

# GRAFFHAM PARISH COUNCIL

## THE RIGHT TO INFORMATION

Adopted 4 November 2013

### New Rights

- 1) Individuals already had the right to access information about them ('personal data') which was held on computer, and in some paper files, under the Data Protection Act 1998. This was known as "subject access right".
- 2) As far as public authorities are concerned, the Freedom of Information Act extended this right to allow access to all the types of information held, whether personal or non-personal. This included information about third parties, although a public authority has to take account of the Data Protection Act 1998 before releasing any personal information.
- 3) S.1(1) of the Act gives applicants two related rights:
  - to be told whether the information exists, and
  - to receive the information
- 4) The right to access information held by public authorities can be exercised by anyone; both natural and legal persons (e.g. a corporate body), worldwide. Applicants are able to exercise their right of access to the information held by public authorities. They are able to ask for information recorded both before and after the Act was passed (i.e. it is fully retrospective).

### Making a Request

- 1) Applicants are not required to mention either the Freedom of Information Act or the Data Protection Act when making a request for information. However, the request must be in writing, in a legible form and capable of being used for subsequent reference. A request by email will suffice. A charge may be made for dealing with the request. The details of the charging regime are set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (SI.3244). Earlier in 2007, the government issued two consultations in respect of a revised fee structure. Taking account of the range of responses received, in October 2007 the Government announced that it had decided to make no changes to the existing fees regulations.
- 2) In accordance with s.11 of the Act, where possible, information must be provided to the applicant in the manner requested. This may be in the form of a copy or summary or the applicant may ask to inspect the record. Applicants are not entitled to information to which any of the exemptions in the Act applies. However, information covered by an exemption may still be released if it is in the public interest to do so
- 3) S.10 of the Act requires public authorities to respond to requests promptly but no later than 20 working days following its receipt. A public authority may ask for further information which it reasonably requires in order to identify and locate the information requested. Where a public authority issued a fees notice, the applicant has 3 months to pay. S.9. (2) of the Act provides that if the payment is not made within this time, the public authority does not have the answer the request.

Adopted: 4 November 2013  
Minute Number: 70