour), you can refuse the request. If the requested information is covered by the Environmental Information Regulations, you can refuse if the time taken would be 'manifestly unreasonable', but this is a case-by-case decision, and you cannot assume that the 18-hour FOI time limit will apply to EIR requests. You can extend the deadline for responding to a request under EIR by an extra 20 working days if the request is complex or voluminous.

In either case, if you legitimately refuse a request on the grounds of how long it will take to find the information, you should provide advice and assistance to the applicant. You should help them to limit their request to one that can be made without breaching the limits or exemptions.

Under FOI, the 18-hour time limit applies to any number of requests made on the same topic within the same 60 working day period. You can apply a similar principle to EIR requests made on the same theme in a short period of time, but as before, you need to make a case that the requests are part of a manifestly unreasonable pattern.

4.6 Is any fee payable?

If you are disclosing information under either FOI or EIR, you can only charge a fee for the actual cost of delivering information – printing or photocopying, postage and other direct costs. Neither FOI nor EIR allows the Council to recover the cost of staff time or the value of the information being disclosed.

If you believe that there is likely to be a large amount of printing, copying or postage, make a realistic estimate of the likely costs. If you intend to charge the applicant for these costs, issue a fees notice for the estimated costs before you do the printing or copying. They have three months in which to pay for these costs.

4.7 Is the request vexatious, manifestly unreasonable or repeated?

To decide whether a request is vexatious, you need to look at its context and history. The key question is whether the request is likely to cause unjustified distress, disruption or irritation. In particular you should consider

- Can the request fairly be seen as obsessive?
- Is the request harassing the authority or causing distress to staff?
- Would complying with the request impose significant burden in terms of expense and distraction (however if resources are your only concern you should consider refusing on cost grounds)
- Is the request designed to cause disruption or annoyance
- Does the request lack any serious purpose or value

An important point is that it is the request, not the requester that is vexatious. You should read the ICO guidance before applying this exemption

Where the wording of the request is the same or similar to a previous request and it is asking for information already provided, not held or properly refused, you can refuse the request as repeated. However, if the wording is identical but the request is actually asking for different information (e.g. a recurring request asking for “any new or amended information” on a particular subject, or for “last month’s figures”), you cannot refuse the request as repeated.

The same principles of vexatious and repeated refusals can be applied to EIR requests under the exception for ‘manifestly unreasonable’ requests.

4.8 Does an exemption apply to the information?

FOI and EIR permit the Council to refuse to provide information in response to requests where specified harm might occur. These relate, for example to information that may be commercially sensitive or to personal information that relates to individuals other than the applicant. See the list of exemptions at Appendix A below. The Information Commissioners website provides extensive guidance at www.ico.gov.uk

The decision to refuse will usually be taken by the Head of Service responsible for the information that is the subject of the request or a Service Manager, if the Head of Service directs this should be done. Where the request relates to more than one Service's information the decision will be made jointly.

Any refusal must be specific – many exemptions (exceptions in EIR) require the Council to show harm that will result directly from the disclosure. Most require a public interest test, where detailed arguments for and against disclosure must be balanced against each other.

4.9 Review of Council's decision

In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

5 Data Protection vs. Freedom of Information

It is important to distinguish requests made by individuals under the Data Protection Act 1998 (DPA) from those made under FOI. If an applicant requests their own personal data, then this is called a Subject Access Request, and Section 7 of the DPA applies. Personal data about a person other than the person making the request is handled under FOIA (see further guidance available from the Information Commissioner).

Subject Access Requests enquiries should usually be referred straight to the Council's Information Officer. However, if the request is for a very limited amount of information easily available to you then please refer the request direct to your Section or Service Freedom of Information Link Officer.

A Subject Access request is not valid unless it is made in writing, proof of identity is provided, the fee of £10 is received, and the applicant provides any further information required to locate the data they are looking for. Once these have been received, the Council has to provide the requested data within 40 calendar days.

6. Council Information held by Contractors/Third Parties

Standard contract terms are available to regulate the handling of FOI requests where Council information is held by a contractor/third party. These are to be properly managed in accordance with good practice as part of the contract process by the responsible officer.

7. LCC/OCL

A separate process has been set for this arrangement. See Appendix C for the procedure. This procedure is to be operated so as to meet all relevant requirements of this Guide.

8. Summary

Please be aware of the implications of FOI and EIR, and make sure that, if you receive a written request for information you cannot easily answer, you immediately pass the details to your Service/Section's FOI Link Officer, who will inform the Council Information Officer, who will maintain a Log and monitor all requests.

Appendices

Appendix A – Exemptions under FOI

Appendix B – Guide to Responding to an FOI Request

Appendix C – LCC/OCL FOI Process File Note

Version: August 2013

Officer responsible: Terry Broderick

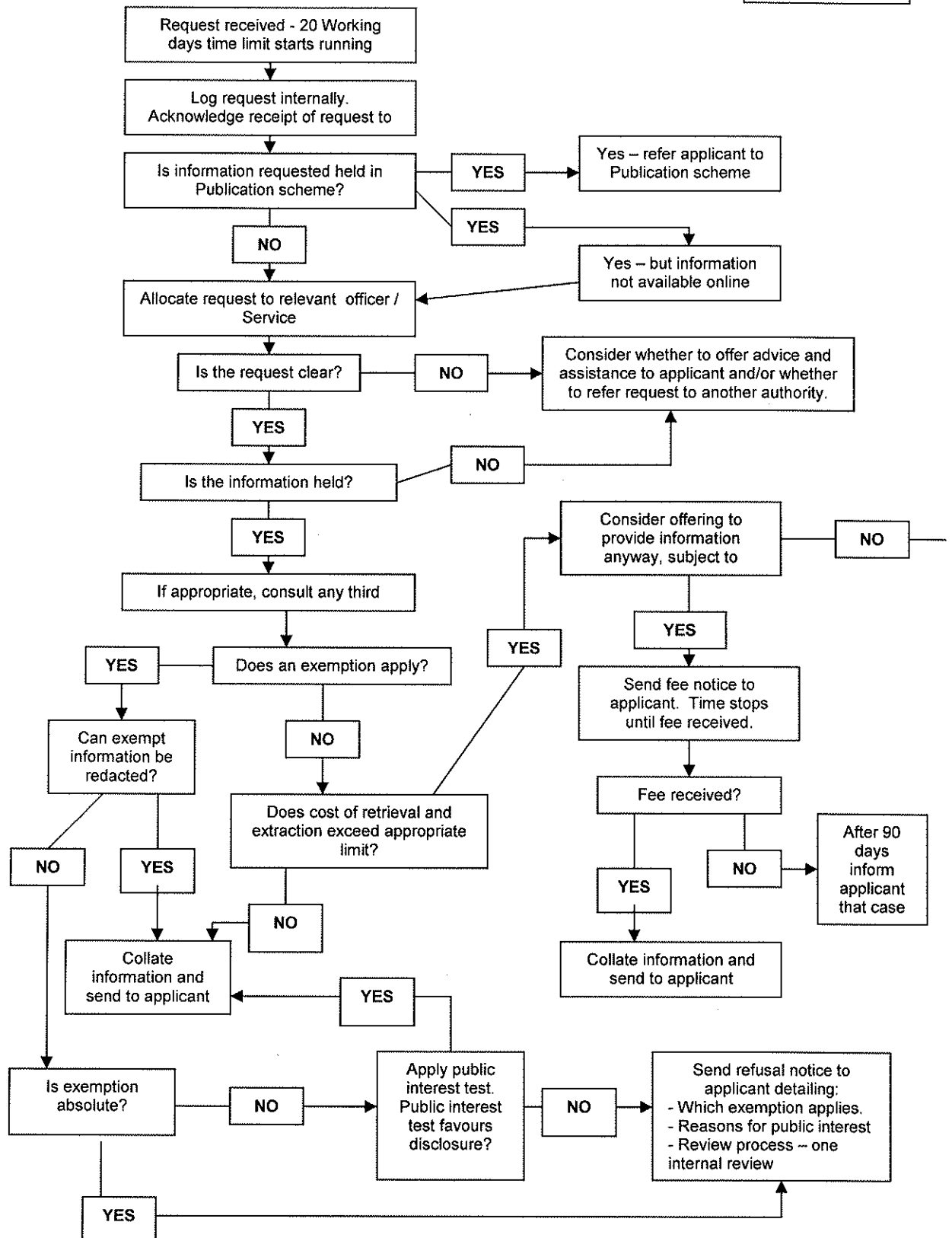
Appendix A

Exemption under the Freedom of Information Act 2000

- Section 21: information reasonably accessible to the applicant by other means
- Section 22: information intended for future publication
- Section 23: information supplied by or relating to security bodies
- Section 24: the national security exemption
- Section 26: defense
- Section 27: international relations
- Section 28: relations within the UK
- Section 29: the economy
- Section 30: investigations
- Section 31: law enforcement
- Section 32: information contained in court records
- Section 32: information contained in court transcripts
- Section 33: public audit
- Section 35: policy formulation, ministerial communications, law officers' advice, and the operation of ministerial private office
- Section 36: effective conduct of public affairs
- Section 36: what should be recorded when considering the exemption?
- Section 37: communications with Her Majesty and the awarding of honors
- Section 38: health and safety
- Section 40: personal information
- Section 40: applying the exemption for third party personal data
- Section 40: circumstances where the names of individuals may be disclosed
- Section 40: when should salaries be disclosed?
- Section 40: access to information about public authorities' employees
- Section 40: complaints and investigations files – how to approach them
- Section 41: information provided in confidence
- Section 41: information provided in confidence relating to contracts
- Section 41: the duty of confidence and the public interest
- Section 42: legal professional privilege
- Section 43: commercial interest
- Section 43: commercial detriment of third parties
- Section 43: public sector contracts
- Section 44: Financial Services and Markets Act 2000 and Freedom of Information Act 2000
- Section 44: The Enterprise Act 2002 and the Freedom of Information Act 2000
- Section 44: prohibitions on disclosure

GUIDE TO RESPONDING TO AN FOI REQUEST

Appendix B



FILE NOTE

Meeting Thursday 8th December 2011

Present: Sheila Yates – OCL – Head of Commercial & Contract Compliance
Jen Shemeld – OCL – Performance Manager
Peter Blakey - OCL
Tash Bryan – WLBC
Chris Isherwood – OCL
Sylvia Smith – WLBC
Terry Broderick – WLBC

Item 1

Introductions were made.

Item 2

A brief synopsis of the FOI handling regime from the OCL perspective was outlined by Sheila. This was then fed into by all those present and included agreement on a requirement for a methodology which would achieve synergy with WLBC process. The agreed approach was that the basis of service delivery is to continue with "business as usual" with no net affect on workloads for staff.

The way forward was agreed as follows:

- (a) That the WLBC Freedom of Information Officer will log the requests when they are received (as at present) but with the addition of a reference and communicate the requests to SY who will be copied in to the email directed to the officer handling the FOI requests relating to OCL ICT or Exchequer Services. The email will be marked "confidential" and will be treated accordingly. This will usually be an OCL secondee, although Tash has a retained role.
- (b) In terms of the confidentiality of the arrangements, to acknowledge the role of SY in relation to Liverpool Direct and at Lancashire County Council it is intended to be agreed at and recorded in the minutes of the regular monthly shared services review arrangements that the confidentiality arrangements regarding the handling of FOI requests (and otherwise of course in relation to the ICT and Exchequer Services) are to be observed. Any information handled by SY, or other persons coordinating FOI for OCL, will be purely in her/their capacity as an OCL employee and will be held/processed in accordance with the confidentiality requirements as set out in the Shared Services Agreement.

- (c) The Borough Council's Freedom of Information request handling in respect of OCL services document together with its updated request handling guide for staff are to be presented to Martin and Mark from OCL with a view to agreeing the process at the monthly review meeting with the Council's Transformation Manager.
- (d) In terms of the release/refusal of information it is proposed that an email will be issued by OCL personnel, but in the name of the Borough Council provided the Transformation Manager is content for this to happen. The format will be agreed by the Transformation Manager and OCL representatives. In issuing such responses the OCL staff will be accountable in terms of the contractual arrangements that exist and the matter will be monitored effectively by the "copying in" of WLBC's Freedom of Information Officer and Transformation Manager. In addition early notification in respect of those sensitive requests will highlight the need for additional care in any particular matter.

F.O.I. Letter Templates

Some examples of standard responses to correspondence requesting information

These standard responses are to assist you in responding to freedom of information requests.

They are intended to act as a guide to the key points that should be included in correspondence and need to be amended to reflect the specific circumstances of the case.

1. Acknowledging a request
2. Informing an applicant that information is not held, refer to LCC.
3. (Not used)
4. Informing an applicant that further information is required before their request can be processed
5. Informing an applicant that extra time is required to carry out the public interest test
6. Providing an applicant with all of the information requested
7. Informing an applicant that the requested information is being withheld under an 'absolute' exemption
8. Informing an applicant that the requested information is being withheld under a 'qualified' exemption(s)
9. Informing an applicant that some of the information sought is being withheld and some is being provided
10. Informing an applicant that the information is accessible by other means (applying section 21)
11. Informing an applicant that the information is intended for future publication (applying section 22)
12. Informing an applicant that the information is withheld because it is personal data (applying section 40)
13. A 'neither confirm nor deny' response
14. Informing an applicant that their request exceeds the appropriate cost limit and is not being processed further
15. Fees notice (1) – Informing an applicant that their request exceeds the appropriate cost limit, but the information will be provided for a fee (charging under section 13)
16. Fees notice (2) – Informing an applicant that a fee is being charged for disbursements (the request is under the appropriate cost limit)
17. Informing an applicant that a fee has been received
18. Informing an applicant that a fee has not been received and the request has now lapsed
19. Consultation with third parties
20. Clarification received – proceeding with new request
21. Information available for inspection as requested
22. Refusing a vexatious request
23. Refusing a repeated request
24. Refusing a request for Empty Properties List

F.O.I. Letter 1 : Acknowledgement letter

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax [delete as appropriate] of [date of letter/email/fax from applicant] requesting information about [subject].

Your request is being dealt with under the terms of the Freedom of Information Act 2000 and will be answered within twenty working days.

If you have any queries about this request do not hesitate to contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

[your name, address, email address and telephone number]

F.O.I. Letter 2 : Information not held – refer to LCC

Notes:

- (i) You must ensure that you have taken into account whether or not it is appropriate/necessary for you to 'neither confirm nor deny' whether you hold the information before confirming that you do not hold it.
- (ii) It is good practice to advise the requestor if you believe the information may be held by another Council/service and in some circumstances it may be appropriate to transfer the request to another public authority – see standard response template 3.
- (iii) Where there is no ambiguity under section 3 of the Act as to whether you 'hold' the requested information, it is not necessary to include the paragraphs on the internal review procedure and appealing to the Information Commissioner.
- (iv) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax [delete as appropriate] of [date of letter/email/fax] where you requested information about [subject].

I am writing to advise you that, following a search of our paper and electronic records, I have established that the information you requested is not held by this Council. **[See Note (i) above]**

[Lancashire County Council is responsible for (eg insert Highway) services, within the Borough. The email address for Lancashire County Council is: FreedomofInformation@lancashire.gov.uk The postal address is: Lancashire County Council, PO Box 78, County Hall, Fishergate, Preston, Lancashire, PR1 8XJ.]

[If you have any further queries, or if you would like me to transfer your request to Lancashire County Council please contact me.]

[See Note (iv) above] If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: *[contact name and address]*

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

[your name, address, email address and telephone number]

F.O.I. Letter 4 : Further information required

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax *[delete as appropriate]* of *[date of letter/email/fax from applicant]* where you requested information about *[subject]*.

From our preliminary assessment, it is clear that we will not be able to answer your request without further clarification.

The Council requires further information in order to identify and locate the information you have asked for *[include an explanation of why this is the case, if this is appropriate]*. In particular, it would be useful to know *[give the applicant an indication of the sort of information that you will require in order to proceed with the request.]*

Once you have clarified your request, I will be able to begin to process your request. If I do not receive clarification within three months your request will be considered to have lapsed. (Under section 1(3) of the Freedom of Information Act (FOIA), a public authority need not comply with a request unless any further information reasonably required to locate the information is supplied.)

Please remember to quote the reference number above in any future communications.

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 5 : Extra time is required to carry out the public interest test

Notes:

- (i) In some situations, a qualified exclusion may apply to the duty to confirm or deny whether the information is held and, due to the need to consider the balance of the public interest, you may not be in a position to confirm or deny whether you hold the information within the twenty working day deadline.
- (ii) If you need to extend time to consider whether a 'neither confirm nor deny' response is appropriate, the letter to the applicant must be very carefully drafted and you must seek specialist advice before responding.
- (iii) Where you are extending time with reliance on section 10(3), (where you are considering the public interest and test) you are still required by section 17 to specify which exemptions apply to the information, unless to do so would reveal exempt information.
- (iv) If absolute exemptions apply to some of the information, you must provide the applicant with a full explanation as to why they apply to the information (as per section 17 of the Act –see FOI Letter 7) in this letter as well: the scope in section 10(3) in respect of the time for complying with requests applies only to information where you need to consider the balance of the public interest.
- (v) If there is some information to which no exemption applies, that information must be released within twenty working days and this letter will need to be modified to reflect the fact that information is being disclosed.
- (vi) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax [delete as appropriate] of [date letter/email/fax] where you requested information about [subject].

We do hold information **[See Note (i) above]** falling within the terms of your request, however we need more time to consider your request.

I wish to advise you that the following exemption applies to the information that you have requested: **[See Notes (ii) & (iii) above]**

[insert the exemption that is being relied upon here]

The Council has not yet reached a decision on the balance of the public interest. Due to the need to consider, in all the circumstances of the case, where the balance of the public interest lies in relation to the information that you have requested, the Council will not be able to respond to your request in full within 20 working days.

I hope to let you have a response by [new target date - the new date should not be more than 20 working days from the date of the letter unless there are exceptional circumstances.]

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: [contact name and address] **(See Note (vi) above.)**

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 6 : Providing the applicant with all the information requested

Notes:

- (i) You only need to use this and the following paragraph when you have any concerns about the re-use of the information being released, or when copyright rests with a third party.
- (ii) Review of Council's decision: In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax [delete as appropriate] of [date letter/email/fax] where you requested information about [subject].

The information you requested is enclosed. If you have any queries concerning the information provided, please do not hesitate to contact me.

or

[If you have been unable to provide it in the format requested by the applicant because it was 'unreasonable to do so' then you should state why].

[See Note (i) above] The supply of information in response to a freedom of information request does not confer an automatic right to re-use the information. Under UK copyright law you can use any information supplied for the purposes of private study and non-commercial research without requiring permission. Similarly,

information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs.

For other forms of re-use, for example publishing the information, you would need the permission of the organisation or person who owns the copyright. In the case of information produced by government departments and agencies you can re-use the information under the Open Government Licence. For information about this please see <http://www.nationalarchives.gov.uk/doc/open-government-licence/open-government-licence.htm>

If, however, the copyright is identified as belonging to somebody else, you will need to apply for permission. For information about how to obtain permission from a third party, please go to Intellectual Property Office's website at www.ipo.gov.uk

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: *[contact name and address]* **(See Note (ii) above.)**

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 7 : Information withheld under an Absolute Exemption

Notes:

- (i) It may be necessary, when withholding information, to 'neither confirm nor deny' (NCND) that you hold the information. You must always seek specialist advice when considering whether an NCND response is appropriate or necessary. NCND letters are specific to the type of information sought and the nature of the exemptions which apply to the information and, in particular, the precise terms of the request. Care and attention should be given to all NCND responses.
- (ii) You are not obliged to explain why an exemption applies if this is already apparent. Further, you are not obliged to explain why an exemption applies if to do so would involve the disclosure of exempt information (section 17(4)).

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 - Request for Information

Thank you for your letter/fax/email [delete as appropriate] of [date of letter from applicant] where you requested information about [insert type of information request by the applicant].

I can confirm that the Council holds this information. **[See Note (i) above]** This information is exempt under section(s) [XX- insert section number] of the Freedom of Information Act.

[You should explain why the requested information falls into the terms of any absolute exemption] **[See Note (ii) above]**

This is an absolute exemption and there is therefore no requirement to consider the public interest.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: [insert contact name and address]

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 8 : Information withheld under a Qualified Exemption

Notes:

- (i) It may be necessary, when withholding information, to 'neither confirm nor deny' (NCND) that you hold the information. You must always seek specialist advice when considering whether an NCND response is appropriate or necessary. NCND letters are specific to the type of information sought and the nature of the exemptions which apply to the information and, in particular, the precise terms of the request. Care and attention should be given to all NCND responses.
- (ii) You are not obliged to explain why an exemption applies if this is already apparent. Further, you are not obliged to explain why an exemption applies or why the balance of the public interest favours non-disclosure if to do so would involve the disclosure of exempt information (section 17(4)).
- (iii) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/fax/email [delete as appropriate] of [date of letter from applicant] where you requested information about [insert type of information request by the applicant].

I can confirm that the Council holds this information **[See Note (i) above]** This information is exempt under section(s) *[XX- insert section number]* of the Freedom of Information Act and is therefore being withheld.

[You should explain why the requested information falls into the terms of the qualified exemption and why the balance of the public interest test determines that the information is exempt from release] **[See Note (ii) above]**

Having considered the public interest, the Council's decision is therefore to withhold the information.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: *[contact name and address]* **(See Note (iii) above.)**

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 9 : Some information withheld and some information provided

Notes:

- (i) It may be necessary, when withholding information, to 'neither confirm nor deny' (NCND) that you hold the information. You must always seek specialist advice when considering whether an NCND response is appropriate or necessary. NCND letters are specific to the type of information sought and the nature of the exemptions which apply to the information and, in particular, the precise terms of the request. Care and attention should be given to all NCND responses.
- (ii) You are not obliged to explain why an exemption applies if this is already apparent. Further, you are not obliged to explain why an exemption applies or why the balance of the public interest favours non-disclosure if to do so would involve the disclosure of exempt information (section 17(4)).
- (iii) In some circumstances you may need to include information on copyright (F.O.I. Letter 6).
- (iv) Review of Council's decision: In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]

[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax *[delete as appropriate]* of *[date letter/email/fax]* where you requested information about *[subject]*. We have now completed searching for the information you requested.

A copy of the information, which can be disclosed, is enclosed. **[See Note (iii) above]**. If you have any queries concerning the information provided please do not hesitate to contact me.

or

A copy of the information, which can be disclosed, is enclosed in the format you requested.

or

As you have asked to view the records in which the information is contained, and we are content to let you do so, in respect of that information which is being disclosed. Please telephone me to make the necessary arrangements.

The remainder of the information that you requested is exempt under section(s) *[XX-insert section number]* of the Freedom of Information Act and is therefore withheld.

[You should explain why the requested information falls into the terms of any absolute or qualified exemptions and, in the case of qualified exemptions, explain why the balance of the public interest test determines that the information is exempt from release] **[See Note (ii) above]**

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: *[contact name and address]* **[See Note (iv) above.]**

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 10 : Information accessible by other means

Note:

- (i) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]

[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax [delete as appropriate] of [date of letter/email/fax from applicant] where you requested information about [subject].

I can confirm that the Council holds this information. The information is exempt under Section 21 of the Freedom of Information Act (FOIA) because the information is already in the public domain, therefore accessible to you. You can find the information you require at: [enter the web addresses where the information can be retrieved or other method of obtaining the information, including by payment of a fee].

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: [contact name and address] **[See Note (i) above.]**

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 11 : Information intended for future publication (section 22)

Note:

- (i) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/fax/email [delete as appropriate] of [date of letter from applicant] where you requested information about [insert type of information request by the applicant].

I can confirm that the Department holds the information you are seeking. Section 22 of the Freedom of Information Act exempts this information. This is because the information is intended for publication at a future date.

[Note: The use of this exemption requires you to provide the public interest argument as to why the information should not be disclosed yet and how non-disclosure of the information outweighs disclosure]

Having considered the public interest, the Department's decision is therefore to release/withhold [delete as appropriate].

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of

the date of receipt of the response to your original letter and should be addressed to:
[*contact name and address*] **[See Note (i) above.]**

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

[*Your name, address, email address and telephone number*]

F.O.I. Letter 12 : Information is withheld because it is personal data (section 40)

Note:

- (i) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]

[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/fax/email [delete as appropriate] of [insert date of letter from applicant] where you requested for information about [insert type of information request by the applicant].

I can confirm **[There may be instances where you can 'neither confirm nor deny' the information is held]** that the Council holds this information. This information is exempt under section 40 (personal information) of the Freedom of Information Act (FOIA), as the information constitutes third party data. Section 40(2) provides that personal data about third parties is exempt information if one of the conditions set out in section 40(3) is satisfied. Under the FOI Act disclosure of this information would breach the fair processing principle contained in the Data Protection Act (DPA), where it would be unfair to that person/is confidential. **[There may be other reasons why the DPA would be breached]**

[There is no obligation on the Council to release this information without a Court order]

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: *[contact name and address]* **[See Note (i) above]**

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 13 : A Neither confirm nor deny response

Notes:

- (i) You must always seek specialist advice when considering whether a 'neither confirm nor deny' (NCND) response is appropriate or necessary. NCND letters are specific to the type of information sought and the nature of the exemptions which apply to the information and, in particular, the precise terms of the request. Care and attention should be given to all NCND responses.

[name]

[Address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/fax/email *[delete as appropriate]* of *[date of letter from applicant]* where you requested information about *[insert type of information request by the applicant]*.

The Council neither confirms nor denies that it holds information falling within the description specified in your request. The duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of Section *[xx- insert section number]* of that Act. This should not be taken as an indication that the information you requested is or is not held by the Council.

[Where a qualified exemption is cited, you will need to provide reasons why the public interest favours an NCND response in this case, unless to do so would reveal exempt information]

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: *[contact name and address]* **[See Note (i) above.]**

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 14 : Request exceeds the appropriate cost limit and will not be processed further (and where aggregating 2 or more requests who appear to be acting in concert)

Note:

- (i) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax [delete as appropriate] of [date letter/email/fax] where you requested information about [subject].

From our preliminary assessment, it is clear that we will not be able to answer your request without further clarification. Under section 1(3) of the Freedom of Information Act (FOIA), a public authority need not comply with a request unless any further information reasonably required to locate the information is supplied. If a request is too broad or general in nature, then public authorities have a duty to provide advice and assistance to the applicant in order to focus the request.

In order to provide you with the information on the scale that you have requested would require [explain what searches would have to be undertaken in order to provide the information]

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending 18 hours determining whether the department holds the information, locating, retrieving and extracting the information.

We estimate that it will take us in excess of 18 hours to determine appropriate material and locate, retrieve and extract the information in reference to your request. Therefore, your request will not be processed further.

[Or if aggregating a request: In accordance with the Information Commissioners Guidance the Council can aggregate the costs of complying with two or more requests, made by one person or different persons, who appear to be acting in concert. On that basis, the Council is refusing your request]

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required. *[you may wish to provide a selection of key information held which the requester can choose from with a timeframe]*

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: *[contact name and address]* **[See Note (i) above.]**

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 15 : Fees Notice – request exceeds the appropriate cost limit, but the information will be provided for a fee (charging under section 13).

Notes:

- (i) This notice applies where the cost of complying with the request would exceed the appropriate limit but the public authority nevertheless wishes to comply and charge a fee.
- (ii) Public authorities must remember that, unless it would cost more than the appropriate limit to comply with the duty to confirm or deny alone, they may only charge in accordance with regulation 6 of the Appropriate Limit and Fees Regulations 2004 and within the timescales provided in the Act. If it would cost more than the appropriate limit to comply with the duty to confirm or deny, this notice will need to be modified. This notice covers situations where the department is making a charge under section 13 of the Act and the FOI Fees Regulations. If the charge is being levied under a different power, this notice will need to be modified.
- (iii) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax [delete as appropriate] of [date of letter/email/fax from applicant] where you requested information about [subject].

From our preliminary assessment, we have estimated that it will cost more than the 'appropriate limit' to consider your request.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

However, we are happy to respond to your request if you pay the fee as set out in this notice. The estimated cost of processing your request is £*[insert cost]*. This charge has been calculated in accordance with section 13 of the Freedom of Information Act 2000 and the Freedom of Information Fees Regulations.

We are unable to continue processing your request until the fee is paid. If you wish the department to continue to process your request you should pay the fee within 3 calendar months (by *[date]*). If the department does not receive payment of the fee by this date, I will take it that you do not wish to pursue this request and will consider the request closed.

If you narrow the scope of your request, we may be able to provide the information free of charge because it would cost less than the appropriate limit to do so. For instance, you may wish to refine your request by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required. *[You may wish to provide a selection of key information held which the requester can choose from with a timeframe]* Any reformulated request the Council receives from you will be treated as a fresh FOI request.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: *[contact name and address]* **[See Note (iii) above.]**

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 16 : Fees Notice – is being charged for disbursements (request is under the appropriate cost limit).

[name]
[address]

Ref No:

[date]

Dear [name]

Freedom of Information Act 2000 – Request for Information

Thank you for your [letter/email/fax] of [date] requesting information about [subject].

In this case, a fee of £[insert cost], is payable to us before I can provide you with the information. This fee covers the costs of [i.e. photocopying, printing, transferring to CD-ROM, posting to applicant] and has been calculated in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

We are unable to continue processing your request until the fee is paid. If you wish us to continue to process your request you should pay the fee requested within 3 calendar months (by [date])). If we do not receive payment of the fee by this date, I will take it that you do not wish to pursue this request and will consider the request closed.

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 17 : Fee Received

Note:

- (i) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]

[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your payment of £[xx] received on [date].

- (1) We will now continue processing your request and you can expect to receive my response by [date]. If the actual cost of complying with the request is less than we estimated, the balance will be returned to you. If you do not receive my response by then, please contact me and I will investigate the matter further.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

or

(delete as appropriate)

- (2) Please find enclosed the information you requested.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: [contact name and address][**See Note (i) above.**]

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

[Your name, address, email address and telephone no]

F.O.I. Letter 18 : Fee not received

[name]

[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

I am writing to follow up on my letter of [date] which advised you that a fee was payable before we can process your request for information under the Freedom of Information Act 2000.

We haven't received payment of the fee, so we now consider your request to be closed. If you still wish to receive the information, you may make a fresh request.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

[Your name, address, email address and telephone numb

F.O.I. Letter 19 : Consultation with third parties

Notes:

- (i) This letter has been provided to show best practice in line with the obligations departments have under the section 45 Code of Practice. Each department will know their stakeholders best, and care should be taken to ensure that they are consulted in a suitable manner. It would be best practice to keep consultees informed of any developments in a case involving information which they have supplied to you or relates to them, notably where the applicant has requested an internal review, or has appealed to the Information Commissioner and Information Tribunal. It is also important to remember that the department retains responsibility for taking decisions on the exemptions and on the balance of the public interest. While the views of third parties can inform such judgements, they will not be determinative and third parties should not be given the impression that undue weight will be given to their comments.
- (ii) When consulting third parties, you should NOT say who has requested the information. If a consultee asks who has requested the information, you should consider the request as you would any other, taking into account exemptions, in particular section 40 (personal information).
- (iii) If there are concerns regarding the applicability of sections 40, 41 or 43 to the request, this letter will have to be more detailed, as the views of the person in question may be much more crucial to the question of disclosability of the information. In particular, in relation to section 41 the views of the person for whose benefit a duty of confidence may exist may well be determinative of whether or not such a duty exists in the first place. It will also not be an actionable breach of confidence to make a disclosure to which the person to whom the duty is owed consents. In relation to section 43 it should request the consultee to identify if it considers the information to be a trade secret, and also the nature and extent of the commercial prejudice any release could cause – suitable legal advice should be taken in such cases.

[name]

[address]

Ref No:

[date]

Dear [name]

Freedom of Information Act 2000 – Request for Information

I am writing to you in connection with a request for information received by the [name of Department/Agency] which is being considered under the Freedom of Information (FOI) Act. Part of the information requested was supplied by/relates to [delete as

appropriate] you. *[If possible, the third party should be given the terms of the request and if appropriate a description of the information held. It is essential that this is fact-sensitive]* **[See Note (ii) above]**.

The FOI Act requires the Department to disclose information in response to a request unless an exemption applies. There are two types of exemption in the FOI Act.

The first type is an 'absolute' exemption, whereby disclosure may be withheld if the information falls within the terms of the exemption in question. However, where the exemption in question is only covered by a 'qualified' exemption, we can only withhold the information if the balance of the public interest, in all the circumstances of the case, favours non-disclosure of the information.

In light of the fact that you provided this information to us / in light of your interest in this information *[delete as appropriate]*, we are informing you of this request. If you wish to notify us of any particular issues or considerations that you consider relevant to the question of disclosure of this information, please let me have written details of how, in your view, disclosure of the information would be harmful by *[insert date]*. This is to enable the *[name of Department]* to consider all relevant factors in taking a decision on whether the Freedom of Information Act 2000 requires this information to be disclosed. **[See Note (iii) above]**

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

[Your name, address, email address and telephone number]

F.O.I. Letter 20 : Clarification received – Proceeding with new request

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax dated [], clarifying your request for information under the Freedom of Information Act 2000.

Your new request is being dealt with under the terms of the Freedom of Information Act 2000 and will be answered within twenty working days.

If you have any queries about this request do not hesitate to contact me. Please remember to quote the reference number above in any future communications.

Your sincerely

[your name, address, email address and telephone number]

F.O.I. Letter 21 : Information available for inspection as requested

Note:

- (i) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax dated [], requesting information about [subject].

The information you requested is now available. As you indicated you would like to inspect the information please contact [name] 01695 [] to agree a mutually convenient time for inspection and I will arrange for an officer to meet you and take you to the area where the information is held.

If after viewing the information you have any queries concerning the information provided, please do not hesitate to contact me [me or ..insert name].

If you are still dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: [contact name and address][**See Note (i) above.**]

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

[your name, address, email address and telephone number]

F.O.I. Letter 22 : Refusing a vexatious request

Note:

- (i) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax dated [], requesting information about [subject].

Having considered your request, it is the Council's view that it is vexatious and therefore the information is exempt from disclosure under S14(1) Freedom of Information Act 2000.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: [contact name and address][**See Note (i) above.**]

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, Sk9 5AF.

Yours sincerely,

[your name, address, email address and telephone number]

F.O.I. Letter 23 : Refusing a repeated request

Note:

- (i) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information

Thank you for your letter/email/fax dated [], requesting information about [subject]

Having considered your request, it is the Council's view that it has previously been complied with and recently enough to suggest that no new information could be provided if another search was undertaken now therefore the information is exempt from disclosure under S14(2) of the Freedom of Information Act.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: [contact name and address][**See Note (i) above.**]

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

[your name, address, email address and telephone number]

F.O.I. Letter 24 : Refusing a request for Empty Properties List

Note:

- (i) **Review of Council's decision:** In any case where the Council declines to respond (or fails to respond fully) to an information request, or are otherwise unhappy with the handling of the request the applicant has the right to request an internal review of the decision to a more senior officer in accordance with the system for handling complaints adopted by the Council. The review should be referred to as such and not as a complaint to avoid confusion for requesters and officers.

Thereafter, or in some rare occasions upon initial refusal, the requester may appeal to the Information Commissioner. If an applicant complains in writing to you about the nature and/or content of any response you must forward this complaint to your FOI Link Officer immediately and inform your Service Manager and/or Head of Service.

[name]
[address]

Ref No:

[date]

Dear [applicant's name]

Freedom of Information Act 2000 – Request for Information – Empty Properties

Thank you for your letter/email/fax dated [], requesting information about addresses of vacant residential properties in West Lancashire together with the relevant names and addresses of the owners.

Your request is being dealt with under the terms of the Freedom of Information Act 2000.

The information you have requested is under Section 31(1)(a) of the Freedom of Information Act, and is therefore being withheld.

Having considered the public interest test, the Councils decision is that the release of the information into the public domain would be likely to prejudice the prevention of detection of crime.

Section 31 is a qualified exemption and therefore the “public interest test” was applied.

Whilst the Council accepts there are indeed some advantages in the release of the information to the public at large, I am not satisfied that this outweighs the public interest in withholding the information for the following reasons:

- The risk that publication would prejudice the prevention of crime, as it could lead to the likely targeting of those empty properties by those engaged in illegal drug use and production, gang activity, arson, vandalism, theft or other anti-social behaviour.
- The risk that publication would lead to increased anxiety and fear of crime amongst occupants or adjacent residential and commercial properties, as a result of the likely targeting of the empty properties by those engaged in criminal and anti-social behaviour.
- The risk that publication could undermine efforts by the Council and commercial property owners to bring empty properties back into use, in order to improve local communities and reduce crime and vandalism in the area around empty properties.

(Add if appropriate)

[Thank you for providing information about the Tribunal's decision in the London borough of Camden case. I have sought legal advice on the detail of that decision and I am advised that it related to the release of non-individual owned (i.e. commercially owned) residential properties only (as did a previous ruling in relation to a case involving London Borough of Bexley in 2010). It does not refer to all empty property addresses being released nor the release of owner information].

Furthermore, I also have other concerns regarding data protection and data sharing which need to be taken into account. I understand that the information that the Council holds regarding empty private properties comes from Council Tax records which are data protected. The purpose of the Data Protection Act is to protect personal information from unnecessary or unauthorised disclosure. The information regarding individual house owners is personal data which must be processed fairly and lawfully for specified purposes. The Council is under a duty to inform people why it is collecting information and what that information will be used for – the data should not be further processed for another incompatible purpose. Therefore the exemption under Section 40(2) of the Freedom of Information Act also applies in this matter. This section provides an exemption from disclosing information about identifiable individuals where it would breach the Data Protection Act. The main consideration will usually be whether the disclosure would be fair to the individual(s) concerned.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: *[contact name and address]* **[See Note (i) above]**

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

[your name, address, email address and telephone number]