



Data Protection Act (DPA), Environmental  
Information Regulations (EIR), Freedom of  
Information Act (FOI) and Public Sector  
Information (PSI) Procedure

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## **Glossary**

DPA - Data Protection Act 1998  
EIR – Environmental Information Regulations 2004  
FOI – Freedom of Information Act 2000  
HDC – Huntingdonshire District Council  
PSI – Public Sector Information Regulations 2005  
RFI – Requests for Information  
SAR – Subject Access Requests

## **Introduction**

### **Freedom of Information Act 2000 (FOI)**

The Freedom of Information Act 2000 has created significant new rights of access to recorded information held by public authorities in England, Wales and Northern Ireland. The FOI takes a major step forwards in terms of openness and accountability and is part of a wider group of policies. The FOI has been implemented in two parts:

**February 2003** – As a public authority, Huntingdonshire District Council (HDC) were required to have a Publication Scheme. The Publication Scheme details all of the information that is regularly published by HDC. The Publication Scheme shows where the information is located, the format of the information is published and whether there is a charge for providing the information.

Details of the [Publication Scheme](#) may be viewed on the website.

**January 2005** – Anyone has been granted the right to request information held by the Council as a public authority.

Under this Act, HDC must comply with:

- The right of a person to be told, in writing, whether specified information is held by the public authority.
- The right of a person to receive that information if no exemptions apply and provided that the correct fee (if any) is paid.

Each request must be responded to in full within 20 working days.

### **Environmental Information Regulations 2004 (EIR)**

The Environmental Information Regulations 2004 allow people to request environmental information from public authorities i.e. HDC and those bodies carrying out a public function, i.e. privatised utility companies.

A request can be oral or written including by electronic or hardcopy format.

### **What is Environmental Information?**

Any information in written, visual, aural, electronic or any other material form on -  
(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;

(d) reports on the implementation of environmental legislation;

(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

(f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures in as much as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

## **Purpose of the FOI and EIR**

Public authorities have a duty to be both open and accountable. Every member of the public has a right to know what HDC has done, what we are currently working on and what we are planning for the future. They already have a right of access to some of the information produced by the Council. Their rights include the right to attend most meetings, to access most of the agendas, reports, minutes and background papers of those meetings, and the forward plan.

Under the EIR we must abide by an [Environmental Information Regulations Code of Practice](#), likewise for the FOI we must abide by a [Freedom of Information Act Code of Practice](#) published by the Information Commissioner.

## **Re-use of Public Sector Information 2005 (PSI)**

One of the most important assets to the Council is the information it holds. However these assets are potentially the most unrealised and could bring the Council additional revenue with little additional staff effort.

### **When FOI & EIR ends, PSI begins**

In July 2005 a European Directive gave rights to people to apply for the re-use of information held by the Council. This directive aims to achieve harmonisation of the rules and administration on the re-use of PSI across the European Union. The European Commission estimates that between 15% and 25% of total data used in e-commerce trading is based on PSI. This information is sometimes being given out free but potentially could be charged for when re-used.

These regulations do not change the Council's duties to provide people access to information under the FOI & EIR. However if they wish to re-use the information for commercial purposes then they should apply to the Council for permission for this re-use and be prepared to pay a charge for such use.

The phrase 're-use' means using the information produced by the Council for a purpose other than that for which it was originally intended e.g. a company requiring contaminated land entries and notices held in a public register to be re-used for a publication which is produced by the company.

For any further advice regarding FOI, EIR or PSI please contact the Information Manager (FOI Officer).

### **The Data Protection Act 1998 (DPA)**

The Data Protection Act 1998 regulates the processing of information particularly data relating to individuals, including the obtaining, holding, use or disclosure of such information.

**March 2000** - DPA extends data protection rights given to individuals in previous legislation. It requires Data Controllers (people or organisations including the Council who hold and process information about living individuals) to notify the Information Commissioner that they are doing this, for what purposes and to comply when processing such data with eight data protection principles. These principles govern the use of personal data and give rights to individuals (data subjects) relating to the processing of their personal data. Personal data is information about a living individual from which they can be identified either by it alone or in conjunction with other information already in the possession of the data controller or likely to be so. DPA applies to both electronic and paper information.

The eight data protection principles are as follows:-

- 1 Personal data shall be obtained and processed fairly and lawfully.
- 2 Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- 3 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 4 Personal data shall be accurate and, where necessary, kept up to date.
- 5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 6 Personal data shall be processed in accordance with the rights of data subjects under this Act.
- 7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 8 Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## Data Processing and Disclosure

Personal data can only be processed (from its collection to final destruction) in accordance with DPA conditions. Therefore it is important that upon collection of such information HDC is clear about the purposes to which it is likely to be put and advises the data subject of these.

For any further advice regarding DPA please contact the Data Protection Officer or refer to the [Data Protection Act Policy](#)

## **Dealing with Requests For Information under the DPA & EIR & FOI & PSI**

The procedure which HDC has adopted is shown in the [FOI/EIR/PSI Procedure Diagram](#) and [DPA Procedure Diagram](#). The staff involved in the process include:

- FOI Administrator (IMD)
- FOI Co-ordinators (for each Division)
- FOI Officer (IMD)
- DPA Officer (Legal and Estates)
- Head of Service/Activity Managers
- Legal Team (Head of Legal Services and/or Solicitor)
- Communications Team

NB: In some sections the Head of Service/Activity Manager will also be the FOI Co-ordinator.

The role of the FOI Administrator is to deal with requests for information by logging the particular Request for Information (RFI) on the request tracker. The FOI Administrator is part of IMD. The FOI Administrator will act as a centralised receiving point for all requests. The FOI Administrator's role will be to acknowledge that the request has been received either by email or standard letter. Once the requested information has been located and a disclosure decision has been made then the FOI Administrator will respond to the requestor.

### **EIR, FOI & PSI requests**

Once logged the FOI Administrator will forward the request to the relevant Departmental FOI Co-ordinator, making it clear under which piece of legislation the RFI is being considered. A FOI Co-ordinator will be located in each division that already deals with requests for information from the general public. They will ideally be "knowledge keepers" for the division and will be experienced in what information is held by their division. The FOI Co-ordinator will firstly assess whether the information requested is already published or is unpublished. If the information is published then the FOI Co-ordinator will advise how the requestor can receive a copy of the information.

A charge may be made where the Council include it in a charging policy at the rate provided in that policy. A small charge may also be made for disbursements such as photocopying. (See Charging Scheme)

## Checking Disclosure

If the information requested is unpublished then the FOI Co-ordinator must check with the appropriate Head of Service/Activity Manager whether the information requested could be disclosed. If the information can be disclosed in full or in part, then the request should be processed and the appropriate information disclosed. Where it is considered that disclosure in whole or part of the information should be resisted and redaction is necessary, the FOI Co-ordinator will discuss this with the FOI Officer. If the information cannot be disclosed then the requestor will be informed of the decision and of the particular exemption that has been applied.

NB: It is an offence to redact (edit out or remove) information without lawful excuse.

## Estimating Fees

If information is to be disclosed the FOI Co-ordinator then must estimate how much time will be spent on the request (this is covered in the Charging Scheme). **Any fee should be collected before the request is processed further.** The fee will be collected by the FOI Administrator.

When disclosure requests have been checked and fees received, then the FOI Co-ordinator can use all available systems to locate the relevant information. Any searching of emails will be co-ordinated by the Administrator of the email archiving system.

The FOI Administrator will also keep the requestor informed on the progress of the request at different stages; these are:

- Clarifying the request (if needed)
- Informing the requestor of any fees to be paid.
- Informing the requestor of any fees payable for additional work not paid for in the initial fees.
- Supplying the result of disclosure and completion of the request, including the information which can be disclosed.

This will be communicated either via email or by standardised letter, which will be available from the request tracker.

Once all the information that has been requested has been located the FOI Officer will decide upon disclosure. Upon approval from the FOI Officer, the FOI Administrator will **redact** (edit out or remove) any non-disclosable information. It is essential to explain to the requestor on disclosure why (if applicable) any information previously contained in the document has been redacted. If the whole document is non-disclosable then the FOI Administrator should give reasons for non-disclosure and apply the particular exemption. Assistance for this decision may be provided by a relevant Head of Service/Activity, a member of the Legal & Estates section or a relevant specialist (for example Procurement Manager).

FOI Co-ordinators will supervise the administration of the FOI, EIR, DPA and PSI within their division and to decide on the disclosure of information requested. Both absolute and qualified exemptions must be assessed, and the Public Interest Test applied. A short meeting with the FOI Co-ordinator, FOI Officer and if needed Head of Service/Activity Manager will decide on the disclosure of information.

The role of the FOI Officer will ensure that the FOI, PSI, EIR procedure is upheld at HDC. The FOI Officer will provide help and guidance around issues of FOI, EIR, PSI in terms of disclosure and assist in overall compliance.

Where DPA applies the role of the DP Officer will ensure that the DPA procedure is upheld at HDC. The DPA Officer will provide help and guidance around issues of DPA in terms of disclosure and assist in overall compliance.

The FOI & DPA Officer, acting in line with the FOI, EIR, DPA and PSI Complaints Procedure, will coordinate the response to any complaint brought under the relevant legislation. The role of the Legal and Estates section is to advise with regard to difficult decisions of disclosure.

### **Data Protection Act Request – Subject Access Requests (SAR)**

People have rights to disclosure of all or part of any of their personal data held by data controllers such as HDC to check it and ensure it is accurate and processed in accordance with the law. To exercise these rights the request must be made in writing clearly identifying the information required and a fee of £10.00 be paid. All such requests called Subject Access Requests (SAR) to HDC should be referred immediately to the Data Protection Officer. Satisfactory evidence will be required to identify the data subject and any person claiming to act on their behalf before the request is processed. In the interval, time for compliance with the request is suspended.

Any disclosure of information arising from a valid SAR to HDC should be made through the Data Protection Officer within 40 days. Heads of Service/Activity Managers should supply all the necessary information to the DPA Officer within sufficient time for DPA Officer to review the information. If there is any question of redacting (editing out or removal) information this should be raised promptly with the Data Protection Officer who will provide advice about it.

## **Huntingdonshire District Council Charging Scheme**

### **Staff time**

Chargeable time is the time spent to find, sort, edit or redact (edit out or remove) information. It does not cover the time taken to consider whether an exemption applies and to apply the Public Interest Test.

### **FOI requests**

Under 18 hours, the request will be free of charge.

If more than 18 hours (2 days effort) are spent on a request, then the request will be fully chargeable. For each hour spent answering a request the charge will be £25 per hour (this is the standard rate for Officer time)

Charges can be calculated on the FOI Request Tracker and the total time taken for request must be recorded on the request tracker.

The Council cannot charge for any request which costs less than £450. Above £450, the request is charged fully @ £25 per hour + disbursements. [Statutory Instrument for fees](#)

### **EIR requests**

Reasonable costs may be charged for EIR requests.

## Disbursements

The full cost of printing, photocopying and posting can be charged to the requestor, however if the requestor asks for information in an electronic form and it is sent by email then this will carry no disbursement charge.

### Charges

Photocopying and Printing Charge.

Photocopying	Black & White	A3	15p per sheet
Photocopying	Black & White	A4	10p per sheet
Photocopying	Colour	A3	20p per sheet
Photocopying	Colour	A4	15p per sheet
Printing	Black & White	A3	15p per sheet
Printing	Black & White	A4	10p per sheet
Printing	Colour	A3	20p per sheet
Printing	Colour	A4	15p per sheet
CDs	Electronic Data	N/A	£2 per CD
Microfiche/Microfilm	N/A	N/A	10p per frame
Converting to electronic format	N/A	N/A	Incurred costs – varies
Converting to microfiche or microfilm	N/A	N/A	Incurred costs - varies

Posting Charge - Optional charge depending on weight and size. [Royal Mail Charges](#)

### DPA for Subject Access Requests

There is a flat fee of £10. This is not dependent on the amount of staff time spent on answering the request.

## Timescale

Under **FOI** all requests must be answered within 20 working days, **EIR** requests should be answered within 20 working days, however for voluminous requests an additional 20 working days can be requested. The 20 day working day clock starts the day following the date of receipt. **PSI** requests have the same timescale as **FOI** and **EIR** requests.

### Stopping the clock

There are several reasons for halting the 20 working day time clock these can be:

- Payment of fee (i.e. cheques having cleared)
- Clarification of request
- Consideration of the public interest test (FOI - this must be a reasonable length of time and we must be able to justify the length of time to consider the public interest, EIR – this must not take longer than additional 20 working days)

When this has been received the 20 working days will start again from the point it was last interrupted.

Under **DPA** requests must be answered within 40 days from receipt of a valid request and £10 fee.

An important aspect of this procedure is to keep the requestor informed as to the progress of the request. If a request takes longer than 20 working days, then the FOI Administrator must inform the requestor of estimated completion date and reason for delay

If the information has yet to be published, then the request comes under an exemption 22; the information will be provided when it has been published. This only applies to information it was already planned to publish and the requestor will be provided with the information when it is published. If a Request for Information (RFI) has been made but fees are outstanding and clarification is needed but has not been provided, the Council must hold the RFI open until three months have elapsed.

## **FOI Exemptions**

The FOI Act creates a general presumption of right of access to information held by public authorities such as HDC.

However, there are exemptions to this general right of access listed below.

### **Absolute Exemptions**

These apply to information where there is **no discretion** to disclose information to the general public.

- **Information accessible to applicant by other means** (Section 21).
- **Security** – any information which if disclosed would endanger national security or the security of employees of HDC. (Section 24)
- **Court Records & Disclosure would be illegal or in contempt of court.** – includes information in documents served for the purposes of legal proceedings filed with a court, or held by a person conducting an inquiry or arbitration. (Section 32)
- **Documents protected by Parliamentary Privilege** – Parliamentary privilege is to ensure that Parliament can carry out its duties without hindrance, certain rights and immunities apply collectively to each House and its staff, and individually to each Member. (Section 34)
- **Personal Information / Data** – the disclosure of any personal data held by HDC is prohibited by the **Data Protection Act 1998**. (Section 40)
- **Information provided in confidence** – by which is meant, a) information obtained by the public authority from any other person or Authority, or b) information disclosure of which to the public (other than under the Act) by the Authority holding it would constitute a breach of confidence actionable by the person concerned or by any other person. (Section 41)

### **Qualified Exemptions**

These apply to where there is a **discretion** to disclose to the general public. Release of this sort of information is based on whether disclosure would be in the public's interest (Public Interest Test).

- **Information intended for future publication** - where the authority plans to publish the information in the future, and it is reasonable, at the time of the request, not to disclose it until then. (Section 22)
- **National Security** (Section 24), **Defence** (Section 26), **International Relations** (Section 27), **Relations between government within the UK** (Section 28), **Economy** (Section 29).
- **Information which may prejudice the UK economy** (Section 29)
- **Investigations and proceedings conducted by public authorities** - covers information relevant to criminal investigations and proceedings, and information obtained for criminal or civil proceedings. (Section 30)
- **Law Enforcement** - applies to a wide range of investigations and conduct; for example, information that will prejudice the prevention or detection of crime. (Section 31)
- **Auditing** - applies if the public authority audits the accounts for another public authority (Section 33).
- **Development of Government Policy** - Information held by a government department or the National Assembly of Wales, relating to the formulation of Government Policy (Section 35).
- **Communications, etc, with Her Majesty, etc., and honours** (Section 37).
- **Health and safety** - information that would, or would be likely to, endanger the physical or mental health, or safety, of any individual. (Section 38)
- **Environmental Information** - operates as a gateway to revised Environmental Information Regulations that will be introduced to implement the provisions of the Aarhus Convention. (Section 39)
- **Personal Information** - requests for personal information about someone else will be dealt with under the Data Protection Act. (Section 40)
- **Legal Professional Privilege** - where a claim to legal professional privilege could be maintained in legal proceedings. (Section 42)
- **Commercial Sensitive Information** - applies to trade secrets and information, whose disclosure (or, alternatively, "the disclosure of which") would, or would be likely to, prejudice the commercial interests of any person. (Section 43). The procurement process will involve commercial sensitive information, for further guidance on [FOI/Procurement issues](#).

When considering non-disclosure via Qualified Exemptions, it is important to consider whether disclosure would be in the public's interest.

## Public Interest Test

The public interest test in the FOI Act is specifically defined; the public authority must release the information unless '*in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information*'. This requires a public authority like HDC to make a judgement about the public interest. Their decision is subject to rights of appeal to the regulatory bodies (Information Commissioner and the Information Tribunal) and the courts

Where the balance between disclosure and withholding the information is seen as equal, the information must be released. The Information Commissioner favours disclosure and requires evidence of reasons for non-disclosure and so the reasons must be documented in the process of disclosure. The Public Interest form on the Request Tracker must be filled in when the Public Interest Test has been used. If an internal review of the request is actioned, the evidence of the Public Interest Test will be crucial.

## EIR Exceptions

The EIR exceptions work in the same way as FOI exemptions but all the EIR exceptions are qualified exemptions, they are all subject to the public interest test.

The EIR exceptions are:

- ◆ **Information is not held when request is received.**
- ◆ **The request is unreasonable.**
- ◆ **The request is too general.**
- ◆ **Information intended for future publication.**
- ◆ **Request involves the disclosure of internal communications.**
- ◆ **Disclosure would affect the course of justice.**
- ◆ **Intellectual Property Rights.**
- ◆ **Confidentiality of Proceedings.**
- ◆ **Commercial or industrial confidentiality**
- ◆ **The Interests of the Council**
- ◆ **Environmental Protection.**
- ◆ **Personal Data.**

## Role of the Publication Scheme

The Publication Scheme is a catalogue of all publications produced at HDC. It shows where the information can be located, in what form it is published, and whether there is a charge for it. The [Publication Scheme](#) is available on the HDC website, and also in paper format. The FOI Administrator will hold copies of the publication scheme which can be requested; no charge will be applied to this request. Requests for published information will be fulfilled either by the FOI Co-ordinator or by their delegate within the Divisions. Heads of Service/Activity Managers must advise the FOI Administrator of any changes to the Publication Scheme.

## Internal Review Procedure

This complaints procedure is meant to deal with only for complaints regarding FOI, DPA, EIR and PSI requests. Complaints regarding any other matter shall be dealt with via the Council's complaint procedure.

If the member of the general public who has requested information under FOI, EIR, DPA or PSI is not satisfied with the way we have handled their request, with the fee charged, or with the reasons we have given for refusing rather than disclosing information, then they have the right to appeal. The review of the appeal will be subject to a two-stage process, this is based on guidance from the Department of Constitutional Affairs and the Information Commissioner:

- I. If the complainant is not satisfied with the response from the Council, he/she will be able to seek an internal review. Internal Reviews of FOI, EIR, PSI requests will be conducted by the Head of IMD and Internal Reviews of DPA requests will be conducted by the Head of Legal and Estates. In the absence of Head of IMD and Head of Legal and Estates a nominated Head of Service will conduct the internal reviews. For any complaints regarding FOI/EIR/PSI requests, the FOI Officer will

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arrange the internal review and likewise for any complaints regarding DPA requests, the DPA Officer will arrange the internal review.

Complaints regarding FOI/EIR/PSI should in the first instance be sent to:

FOI Requests  
Huntingdonshire District Council  
Pathfinder House  
St Mary's Street  
Huntingdon  
PE29 3TN

Complaints regarding DPA should in the first instance be sent to:

DPA Requests  
Huntingdonshire District Council  
Pathfinder House  
St Mary's Street  
Huntingdon  
PE29 3TN

- II. Following the internal review, if the requestor remains dissatisfied, he or she may seek an independent review from the Information Commissioner. Requests for such a review should be made in writing directly to:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

The results of the Internal Review will be communicated back to the complainant.

N.B. Complaints via the FOI, EIR, PSI and DPA are expected to follow this two stage process; any complaints sent to the Information Commissioner's Office will not be acted on until the first stage has taken place.

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## **Re-use of Public Sector Information**

### **Intention of the regulations**

The key objectives of the regulations:

- Identification of public sector documents that are available for re-use
- Availability of many public sector documents for re-use at marginal cost
- Clarity of any charges to be made for re-use
- Processing of applications for re-use in a timely, open and transparent manner
- Application of Information Fair Trading Scheme

### **Copyright**

The supply of documents to a member of the public or applicant by the Council (e.g. under the FOI) does not grant them the right to re-use this information in a way that would infringe any copyright on those documents. For example, an applicant would not be permitted to make copies, to publish, or issue copies to any other person/s. Brief extracts of any of the material may be reproduced without the Council's permission, under the fair dealing provisions of the [Copyright, Designs and Patents Act 1988 \(sections 29 & 30\)](#) for the purposes of:

- research for non-commercial purposes
- private study
- criticism
- review
- news reporting

This is subject to an acknowledgement of the Council as the copyright owner. The Council have the option to permit re-use of information for a charge or for no charge. Where re-use under licence is allowed this will be subject to conditions on the re-use of the information to ensure it is not used in a manner inconsistent with the Council's copyright and a charge for re-use fee.

The Council have a legal authority to authorise the re-use of the information which they have produced under the UK copyright legislation. All information which is produced via the Council should indicate that copyright is held by the Council.

### **Ability of a document to be re-used**

These regulations apply to all the information/documents held by the Council, if a document is available via FOI/EIR then it can be licensed for re-use as part of PSI. If the information is prohibited then the information cannot be relicensed. Disclosure of documents which contain intellectual property rights from a third party can be relicensed by the Council.

The directive requires the Council to define and list information assets suitable for re-use, grant licences and levy fees for the re-use of information which can be released under the FOI/EIR legislation. From the FOI/EIR requests which have been received by the Council, some of the information requested is going to be re-used, this information should be licensed for its re-use. The Council also have a publication scheme which defines the publications which are available to the general public and whether they carry a charge.

The information assets which are likely to be of interest are of a value added or commercial nature. As part of the Corporate Records & Information Management Project (CRIMP) information assets have been identified which are held in different departments. The project will verify the publication scheme and identify information assets which could be subject to potential sale.

## **Charges**

Regulations state that when allowing re-use of information, public authorities can make a 'reasonable return on investment.' In calculating a licence fee the Council will take into account the following:

- The Council's intellectual property, e.g. information that has a commercial value. A charge for this would be determined on a case by case basis.
- Charges for staff time  
A fee of £25.00 per hour will be charged in respect of staff time for making the requested information available to the applicant for re-use. This may vary depending on the seniority of the member of staff who is required to manage the request.
- Charges for materials – see charging scheme

## **Process of dealing with requests under the Re-use of Public Information legislation**

When requesting the re-use of information the requestor must state what documents they want to re-use and for what purpose.

Requests for re-use of public information will be handled in the same way as FOI/EIR Requests. The initial request will be logged and passed to the relevant department. They will estimate the time to be spent on locating the information. This estimate of time will be converted into an invoice by the FOI Administrator and sent to the requestor. As with any charges under the FOI and EIR, payment will be needed before the information is provided. We will either provide or not provide the information required. A licence to re-use the requested information will be provided.

### Processing requests

There is no obligation for the public sector bodies under these regulations to:

- Create or adapt a document to comply with a request for re-use, emphasis is on the re-use of existing documents.
- Provide extracts of documents where this would entail disproportionate effort.
- Continue producing a document purely for re-use by others.

### Notification of refusal

Regulation 9 explains what the process should be when a public sector body refuses a request for re-use of a document:

- Reasons for refusals should be given in writing;
- Why there has been a refusal to allow re-use.

**Non-discrimination**

Regulation 13 prohibits discrimination by public sector bodies in the conditions applied between applicants who re-use documents for similar purposes.

**Prohibition of exclusive arrangements**

Regulation 14 prohibits exclusive arrangements because it prevents others from re-using the document and inhibits competition.

**Documents available for re-use**

The PSI Regulations require the Council to have a published asset list which includes information which is available for re-use. This asset list forms part of the Council's FOI publication scheme.

**Information Fair Trader Scheme (IFTS)**

In allowing re-use of documents public sector bodies are required under the regulations to be transparent, fair, open and non-discriminatory. The Information Fair Trader Scheme is designed so that re-users can be confident that public sector information providers will treat them reasonably, consistently and fairly.

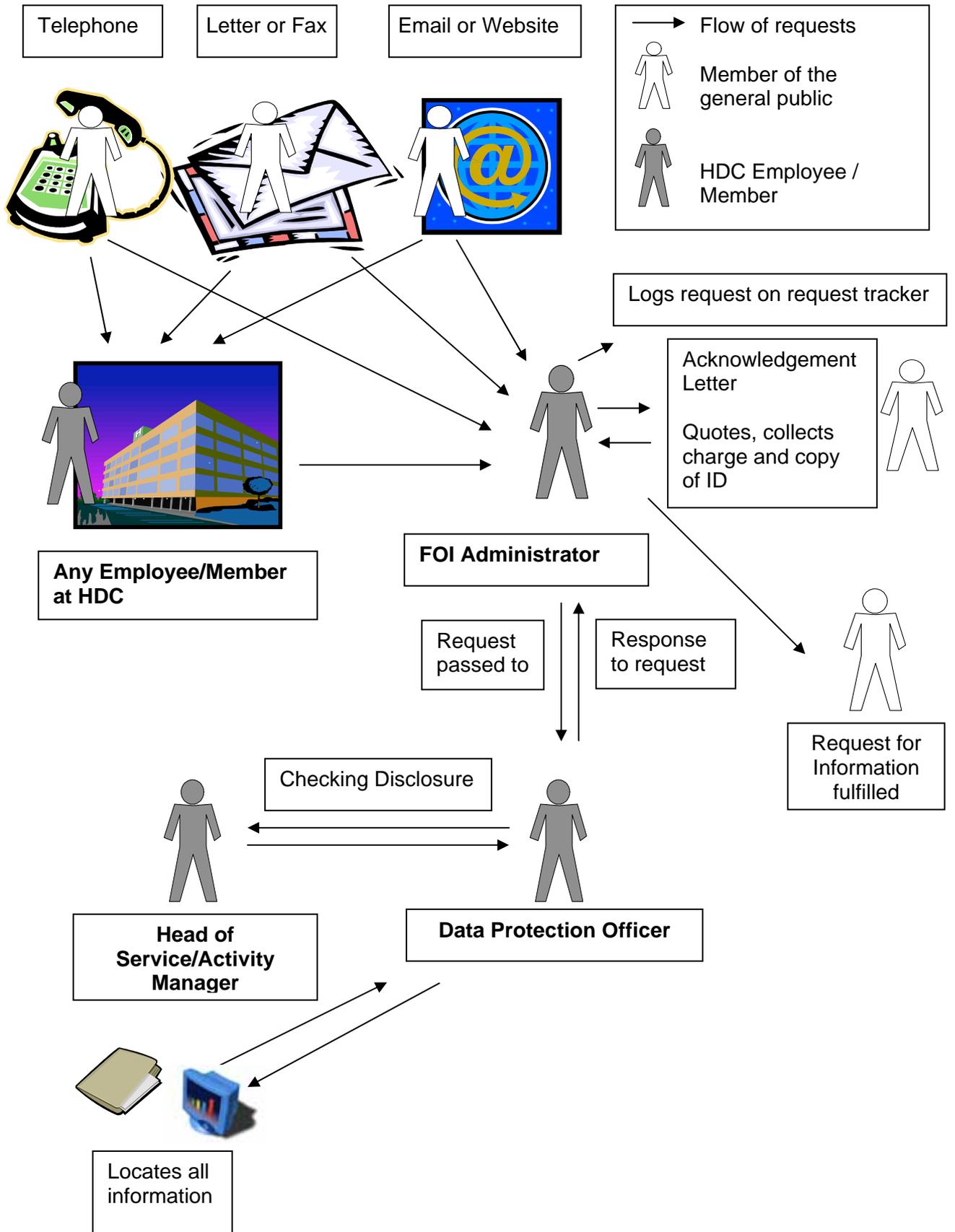
**Complaints Procedure and Appeals**

The internal complaints procedure is the same as the internal review procedure, a review will be arranged to discuss the decision regarding re-use.

If the applicant is still unsatisfied with the review decision then they have right to appeal to:

Office of Public Sector Information  
2-16 Colegate,  
Norwich,  
Norfolk  
NR3 1BQ  
Tel: 01603 723001  
Fax: 01603723000

### DPA Procedure



### FOI, EIR & PSI Procedure Diagram

