

NEW FOREST NATIONAL PARK AUTHORITY



ACCESS TO INFORMATION POLICY

CONTENTS

	Page
1. INTRODUCTION.....	3
2. HOW TO OBTAIN INFORMATION	3
3. PUBLICLY AVAILABLE INFORMATION	3
4. INFORMATION AVAILABLE THROUGH THE RIGHT OF ACCESS.....	4
5. FORMAL REQUESTS FOR INFORMATION	4
6. PROVISION OF INFORMATION.....	5
7. CHARGING FOR INFORMATION.....	5
8. REQUESTS FOR INFORMATION AS PART OF AN ORGANISED CAMPAIGN	6
9. REQUESTS FOR INFORMATION THAT INCLUDES ORDNANCE SURVEY MAPS.....	6
10. REPLIES TO REQUESTS FOR INFORMATION UNDER THE ACT AND THE REGULATIONS	7
11. REQUESTS FOR PERSONAL INFORMATION.....	7
12. TRANSFERRING REQUESTS FOR INFORMATION TO ANOTHER PUBLIC AUTHORITY	8
13. CONSULTATION WITH THIRD PARTIES	8
14. CONTRACTS	9
15. EXEMPT INFORMATION	10
16. EDITING DOCUMENTS TO REMOVE EXEMPT INFORMATION	10
17. REFUSING REQUESTS FOR INFORMATION	10
18. APPEALS.....	10
ANNEX A	13
ENVIRONMENTAL INFORMATION REGULATIONS 2004	13
ANNEX B	15
FREEDOM OF INFORMATION ACT / ENVIRONMENTAL INFORMATION REGULATION - FEES.....	15
ANNEX C	17
EXEMPTIONS UNDER THE ACT	17
ANNEX D	19
WHAT IS A REQUEST FOR INFORMATION?	19
ANNEX E	21
DATA PROTECTION ACT 1998: SUBJECT ACCESS REQUEST FORM.....	21
ANNEX F.....	24
PRIVACY POLICY	24
ANNEX G.....	30
REQUESTS FOR INFORMATION BASED ON ORDNANCE SURVEY MAPS.....	30
ANNEX H	32
REDACTING (REMOVING) EXEMPT INFORMATION FROM DOCUMENTS PRIOR TO RELEASE	32

1. INTRODUCTION

- 1.1 The information access provisions of the Freedom of Information Act 2000 (the Act) and the Environmental Information Regulations 2004 (the Regulations) came into force on 1 January 2005. These give the public an increased right of access to information held by public bodies, including environmental information. This is in addition to the rights individuals have under the Data Protection Act 1998 to access personal information the Authority holds about them.
- 1.2 The New Forest National Park Authority's policy is to make information available wherever reasonably possible.

2. HOW TO OBTAIN INFORMATION

- 2.1 Information will be available through either:
- the Authority's publication scheme; or
 - the right of access.
- 2.2 Section 19 of the Act requires all public authorities to make information available through a publication scheme. The Authority's publication scheme does not list individual documents but indicates what information is publicly available by category. The publication scheme also makes it clear where information is available free of charge and when a payment is required. The Authority will take all reasonable steps to make the information available in the applicant's preferred format.
- 2.3 Wherever possible the Authority will also make information that is not normally published available upon request. However, this intention must be balanced against the need to ensure the confidentiality of some information relating to such areas as personal privacy, commercial sensitivity and where disclosure would not be in the public interest.

3. PUBLICLY AVAILABLE INFORMATION

- 3.1 The Authority aims to publish as much information on its website as possible. If information requested is already accessible through other means, the Authority will not need to supply it under the Act. Proactive publication of information on the Authority's website may therefore reduce the number of requests under the Act. As part of the process of responding to requests, business areas are encouraged to consider publishing the types of information requested to limit future requests.
- 3.2 If the information sought is not on the website, it may be possible to inspect the information at the Authority's offices, or be sent a copy.
- 3.3 Although the Authority is not required to do so under the Act, if someone does not have access to the internet and the information is also readily available in another format (e.g. hard copy), it may be possible to pass on the information in that format. In such circumstances, a charge for costs incurred, such as postage, may be levied.

4. INFORMATION AVAILABLE THROUGH THE RIGHT OF ACCESS

- 4.1 If the information sought is not on the website, or included in the publication scheme, a request may be made for information under the Act or the Regulations.
- 4.2 **Requests for information under the Act** must be made in writing (including e-mail and fax). These must include the name of the person making the request, an address for correspondence and details of the information being sought. Applicants are not required to let us know why they are seeking the information, if they do not wish to do so.
- 4.3 **Requests for information under the Regulations** do not have to be made in writing. Further details of requests for information under the Regulations are at **Annex A**.
- 4.4 **Requests for personal information under the Data Protection Act 1998** must be submitted on a Subject Access Request form which is on the Authority's Internet (example at **Annex E**). Further details on these requests are at paragraphs 7.7, 11.1 and 11.2 below. The Authority's privacy policy setting out how personal information is handled is contained in **Annex F**.

5. FORMAL REQUESTS FOR INFORMATION

- 5.1 The Authority provides a wide range of information routinely and will continue to do so with only certain requests being treated formally under the Act, the Regulations or Data Protection. As mentioned above, the Act requires that a request for information must be made in writing. If an applicant is unable to put their request in writing, the Authority will provide advice to assist formulating their request. In addition:
- an applicant may wish to consult another person or agency, such as the Law Centre/ Citizens' Advice Bureau, who may be able to assist with the application or make the application on their behalf;
 - the applicant could approach the Authority's Freedom of Information Officer, at the address given below, who may provide appropriate assistance;
 - in exceptional circumstances, the Authority may offer to take details of the request over the telephone and send a note to the applicant for confirmation of the request. Once confirmed by the applicant and returned, it would constitute a written request for information; or
 - the applicant may use the Authority's application form to help compose a request.
- 5.2 The Authority fully supports the principles of the Act and will seek to comply with its terms to the fullest extent. However, if the information sought is not described in a way which would enable the Authority to identify and locate it, or the request is ambiguous, the Authority will seek clarification and the 20 day request period (see paragraph 10 below) will be put on hold. The Authority will provide reasonable assistance to help clarify the nature of the information

sought and contact will be made to clarify the request at the earliest opportunity. The Authority will not seek to determine the motivation for, or aims of, the person requesting the information as it is irrelevant to the decision.

- 5.3 The Authority will attempt to be as flexible as possible with the advice and assistance provided but if, following the provision of any assistance in clarifying the information sought, the applicant still fails to describe the information requested in a way which would enable the Authority to identify and locate it, the Authority will consider that they have complied fully with the Act and until such time as the applicant is able to provide further information, no further action will be taken.
- 5.4 The Authority will not provide assistance to applicants whose requests are vexatious within the meaning of Section 14 of the Act.

6. PROVISION OF INFORMATION

- 6.1 The Act permits the applicant to express a preference for the format in which they receive the information. The applicant may request:
- a hard copy of the document;
 - an electronic copy;
 - to inspect the document at the Authority's offices; or
 - if there is a large amount, a summary of the information.

Wherever possible, the Authority should provide the information in the requested format. However, the Authority is entitled to consider all circumstances, including the cost of doing so.

7. CHARGING FOR INFORMATION

- 7.1 The Authority's aim is to provide information free of charge wherever possible, but in certain circumstances the Authority may charge those requesting information a fee in accordance with the Fees Regulations made under Section 12(4) of the Act. Full details of the Authority's policy on charging are set out in **Annex B**.
- 7.2 If the Authority receives a request for information under the right of access under the Act and considers that the cost of complying with that request would not exceed £450 (the limit currently set out in the Fees Regulations), the Authority will not make a charge for extracting and supplying that information, although it may charge for costs incurred such as postage and photocopying.
- 7.3 If the Authority considers that the cost of complying with a request would exceed £450, it will not be bound to continue processing the request (although it must still confirm or deny whether the information is held, unless the cost of doing so alone would exceed £450). However, the Authority may consider - on a discretionary basis - what information could be provided within the cost ceiling with the agreement of the applicant. Alternatively, the Authority may decide to supply the information, and either make a charge for it (by agreement with the applicant) or choose not to charge.

- 7.4 Charges made in accordance with paragraph 7.3 above may not exceed the costs reasonably attributable to the supply of the information. The Authority will ensure that charges are based on the costs of retrieval and production of the information and in any case will calculate and advise the applicant of any fee due before the request is met.
- 7.5 The Fees Regulations do not apply to documents made available under the Authority's publication scheme to information which is reasonably accessible to the applicants by other means (Section 21 of the Act); or where provision is made by or under any enactment as to the fee that may be charged by the Authority for disclosing the information.
- 7.6 The Fees Regulations do not apply to the Environmental Information Regulations. The Authority may charge for requests made under these Regulations and there is no upper limit for requests, although the Authority may refuse requests that are unreasonable or too general.
- 7.7 Subject access requests under the Data Protection Act will continue to be charged at the statutory £10 limit.

8. REQUESTS FOR INFORMATION AS PART OF AN ORGANISED CAMPAIGN

- 8.1 Where the cost of compliance of providing the information to a number of related requests exceeds the cost threshold limit, the Authority will not be obliged to comply with the request. However, the Authority may, on a discretionary basis, be prepared to offer advice about what could be disclosed in a more cost effective manner. The Authority will determine whether the various requests are related and part of an organised campaign.

9. REQUESTS FOR INFORMATION THAT INCLUDES ORDNANCE SURVEY MAPS

- 9.1 The Act permits an applicant to express a preference for information to be provided in a specific format. (See paragraph 6.1 for details). Ordnance Survey has advised that requests for copies of maps without any information added or overlaid by the Authority should be refused. The map is readily available from other sources. It is open to the applicant to request to view the map at the Authority's offices.
- 9.2 Where the request is for a document that includes information overlaid on Ordnance Survey mapping, a single paper copy may be supplied, or an electronic copy in raster format subject to the conditions set out in **Annex G**.
- 9.3 Ordnance Survey has advised that digital data should not be supplied to applicants other than in raster format. This is because it is impossible for Ordnance Survey to track data made available in vector format without a licence. Unauthorised use of data would undermine Ordnance Survey's licensing system.

10. REPLIES TO REQUESTS FOR INFORMATION UNDER THE ACT AND THE REGULATIONS

- 10.1 On receipt of a request for information the Authority will first log the request in order to keep track of it, and confirm or deny whether it holds the information (unless an exemption applies for not doing so). The Authority must comply with all requests for information promptly and not later than the end of the 20 working day period from the time the request is received. However, the Authority would not expect every application for information to take 20 working days and will, where possible, provide it at the earliest opportunity from the date of the request.
- 10.2 If a fee is required for a request under the Act, the 20 day limit is suspended until the fee is received.
- 10.3 If further clarification is necessary to identify the information that is the subject of a particular request, the 20 day limit is suspended until that clarification is received. Where the Authority requires further assistance, it will contact the applicant as soon as possible.
- 10.4 If the Authority is considering applying a qualified exemption, which is accompanied by a public interest test under the legislation, time in excess of the normal 20 working day limit may be required. If so, the Authority will notify the applicant in writing that the request for information engages the public interest test and will provide an estimate of a date by which it expects to reach a decision. The estimates should be realistic and reasonable in the circumstances of the particular case, taking account of such things as the need to consult third parties. If the estimate given proves to be unrealistic, the Authority will notify the applicant at the earliest opportunity and apologise for any further delay giving a revised estimate of when the decision will be issued.
- 10.5 If the Authority does not hold part or all of the information requested it will issue a refusal notice to the applicant (see paragraph 12 below where information is held by another public authority).

11. REQUESTS FOR PERSONAL INFORMATION

- 11.1 Requests for personal data under the Data Protection Subject Access regime will be dealt with within 40 calendar days.
- 11.2 **Requests for personal information are covered by the Data Protection Act 1998** and should be made in writing on a Subject Access Form (copy at **Annex E**). Applicants must also supply two forms of identification which between them show the applicant's name, address and date of birth (e.g. passport, driving licence, birth/adoption certificate, recent gas or electricity bill). A copy of the Authority's privacy policy is at **Annex F**.

Requests for Information under the Data Protection Act should be addressed to:

The Data Protection Officer
New Forest National Park Authority
South Efford House
Milford Road
Lymington
Hampshire
SO41 0JD

12. TRANSFERRING REQUESTS FOR INFORMATION TO ANOTHER PUBLIC AUTHORITY

- 12.1 If the Authority receives a request for information which it does not hold, but it is aware that it is held by another public authority, it will provide as much assistance as possible to the applicant. This may be by simply contacting the applicant and directing him or her to the appropriate public authority who holds the information or, if details are known, providing the applicant with contact details.
- 12.2 If the Authority holds only part of the information requested, it will treat that part of the request as an official request for information and process it accordingly. The Authority will inform the applicant of the information it does not hold at the earliest opportunity and provide as much help as is reasonable to enable the applicant to locate it elsewhere.
- 12.3 If the applicant consents, the Authority will, at its discretion, transfer the request to that public authority direct.
- 12.4 If the Authority does not know who holds the requested information, it will send the applicant a refusal notice stating that it does not hold the information.
- 12.5 All transfers of requests and contact with applicants who have requested information that is held by another public authority will be undertaken as soon as possible so that no undue delay is suffered by the applicant. The time period for compliance with the request in respect of the part of information it does not hold does not start until that request is received by the public authority that does hold it.

13. CONSULTATION WITH THIRD PARTIES

- 13.1 The Authority recognises that the disclosure of information may affect the legal rights of a third party. The Authority also recognises the importance of the Data Protection Act and the Human Rights Act and this policy is written in accordance with their terms. The Authority further recognises that unless an exemption is provided for in the Act it will be obliged to disclose that information in response to a request.
- 13.2 If the consent of a third party is required prior to disclosure of information, the Authority will, at the earliest opportunity, seek to consult with that third party

with a view to seeking their consent to the disclosure, unless such a consultation is not practical.

- 13.3 The consultation may assist the Authority to determine whether an exemption under the Act applies to the information requested, or the views of the third party may assist the Authority to determine where the public interest lies under Section 2 of the Act.
- 13.4 If the cost of consultation with the third party is disproportionate, consultation may not be undertaken. The Authority will not undertake consultation if it does not intend to disclose the information for some other legitimate ground under the terms of the Act, or the views of the third party were not relevant to the matter that is the subject of the current request.
- 13.5 A third party's refusal to consent to disclosure will not necessarily mean that information cannot be disclosed.
- 13.6 The Authority will only accept information from third parties in confidence if that information would not otherwise be provided to the Authority to assist the delivery of the Authority's functions. The Authority will not agree to hold information received from third parties in confidence if it is not confidential in nature.

14. CONTRACTS

- 14.1 In entering into contracts, the Authority will refuse to include contractual terms which purport to restrict the disclosure of information held by it in relation to the contract beyond the restrictions permitted by the Act. Unless an exemption under the Act applies in relation to any particular part of the contract, the Authority will be obliged to disclose that information in a response for a request regardless of the terms of any contract.
- 14.2 The Authority will further reject confidentiality clauses as to the terms, the value and performance of the contract unless this is justified and in accordance with the Act. Where exceptionally it is necessary to include non-disclosure provisions in the contract, the Authority will seek at the earliest interval to agree with the contractor a schedule of the contract which clearly identifies the information which should not be disclosed. However, even if such schedule is drafted the restrictions on disclosure may be overridden by the obligations under the Act. Further whilst an exemption may apply whilst the contract is relatively new, the lapse of time may negate the applicability of the exemption.
- 14.3 The Authority will not hold information which is not in fact confidential in nature in confidence. Information is confidential in nature if the disclosure of such information would be an actionable breach of confidence.
- 14.4 If a private sector organisation has contracted with the Authority to provide a service that is a function of the Authority then it may be deemed to be part of the Authority for the purposes of the Act and will be bound by the terms of the Act like any other public authority.

15. EXEMPT INFORMATION

- 15.1 The Act provides new and fully enforceable rights of access to information held by all public authorities. The Act is designed to enable individuals to access even more information than they could before.
- 15.2 There are 23 exemptions from the rights of access under the Act. These exemptions mark out the limits of the right of access to information under the Act. If information is properly exempt then there is no right of access to it under the Act.
- 15.3 Examples of exempt information are at **Annex C**. The Data Protection Officer or Freedom of Information Officer will provide advice and guidance on applying the exemptions under the Act.

16. EDITING DOCUMENTS TO REMOVE EXEMPT INFORMATION

- 16.1 There will be occasions when certain information must be redacted (withheld from other information made available). The work will be undertaken by designated staff. However, all staff should be aware that there are procedures and guidance available to manage this. The procedures are set out in **Annex H**.

17. REFUSING REQUESTS FOR INFORMATION

- 17.1 If the Authority relies on one or more exemptions to refuse a request for information the applicant will be notified of the appropriate exemption and why it applies. (See **Annex C** for information about exemptions). If the reasoning behind the exemption, or the exemption itself, would result in the disclosure of information which would itself be exempt, then the Authority will not provide that reason.
- 17.2 If the Authority determines that the public interest in maintaining the exemption outweighs the public interest in disclosure, then the Authority must state this in its decision letter, together with the public interest factors it has considered and which formed a material part of the decision.
- 17.3 The Authority will maintain a central record for monitoring purposes of all information that has been withheld and will proactively audit decisions to ensure that such refusals are justified and reasonable. This collated central record will be held by the Authority's Freedom of Information Officer.
- 17.4 Only Directors, Head of Development Control, Head of Communications and Head of Member Services will have delegated authority to refuse requests for information.

18. APPEALS

- 18.1 The Authority has adopted an internal appeal procedure. Anyone who considers that the Authority is not complying with its statutory duty may use this procedure. The internal appeal process should be exhausted before a referral is made to the Information Commissioner.

18.2 An appeal may be made where:

- the applicant considers that the Authority has not followed its publication scheme;
- the applicant considers that a request for information has not been properly handled or a fee has been wrongly charged;
- the application was not dealt with within the timeframe set out by the Act (and the Fees Regulations, if applicable);
- the applicant is dissatisfied with the outcome of the consideration of the request;
- the applicant considers that exemptions have been wrongly applied; or
- the issue is such that it cannot be resolved informally in discussion with the officer dealing with the request.

18.3 Appeals on decisions made regarding the disclosure of information should be directed to:

The Freedom of Information Officer
Member Services Section
New Forest National Park Authority
South Efford House
Milford Road
Lymington
Hampshire
SO41 0JD

Appeals submitted in connection with a response to a request under the Regulations must be received within 40 days of the Authority's response to the request.

It is the Authority's policy that any appeals under the Act should be submitted within 40 days.

18.4 The Authority will consider any expression of dissatisfaction in response to the Authority's reply to a request for information to be a complaint, including the submission of an appeal, and the Authority's complaints procedure will apply. If the applicant decides that they do not wish the matter to go through this procedure, then the complaint will be withdrawn.

18.5 Any appeal for a review of a decision made relating to a request for information will, in the first instance, be made by the Director of Corporate Services, provided the Director was not party to the original decision and is senior to the person who made the original decision.

18.6 The Director of Corporate Services will, as a minimum, consider the information released (if any) and the information held by the Authority against the request, and will discuss the decision with the staff member who made the decision and the Freedom of Information Officer.

18.7 The Director of Corporate Services will keep the applicant informed as to the progress of the review, will keep records of the review and will aim to deal with the review within 20 working days of receipt of the complaint. If the review includes a reconsideration of the public interest test (where a qualified

exemption was found to apply) or where the review is particularly complex, the matter should be dealt with within 30 working days of receipt of the complaint. If, at any stage, it becomes clear that the review will exceed the deadline the Authority will keep the applicant informed.

- 18.8 If the original decision is reversed and the Authority determines that the information should be disclosed, it will notify the applicant in writing as soon as possible and the disclosure of the information will be made at the earliest opportunity.
- 18.9 If the decision to refuse disclosure is upheld or the applicant is still dissatisfied, he or she will have recourse to the Chief Executive, in accordance with the final stage of the Authority's complaints procedure. If the earlier decision is still upheld, the applicant should be advised of his or her right to apply to the Information Commissioner's Office for review at:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel No: 01625 545700
Fax No: 01625 545510

ENVIRONMENTAL INFORMATION REGULATIONS 2004

1. Where an access request is for Environmental Information it should be dealt with under the Environmental Information Regulations 2004 (the Regulations). The public has had a right of access to environmental information under these regulations since 1992. However, the regulations were revised to take account of the Aarhus Convention and the EU Directive on Public Access to Environmental Information. The new regulations came into effect on 1 January 2005 and are explicitly referred to in the Freedom of Information Act 2000.

2. The new regulations have been written to take account of the Act and as such share many common elements. However, a few notable differences exist in that, under the Regulations:
 - requests can be verbal or in writing;
 - there is no pause in the 20 day response time whilst charges for the supply of information are being negotiated;
 - there is no upper limit for charges above which a request can be refused;
 - there is no fee structure but charges must not exceed the costs reasonably attributed to the supply of the information;
 - the response time can be extended to 40 working days in line with the regulations in the case of complex or voluminous requests;
 - the public interest test will be applied in each potential case of refusal based on an exemption; and
 - there is an express presumption in favour of disclosure.

3. Environmental Information is taken to mean information that relates to:

the state of the elements of the environment such as:

 - i) air and atmosphere;
 - ii) water;
 - iii) soil;
 - iv) land;
 - v) landscape and natural sites;
 - vi) wetlands and coastal and marine areas;
 - vii) biological diversity and its components including genetically modified organisms;
 - viii) the interaction between the elements in (i) above;
 - ix) factors such as substances, energy, noise, radiation or waste;
 - x) emissions, discharges and other releases into the environment;
 - xi) measures such as policies, legislation, plans, programmes and environmental agreements;
 - xii) activities affecting or likely to affect the elements and factors;
 - xiii) cost benefit and other economic analyses and assumptions used in environmental decision making; and
 - xiv) the state of human health and safety, conditions of human life, cultural sites and built structures in as much as they are affected by anything above.

4. Routinely produced environmental information and specialist reports should be included within the Publication Scheme, wherever possible.

FREEDOM OF INFORMATION ACT / ENVIRONMENTAL INFORMATION REGULATION - FEES

1. The New Forest National Park Authority can charge a fee for providing information requested under the Freedom of Information Act 2000 (the Act) or Environmental Information Regulations 2004 (the Regulations).
2. Any decision to charge a fee should be made on a case by case basis.
3. If officers are considering charging a fee, they must contact the Freedom of Information Officer.

Fee limits

4. Information under the Act will be provided free of charge by the Authority where the prescribed costs are less than £450. This is the figure suggested by the Lord Chancellor's Department and based upon 2.5 days' work.
5. There is no such upper limit for requests under the Regulations, but requests can be refused if they are manifestly unreasonable or formulated in too general a manner.

Estimating Fees

6. There are two types of fees that can be charged:
 - i) **Prescribed costs** cover the costs in finding, sorting or editing the material.

Prescribed costs **do not** include costs:

- incurred in identifying if the request is valid;
- deciding if the information is exempt;
- calculating a fee;
- providing advice and assistance; or
- obtaining authorisation to send out the information.

When estimating prescribed costs, a standard hourly rate of £25 per person must be used in calculating staff costs (regardless of the grade of the person gathering the information). The rate is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (SI 2004/3244).

- ii) **Disbursements** cover the cost of such items as printing, photocopying or postage. Disbursements can be charged in all cases, but should not include staff costs in undertaking these activities.

The Authority will not charge for disbursements if the cost is less than £10.

The Freedom of Information Officer should be consulted if guidance is needed on whether to charge for disbursements.

Exceeding Fee limits

7. When the prescribed costs exceed £450 there are three options open to the Authority to:
 - refuse to supply the information on the grounds that it is too costly;
 - provide the information without charging;
 - provide the information and charge up to the full amount; or
 - provide any information that can be supplied within the £450 limit without charge, and then charge for any additional information in excess of that limit.
 8. Wherever possible, the Authority's policy is to provide information requested under the Act and the Regulations free of charge and not to refuse on the grounds of cost.
 9. If the estimated cost of providing the information requested will exceed the fee limit, staff should offer advice and assistance to help the applicant refine their request so that a fee may not be applicable.
 10. If the applicant is unable or unwilling to modify their request to bring it under the fee limit, then the Freedom of Information Officer should be contacted for advice for the next steps to take.
 11. The Freedom of Information Fees Regulations permit the aggregation of prescribed costs of requests made from the same person, or persons acting in pursuance of a campaign, which are received within a 60 working day period. For guidance on this please contact the Freedom of Information Officer.
 12. Detailed Freedom of Information fees guidance is available on the Department for Constitutional Affairs website www.foi.gov.uk.
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EXEMPTIONS UNDER THE ACT

1. All information held by the Authority should be considered public, unless an exemption applies. If information is withheld due to an exemption, the applicant should be informed in writing.
2. There are 23 exemptions under the Act. There are two classes of exemptions: absolute and qualified:

absolute - where a public authority may withhold the information without considering any public interest arguments;

qualified - although an exemption may apply to the information it will nevertheless have to be disclosed unless it can be demonstrated that the public interest in withholding the information is greater than the public interest in releasing it.

Absolute exemptions

3. The absolute exemptions that are most likely to apply to the Authority are:
 - information accessible by another means, i.e. through the Authority Publication Scheme or via existing access regimes (*Section 21*);
 - information in court records (*Section 32*);
 - personal information relating to the subject – this exemption is only absolute in respect of requests by applicants to access their personal information. Such requests will continue to be dealt with under the Data Protection Act 1998 (*Section 40*);
 - information provided in confidence – this exemption only applies to information where disclosure would result in an actionable breach of confidence (*Section 41*);
 - information that is prohibited from disclosure by law (*Section 44*).

Qualified exemptions

4. The qualified exemptions most likely to apply to the Authority are:
 - information intended for future publication (*Section 22*);
 - prejudicial to the economic or financial interests of any administration in the UK (*Section 29*);
 - investigations/proceedings conducted by public authorities (*Section 30*);
 - law enforcement (*Section 31*);

- prejudicial to the effective conduct of public affairs (*Section 36*);
- health and safety (*Section 38*);
- environmental Information (*Section 39*);
- personal information relating to a third party (*Section 40*);
- legal professional privilege (*Section 42*);
- commercial interest (*Section 43*).

The Public Interest test

5. The Public Interest test requires that information should be withheld under exemption if, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. **A full list of the exemptions under the Act are available from the Information Commissioner's website at www.ico.gov.uk**

WHAT IS A REQUEST FOR INFORMATION?

1. The Authority routinely provides information as part of its normal functions on a day-to-day basis. The new access regimes under the Act, the Regulations and the Data Protection Act are so broad that they have the potential to include most of what the Authority does routinely.
2. Where possible requests for information will be dealt with in the normal course of business. However, it is accepted that some requests will require a more formal approach. This guidance note sets out the triggers for engaging the official process for dealing with requests for information under the above legislation.
3. The following will **not**, as a general rule, engage the official processes:
 - information that is reasonably accessible to the public by such means as it being published on the Internet, noted in the publication scheme, or available for inspection. This may include information leaflets, published reports, or general information on the internet;
 - information that is released as part of the Authority's normal business process. The Authority routinely provides information as part of its day-to-day procedures (for example job application forms, or information relating to case work). The new processes are not intended to replace existing business systems that are functioning adequately;
 - correspondence that is not a request for information;
 - requests that do not include a name and address for correspondence (or an email address).
4. It is important to recognise, at an early stage, when requests for information should be entered into the Authority's official system for managing requests. This is to ensure that the Authority can comply with the request within the legislative time periods and to enable sufficient monitoring and auditing of the Authority's compliance.
5. Examples of when official requests for information should be logged are requests:
 - which result in information being withheld for any reason under an exemption or exception from the right of access;
 - that are not processed because the public authority estimates that the cost of compliance would exceed the appropriate limit;
 - that are not processed because the public authority considers the request to be vexatious or repeated;

- for information that relate to information that is contained in a transferred public record which may include where information is held by another public authority either as author or as recipient;
- where advice or assistance is offered to the applicant to enable them to locate their information;
- where the public authority requires further information from the applicant in order to identify and locate the information requested;
- that consciously engage any or all of the information access regimes. Those requests being, for example, requests which specifically mention the right of access under the Acts;
- that may prejudice third parties and/or the Authority, its members or staff;
- that will not receive a reply within 10 working days from the date of receipt of the request.

6. The Re-Use of Public Sector Information (the Re-Use Regulations)

6.1 The Re-Use Regulations are effective from 1 July 2005. The first step towards re-using public sector information is to know what significant documents are available for re-use. The Authority intends to produce a separate information asset register. However, all significant documents registered within the Authority's Publication Scheme (with the exception of those documents where changes apply) are available for re-use.

6.2 Private Study

A licence from the Authority is not required for non-commercial research and private study, but a licence will be necessary for any other form of re-use (for example, posting material on a website, or distributing printed copies at a meeting).

6.3 Non-Commercial Re-Use of Information

In cases where a licence is required for non-commercial re-use, the Authority will use the standard Click Use Licence. This is available free of charge for reproduction of documents for non-profit making purposes, by completing an on-line application form.

6.4 Re-Use for Commercial Gain

If the applicant intends to re-use the material for commercial gain then he or she must write to the Freedom of Information Officer giving full details of the proposed use of the material including whether the applicant intends to publish and sell the material as part of his or her product. The applicant will be advised of any charge due to be paid in these circumstances and the terms of a specific licence for the re-use of commercial information will be agreed. Any fees already paid (if any) under the Freedom of Information legislation in respect of the information will be deducted from the charge for its re-use.



DATA PROTECTION ACT 1998: SUBJECT ACCESS REQUEST FORM

PART 1 - Notes to assist you complete the Subject Access Form at Part 2.

Please complete this form if you want us to supply you with a copy of your personal information, which we may hold about you. The personal data we may hold is managed by the New Forest National Park Authority.

Fee: The fee is £10.

Please send a cheque or postal order made payable to **New Forest National Park Authority**. *Do not send cash by post.*

Reply: We will endeavour to provide you with the information as quickly as possible and in any event within the permitted time of 40 days of the latest of the following:

- your cheque clearing; or
- our receipt of this request; or
- our receipt of any further information from you which is required to enable us to comply with your request.

Your rights and our obligations.

Subject to certain exemptions you have the right to be told whether personal information is held about you and a right to a copy of that information in a readable form. We have a duty to hold information securely and information will only be released when we are satisfied that the identity of the person making the request has been proved to our satisfaction. We will not release information that identifies other people, unless the person(s) agree(s). Any material you supply, including details on this form, will be used to confirm your identity and to process your Subject Access request.

Proof of identity.

Please provide:

- Copies of two official documents, which between them clearly show your name, date of birth and current address, such as passport, driving licence, birth/adoption certificate.

Retention of material.

We will retain the information including the copies of the evidence of identity for the purpose of maintaining a record of your request in accordance with our records retention policy and statutory obligations. In most instances we will provide you with the information you request; however, we may withhold release where to locate and release the information would take “disproportionate effort”.

Postal details and checklist.

Please sign the form and send the following using **a secure postal method**:

- parts 1, 2 and 3 of the form completed and signed by you
- the required fee of £10
- copies of the two official documents (for the purpose of identity)

to the New Forest National Park Authority at the address shown in **Part 3a of this form**.

Section 1:

Personal Details.

To help us help you please write or type as clearly as possible.

Title. Please tick one option.	Mr Mrs Miss Ms Other
Given or family name:	
First name:	
Preferred name:	
Date of birth:	
Current Address including postcode: All correspondence from us to you about your request will be sent to this address.	
Telephone number: This is useful if we need to contact you quickly to help us deal with your request for information	

Section 2:

Details of the information about which you are making your request.

This information will help us find the information you want.

Please provide any other supporting details that you think will help us deal with your request. For example, details of when you corresponded or contacted us previously and supplied personal information, or anything else you believe will help us provide a quick response.

Declaration to be signed by you.
The information I have supplied in this subject access form is correct and I am the person to whom it relates.

Signature:

Date:.....

WARNING.
A person who impersonates or attempts to impersonate another may be guilty of an offence. We will assist law enforcement agencies in investigations should we believe an offence has been committed or a person is attempting to commit an offence.

New Forest National Park Authority Subject Access Request Form

<p>a) The address to which you should send your completed Subject Access Form or to contact should you need any further advice or guidance in completing this form:</p> <p>The Data Protection Officer New Forest National Park Authority South Efford House Milford Road Lymington Hampshire SO41 0JD Telephone 01590 646600 Fax 01590 646666 Website:www.newforestnpa.gov.uk</p>	<p>b) The address you should use for obtaining general advice about the Data Protection Act 1998:</p> <p>The Office of the Information Commissioner Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Switchboard: 01625 545 700 Fax: 01625 524 510 DX: 20819 Wilmslow Website:www.dataprotection.gov.uk/ e-mail: mail@dataprotection.gov.uk</p>
<p>Note: Please do not send your completed application form and supporting details to the Office of the Information Commissioner.</p>	

For Official Use Only

Date Subject Access Application form received	Date	
Fee paid	Yes	No
Method of payment	Cheque	Postal Order
Identification documents received	Yes	No
Details of documents supplied as evidence of identity	Item 1	Item 2
Date confirmation that Subject Access form and supporting details were received sent to person seeking the information.	Date	
Person responsible for completing this section		
Signature.....		
.....		
Print	full	name
.....		
Ensure copies of the completed SAR forms, supporting details and a copy of the receipt are retained for the record and are held securely.		

PRIVACY POLICY

1. Under the Data Protection Act 1998, the Authority has a legal duty to protect any information we collect. The Authority's policy may be subject to change and any changes will be an update to this page.
2. This privacy policy applies to:

Organisation Name: New Forest National Park Authority

Web Site Address: <http://www.newforestnpa.gov.uk>

Web Site Managed By: New Forest National Park Authority

Business Contact Address:

New Forest National Park Authority
South Efford House
Milford Road
Lymington
Hampshire
SO41 0JD

Data Controller: Director of Corporate Services, New Forest National Park Authority

3. Third party web sites which are accessible from "links" in the New Forest National Park Authority site are not maintained by the Authority, and are not covered by this policy.

Confidentiality and security

4. All communications to or from the New Forest National Park Authority may be automatically logged, monitored and/or recorded for lawful purposes.
5. The Authority does not give people who visit the website the option of using a secure transmission method to send their personal data aside from online payments. Authority security policies, rules, and technical measures protect the personal data that we have under our control from:
 - unauthorised access;
 - improper use or disclosure;

- unauthorised modification; or
 - unlawful destruction or accidental loss.
6. All Authority staff who have access to and are associated with the processing of personal data are obliged to respect the confidentiality of individual's personal data.
 7. The Authority's web host keeps all web servers on a private network accessed through a firewall, all machines are administered through secure connections, intrusion detection is installed on the host network and logs are kept along with daily backups.

Providing visitors with anonymous access

8. Anyone can visit and browse the Authority's website without disclosing personal data.

Automatic collection of information

9. Cookies are pieces of data created when someone visits a website. They are a message given to a web browser by a web server. The browser stores the message file called cookie.txt. Each time the browser requests a page from the server, this message is sent back. A cookie's main objective is to identify users and personalise their visit by customising web pages for them e.g. by welcoming them by name next time they visit the same site. A site using cookies will usually invite the visitor to provide personal information such as name, e-mail address and interests.
10. The Authority does not use cookies to collect personal information from its website. The website does not store or capture personal information, but merely logs the visitor's IP address which is automatically recognised by the web server.
11. The Authority neither automatically logs your personal data, nor links information automatically logged by other means with personal data about specific individuals.

Data collection and purpose specification

12. The Authority collects personal data that you may volunteer while using our services.
13. The Authority does not collect information about visitors from other sources, such as public records or bodies, or private organisations.

14. The Authority is not permitted to use personal data for a purpose other than the one for which it was originally supplied without your prior approval.

Disclosure and visitor choice

15. The Authority will not disclose personal data to other institutions and authorities except if required by law or other regulation.

What information is collected?

16. The Authority collects a variety of information and/or personal data that you may volunteer while using the website. This information includes:
 - information in connection with complaints submitted;
 - feedback, including comments and questions;
 - When dealing with requests for information or help, the Authority may need to contact another organisation to respond to the request. On such occasions, no personal information is passed on without prior agreement;
 - Site Usage Information - log files;
 - The web host puts together log files from all people who visit our sites. The information is used to make changes to the layout of the site and the information contained within it, based on the way people move around it. Log files do not contain any personal information, or information about which other sites you have visited.

Planning Applications and Application Forms

17. Guidance on planning matters, including whether planning permission is required, is available on the Authority's website and the Planning Portal. Planning applications can be submitted online via the Planning Portal.
18. The Authority includes details of planning applications including those that have not yet been decided on its website and allows people to comment on these applications online or by e-mail. Paper copies of applications are available for inspection online or at the Authority's offices.
19. In accordance with current statutory obligations, most of the documentation received will be made accessible to the public and will be processed in accordance with the Data Protection Act. The Authority will only:
 - use the information for the purpose of dealing with and considering the relevant planning application; and

- hold the information for as long as is reasonably necessary.
20. The individual's responsibilities are as follows:
- to only provide personal information if they are happy for it to be in the public domain;
 - not to include personal information about another person (including family members) unless the individual concerned has consented to it being supplied;
 - to tell the Authority as soon as possible if any of the personal information provided has changed.

Access to personal data

21. To request access to your personal data please use the Subject Access Form.
22. There is a statutory charge of £10. Proof of identity will be required. Please return the completed form and evidence of identity using a secure postal method, not by email.
23. The Authority has to provide you with a readable copy of the personal data held about you within 40 days.
24. It is in the interest of both the Authority and the individual to hold accurate data. If the data held on you is inaccurate in any way - where appropriate - you may have the data:
- erased;
 - rectified or amended; or
 - completed.
25. For any enquiry or concern about our privacy policy, contact:

The Data Protection Officer
New Forest National Park Authority
South Efford House
Milford Road
Lymington
Hampshire
SO41 0JD

Telephone: 01590 646631
Fax: 01590 646666
Email: enquiries@newforestnpa.gov.uk (Please put the words **Data Protection** in the subject box of the e-mail)

Dispute

26. The Authority aims to resolve all disputed matters satisfactorily. However if you are not satisfied with our response you may contact:

The	Information	Commissioner
Wycliffe		House
Water		Lane
Wilmslow		
Cheshire		
SK9 5AF		

Switchboard: 01625 545 700
Fax: 01625 524 510
DX: 20819 Wilmslow
Website: <http://www.dataprotection.gov.uk/>
e-mail: mail@dataprotection.gov.uk

Glossary

Browser

A software application used to locate and display web pages.

Cookie

Message given to a web browser by a web server. The browser then stores the message in a text file called cookie.txt. Each time the browser requests a page from the server, this message is sent back. A cookie is a collection of information, usually including a username and the current date and time, stored on the local computer of a person using the World Wide Web, used chiefly by websites to identify users who have previously registered or visited the site.

IP Address (Internet Protocol Address)

An IP address is a unique address that devices use in order to identify and communicate with each other on a computer network utilizing the Internet Protocol standard (IP)—in simpler terms, a computer address. An IP address can also be thought of as the equivalent of a phone number of a computer or other network device on the Internet.

IP (Internet Protocol)

A protocol is the set of rules that govern electronic communications. It can be thought of as a language.

Web Server

Delivers (serves up) web pages to a computer.

REQUESTS FOR INFORMATION BASED ON ORDNANCE SURVEY MAPS

1. If a request for information overlaid on an Ordnance Survey map is received (under the Act or the Regulations), Ordnance Survey are content for the Authority to comply with the request as long as the following requirements are fulfilled:
 - the map is supplied as a single hard (paper) copy, or as an electronic image of a map in raster format;
 - the map includes the Crown copyright acknowledgement and licence number (see paragraph 3 below for details. This is a requirement of the Authority's licence with Ordnance Survey;
 - the map contains the Authority's additional information/derived data required to reply to the FOI enquiry; and
 - the map is of an appropriate scale on which to view the additional information/derived data.

2. When sending the information the applicant's attention should be drawn to the fact that copyright protection will continue to apply to the map. Alternatively, the Authority may use the wording suggested by Ordnance Survey, as follows:

"We would draw your attention to the fact that the *Copyright Designs and Patents Act 1988* will continue to apply to the Ordnance Survey map which will be subject to Crown copyright protection. The Ordnance Survey map is supplied for the sole purpose of assisting you to understand the information overlaid on it. If you wish to use the information in any other way, e.g. making multiple copies, issuing copies to the public, please contact Ordnance Survey to find out whether you will require a licence."

3. All information produced by the Authority based on Ordnance Survey maps must include the following copyright acknowledgement:

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. New Forest National Park Authority licence no 100014703 [year].

REDACTING (REMOVING) EXEMPT INFORMATION FROM DOCUMENTS PRIOR TO RELEASE

Staff Guidance for redacting (removing) exempt information from documents (including electronic documents) prior to release.

Developed from original guidance available from <http://www.nationalarchives.gov.uk/recordsmanagement/advice/pdf/redactiontoolkit.pdf>

Purpose of this toolkit

1. This toolkit provides guidance on the removal of exempt material from information to assist in the implementation of the Freedom of Information Act. Under the Act, authorities are required to supply information to anyone that requests it unless an exemption applies.
2. Remember in most cases there is a further requirement to consider whether the public interest lies in providing the information or maintaining the exemption. The Authority's Freedom of Information Officer can support you when considering the Public Interest test.
3. The Lord Chancellor's Code of Practice on records management, states that where a complete document cannot be made available:
'Authorities should consider whether parts of records might be released if the sensitive information were blanked out'.
4. Remember that one of the basic features of the Act is that the right of access is to information, not to records or documents.
5. The guidance covers a number of redaction methods for presentation of information in hard copy. It includes issues involved in the redaction of electronic data although further guidance from the National Archive is awaited.

Who is this guidance for?

6. All members of staff and their managers should be aware that there will be instances where certain information must be redacted (withheld from other information made available) and that there are procedures and guidance available to manage this.

The main users of this guidance will be:

- Freedom of Information Officer
- Managers of staff dealing with information requests.

What is redaction?

7. Redaction is the separation of disclosable from non-disclosable information by blocking out individual words, sentences or paragraphs or the removal of whole pages prior to the release of the document. This includes extracts when whole pages are removed, or deletions where only a section of text is affected.
8. Note that any exemption decisions may be subject to appeal.

Principles of redaction

9. The following key principles are important:
 - redaction should always be reversible - it should never result in permanent removal of text; and
 - redaction should always be carried out on copies, not originals.
10. Redaction should be used when one or two individual words, a sentence or paragraph, or a name, address or signature needs to be removed from the remainder of information.
11. If so much information has to be withheld from a page that the document becomes nonsensical, the entire page should be removed, forming an extract rather than a deletion. In such cases it is for those creating redacted documents for release to use their judgment as to what is necessary to present requested information.
12. When photocopying an original document prior to redaction, you should consider whether any other factors are important for the understanding of the material. For example, if colour makes meaning clear (for instance on a colour map), a redacted colour copy should be released.

13. Redaction should be carried out (or overseen) by staff knowledgeable about the records and best able to determine exempt material. Staff listed above as main users of this guidance can provide further advice. Instructions given to anyone redacting information must be specific e.g. 'Memo dated..., paragraph no..., line starting... and ending...' etc.
14. Under the Act, applicants may request that information be presented to them in electronic form. For paper documents, this will usually mean scanning the redacted version of the material. If, however, the level of resources required to do the scanning would make this unduly onerous, the Act allows an organisation to set aside the applicant's stated preference on the grounds of practicability.
15. The Act also permits that a summary of the document be transcribed. If a large percentage of the document needs to be redacted, summarising its contents may be worth considering as an alternative to redaction.

Identifying material for redaction

16. The Authority's Freedom of Information Officer or Data Protection Officer can help you identify information that may be exempt under the Freedom of Information Act and the Environmental Information Regulations and Data Protection Act. However, all staff should be broadly aware of the categories of information that should not be released under the Data Protection Act.
17. In order to conform fully to requests for information, it is essential that only exempt material be redacted. A whole sentence or paragraph should not be removed if only one or two words are non-disclosable, unless release would place the missing words in context and make their content or meaning clear.
18. Be aware that earlier statements in a document might suggest the content of removed material. For example, if a paragraph refers to reports from overt sources, and the following paragraph refers to reports from covert sources, as well as removing the words 'covert sources', 'overt sources' would also need to be removed or the meaning of the missing words from the second paragraph could be inferred.
19. Files should also be checked for other copies of the same documents so that redaction is carried out consistently. Any indices should be checked to ensure that they do not contain details of the redacted material.

Keeping records of redaction work

20. Once redactions have been identified and agreed with any other interested parties, the decisions need to be recorded. Simply keeping a copy of the

released copy of a document may be enough, with a note explaining the reasons for redaction.

21. If multiple requests are made for the same information, this will also show what decisions have been made in prior requests. If more detailed records of decisions are required, this can be done on a standard form recording as much of the following information as is relevant:
22. An identifying document reference, registered file number or case file number. This identifier can be anything that suits but must enable easy identification and retrieval of the document. The format chosen should be used consistently.
23. Precise details of the material removed (this need not describe the content, but should show which section of the document has been withheld e.g. paragraph 2 of page 4. However, if only one or two words are being withheld, these details will need to be exact to enable precise identification).
24. The reason for non-disclosure of the information. If one or more exemptions under the Act apply, these should be noted, along with the particular reasons that apply in each case.

Redaction of documents in hard copy

25. Redaction must always be carried out on a copy, leaving all the information contained in the original document intact.
26. There are a range of redaction methods and any may be used. What is used may depend upon:
 - the structure and content of the document;
 - the degree of confidentiality;
 - cost;
 - time available.
27. However, whatever method is employed, the end result must ensure that the redacted material cannot be seen or guessed due to incomplete redaction. This means being certain that words cannot be made out when the document is held up to light and that the ends, top or bottom of text are not visible.

Methods of redaction

28. Cover-up tape is the simplest form of redaction. A high quality cover-up tape is placed on the original document over the areas to be redacted, taking care that no parts of words are showing. By making a photocopy of the redacted text, an accessible version is produced for presentation. The white tape can be reused several times. It is available in 1/6" for a 10-12 font typewritten line, 1/3" for two typewritten lines and 1" for general corrections. Supplies of the tape can be ordered as a stationery item.
29. Blacking/whiting out text is another simple solution. Photocopy the original document and use a black marker pen to block out the sensitive material. However, the redacted version should be photocopied again to produce an accessible version. The second photocopy is necessary as information redacted using marker pen can be read when held up to light.
30. The same process can be employed using good quality correction fluid. Ensure that no redacted text is visible before making the second photocopy, which again is necessary as correction fluid can be easily removed.

Redaction of electronic records

31. Redaction of digital records is a relatively new area of records management practice, and raises unique issues and potential risks.
32. Electronic records may incorporate change histories, audit trails, or embedded metadata, which can allow deleted information to be recovered, or otherwise circumvent simple redaction processes. In addition, cryptographic and semantic analysis techniques can potentially be used to identify redacted information. A range of redaction methods is required, depending on the nature and format of the electronic record to be redacted.
33. However, no method, including the use of commercial redaction software, should be regarded as secure unless it has been rigorously tested to ensure that it provides for the irrecoverable erasure of redacted information. The risks and options require further investigation. The National Archives will provide detailed guidance on secure redaction techniques for specific types of electronic record in due course.
34. If there is concern that redacted formats cannot be released in electronic form, the Act allows organisations to present information in alternative formats, such as printouts. If this approach is adopted the reasons for doing so should be explained to applicants.
35. When redacting electronic formats, a record of decisions should be kept in the same way as with paper formats. At the very least, the following needs to be noted:

- who carried out the redaction;
 - what has been redacted;
 - when it was done; and
 - why it was done. (Quote the exemptions applied in each case).
36. The redacted version of the record should be saved into an electronic records management system (ERMS) at the time of creation. This will automatically record the identity of the individual saving the document as well as the time and date. The reason for redaction needs to be input manually.
37. Some ERMS solutions offer additional functionality whereby it is possible to create a rendition, which is a related instance of the original document.
38. The rendition can be redacted and saved within the ERMS and its relationship to the original document will be recorded by the ERMS.