

**NEW FOREST NATIONAL PARK AUTHORITY**

**AUTHORITY MEETING – 22 FEBRUARY 2007**

**FREEDOM OF INFORMATION POLICY AND PUBLICATION SCHEME**

**Report by:** Lindsay Cornish, Chief Executive and Kevin Gardner, Solicitor and Monitoring Officer

**Summary:**

This paper sets out the documents and processes which need to be put in place to deal with requests for information held by the Authority. Once adopted by the Authority, the Publication Scheme needs to be forwarded to the Information Commissioner for approval prior to implementation.

**Recommendation**

1. That the following documents dealing with the handling of requests for information held by the Authority under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and Data Protection Act 1998 be approved:
  - Publication Scheme
  - Access to information policy
  - Summary guide leaflet for the public, including a request application form
  - Appeals procedure.
2. That the Publication Scheme be forwarded to the Information Commissioner for approval and that the Chief Executive be authorised to carry out any consequential amendments proposed by the Information Commissioner and any subsequent amendments to update the scheme when new categories of information become available.

**Resources:**

Routine.

**Corporate Plan: Objective A1: Build the new Authority**

**Papers:**

NFNPA 160/07: Cover Paper

NFNPA 160/07: Annex 1 – Package of documents required by the Authority to process requests for information

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**1 Introduction**

- 1.1 The Freedom of Information Act 2000 (the Act) came into force in January 2005 with the aim of promoting greater openness in government. It gives anyone (including individuals, the press, politicians, companies and people living outside the National Park) the right to be told about and given access to any information that the Authority holds, unless there are valid reasons for withholding the information.
- 1.2 The Authority is required to draw up a Publication Scheme, which is a guide to the type of information the Authority routinely makes available to the public. The scheme sets out by category what information can be accessed directly by the public and the different ways the information can be accessed or provided. Information held by the Authority which is not included in the Publication Scheme can still be requested by the public under the Act - compliance with such requests is subject to a number of exemptions, some of which are dependent on a public interest test.
- 1.3 Requests for environmental information can also be submitted to the Authority under the Environmental Information Regulations 2004. The procedure for supplying information under the Regulations is broadly similar to that of the Freedom of Information Act but with some variations, notably that oral as well as written requests may be made.
- 1.4 A request for release of personal data held by the Authority will be dealt with under the Data Protection Act 1998.

**2. The Authority's Policy and Publication Scheme**

- 2.1 The attached documents (**Annex 1**) have been compiled by Authority staff with input from staff in New Forest District Council and Hampshire County Council. They include:
  - Draft **Access to Information Policy** document – which sets out the Authority's commitment to public access to information and how the Authority intends to deal with requests for information under the Act. This policy also provides guidance on how information can be

requested under the Environmental Information Regulations 2004 and the Data Protection Act 1998.

- **Draft Publication Scheme** – in principle the Authority should make as much of its information available under this scheme as possible.
- **Summary Guide** for the public (including a request application form) – this provides guidance on the provisions of the Freedom of Information Act and how to submit a request for information.
- **Draft Appeals Procedure** – this describes the process to be followed should an applicant appeal against a decision by the Authority to refuse a request for information under one of the exemptions provided in the Act or Regulations. The appeals procedure has been aligned with the Authority's existing complaints procedures.

- 2.2 These documents have been approved by the Management Board and are now submitted for approval by the Authority. The Publication Scheme must also be approved by the Information Commissioner. It is proposed that the Chief Executive be authorised to carry out any amendments sought by the Information Commissioner. Over time new categories of information will need to be added to the scheme and it is accordingly suggested that the Chief Executive be also authorised to make such adjustments. Any fundamental changes to the scheme would need the approval of the Authority and Information Commissioner.
- 2.3 Once the approval process is complete, the Publication Scheme, policy and all supporting documentation will be made available to the public via the website and at the Authority's offices.
- 2.4 Work is taking place on a retention of records policy, which will be supported by an electronic data and records management system. This will enhance access to information and a further report will be brought to the Authority for consideration once the work is completed.
- 2.5 To date the Authority has only received requests for information, which have been dealt with consistently with the working draft policy for which approval is now sought.

## **Recommendation**

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  - Appeals procedure.**
  
- 2. That the Publication Scheme be forwarded to the Information Commissioner for approval and that the Chief Executive be authorised to carry out any consequential amendments proposed by the Information Commissioner and any subsequent amendments to update the scheme when new categories of information become available.**