



Freedom of Information Your Rights And The Process Explained

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What is Freedom of Information?

The Freedom of Information Act 2000 aims to increase openness and accountability in government by ensuring that people have the right to access information held by public authorities.

What are my rights to ask for information?

The Council's Publication Scheme sets out what kinds of information it will make routinely available, how you can get it and what it will cost. Copies of the Publication Scheme are available from our Customer Service Centre located at Malvern library or alternatively just [click here](#)

If you want information which is not included in the Publication Scheme you can [contact us](#) and ask for information which we hold on any subject or relating to a particular topic. However, there are a number of exemptions under the Act which may be applied to protect information which needs to be kept confidential.

If we do not have the information, but know that it may be held by another public authority we will tell you. Unless you have requested us not to in your application, we may forward your request to the correct public authority.

How to apply for information?

You need to apply in writing (this includes e-mails) stating clearly what information is required, together with your name and an address for correspondence. To assist you, an application form is available from the Council's Customer Service Centre at Malvern Library and [here](#) on the Council's website. It is important that you describe as clearly as possible the information you want, to enable us to identify and locate it. As well as the general subject matter, it would be useful to supply us with dates, officers involved, details of meetings or other specific information relating to your request. If we are not able to identify the information you want from the details you have supplied, we will ask you to clarify your request.

How long does it take to get the information?

We will respond as soon as possible, and not later than 20 working days after receiving your request or, if we have asked for clarification, after you have provided the extra information we need. If a fee is payable (see below) time waiting for you to pay the fee does not count towards the 20 days. Sometimes we may have a difficult decision to make as to whether we can release the information you have requested, and time taken to reach that decision also does not count towards the 20 days - but we will keep you informed and make a decision as soon as possible. If there are any other problems in dealing with your request within 20 working days, we will inform you of this as soon as possible.

Is there a charge?

If you are requesting information contained in our Publication Scheme, the Scheme will also give details of whether the Council will charge for providing the information.

For other requests the Council may be entitled to make a charge, for example to cover the reasonable costs of photocopying information or supplying you with a computer disk and for postage. If the cost of locating and providing the information is more than £450 the Council could refuse to supply the information or could ask you to pay a fee which would include a contribution in respect of officer time spent on dealing with your request. This would be calculated in accordance with the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. If we do need to charge we will send you a "Fees Notice" which you will need to pay before our detailed search begins. If you cannot pay any fee which we ask for, we will work with you to see what can be provided for the amount you are able to pay.

How can I receive the information?

You may request that the information be supplied in any form. However, we will take into account the cost and practicality of supplying the information in this form before complying with your request. In particular, you may ask for information in permanent form, in summary form, or for permission to inspect records containing the information.

What happens if my request is refused?

Information may be exempt from release for a number of reasons allowed by the Freedom of Information Act, such as personal information we hold about other people, or information that was provided to us in confidence. Often we will have to decide whether it is in the public interest to release information. Our policy is that we should always release information unless there is very good reason, allowed by the law, not to.

If your request is refused, in most cases we will be able to tell you why, identify which exemption we are applying, and give you details of how to complain. If, after investigating your complaint, we still refuse your request, you may ask the Information Commissioner (see below) to review our decision and finally, if that does not help, you may have a right of appeal to a special court called the Information Tribunal.

What if the Council do not hold the information?

We do not have to produce new information in response to a request, but sometimes we may produce a summary of what we hold if this is acceptable to you. We will not undertake fresh research on a subject in order to respond to a request.

What is the difference between this and the Data Protection Act 1998?

The Freedom of Information Act refers to information that we hold in any format, and allows any person to request it. The Data Protection Act refers to personal information, and this can only be requested by the person the information is about. You do not need to say under which Act you are applying for information, it is up to the Council to deal with your application under the correct Act.

For assistance or additional information on the Freedom of Information Act

If you have difficulty in obtaining a copy of the Publication Scheme, or getting any information to which it refers, just [click here](#) to contact Gill Thomas the Council's Information & Risk Management Officer or telephone 01684 862154.

The Information Commissioner can be contacted at :-

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

Telephone: 01625 545745

Fax: 01625 524510

Email: mail@ico.gsi.gov.uk

Or visit the website at www.informationcommissioner.gov.uk