

FAQS Freedom of Information Act 2000 (FOI)

Q: What is the Freedom of Information Act/ FOI?

Answer: The Freedom of Information Act 2000 (FOI) is a piece of law that provides public access to information held by public authorities, such as the council.

Public authorities have to publish certain information about their activities; and members of the public can request information from public authorities.

Q: What are the Environmental Information Regulations/EIRs?

Answer: The Environment Information Regulations 2004 (EIRs) are Regulations that stem from an EU Directive. They provide public access to information about the environment. Environmental information covers information about the land, waste and recycling, emissions and such like.

Public authorities have to publish certain information about their activities; and members of the public can request environmental information from public authorities.

It is not always easy to tell whether the information requested is environmental or not. Requesters do not need to say whether they are requesting information under the Environment Information Regulations or the Freedom of Information Act, the council will work this out for them

Q: How do I make a Freedom of Information (FOI) or Environmental Information Regulations/EIRs request?

Answer: You can make a Freedom of Information or Environmental Information request to the council in one of these ways:

- Email it to the FOI inbox at: foi@barnet.gov.uk
You can email a FOI request to any named person in the council, but we strongly recommend you email the FOI inbox at foi@barnet.gov.uk as this is monitored every working day.
- Complete a web form here: [https://www.barnet.gov.uk/citizen-home/council-and-democracy/forms/Freedom-of-Information-request-\(FOI\).html](https://www.barnet.gov.uk/citizen-home/council-and-democracy/forms/Freedom-of-Information-request-(FOI).html)
- Send it by post to: The Information Management Team, London Borough Barnet, Building 2, NLBP, Oakleigh Road South, London N11 1NP. You do not need to send it recorded delivery, and if you have emailed there is no need to send a copy by post as well.

Web form or email are the recommended routes.

- Requests about the environment which are Environmental Information Regulations/EIRs requests can also be made by phone although we strongly recommend that you either email us or use a web form.

Please call 020 8359 7080 to make a verbal Environmental Information Regulations request. You cannot make a FOI request this way.

Q: When will I get a response?

Answer:

- You should receive an acknowledgement that we have received your request within 3 working days of you submitting it.
- The Freedom of Information Act and the Environmental Information Regulations give timescales for the council to respond to request.
- The council has to respond to your request promptly, and within 20 working days. Working days are Monday to Friday, excluding bank Holidays. The 20 working days starts the working day after the request was received.
- There are some circumstances when the council can extend the deadline to respond to a request.

For Freedom of Information Act requests:

We can extend the deadline by up to 20 working days if we need to consider the public interest test in applying some exemptions. If this is the case we will contact you and let you know.

For Environmental Information requests:

We can extend the deadline by up to 20 working days if your request is 'complex and voluminous'. This means if finding and collating the information you have asked for is very complicated or there is a huge amount of information to process the council can extend the deadline by up to 20 working days. If this is the case we will contact you and let you know.

Q: I'm not happy with the response I received

Answer:

- If you are not happy with the response you received you can ask for an Internal Review of the response. An Internal Review is essentially an informal internal appeal.
- The response will be reviewed by a member of the Information Management Team who was not involved with the original response. An Internal Review will look at whether the response was correct, whether it was responded to within the time limits, whether any exceptions or exemptions were applied correctly, whether the questions were correctly answered and whether appropriate advice and assistance was given to the requester.
- If the Internal Review is upheld then the original response will be overturned and you will receive a new response. For example if the council withheld

information and you challenged this, and the Internal Review concluded the information should not have been withheld then the information will be released (subject to any redactions).

If you wish to ask for an internal Review you can do so in these ways:

- Email the Information Management Team at foi@barnet.gov.uk
- Send it by post to: The Information Management Team, London Borough Barnet, Building 2, NLBP, Oakleigh Road South, London N11 1NP.

Email is recommended.

Please quote the case reference number from the response as this will allow us to identify the request quickly.

Please set out clearly why you are dissatisfied with the response so we can ensure we look at any specific concerns.

Q: How do I request an Internal Review?

Answer: If you wish to ask for an internal Review you can do so in these ways:

- Email the Information Management Team at foi@barnet.gov.uk
- Send it by post to: The Information Management Team, London Borough Barnet, Building 2, NLBP, Oakleigh Road South, London N11 1NP.

Email is recommended.

Please quote the case reference number from the response as this will allow us to identify the request quickly.

Please set out clearly why you are dissatisfied with the response so we can ensure we look at any specific concerns.

Q: Why haven't I had a response to my request yet?

Answer: The council must respond to your request promptly and within 20 working days. See the question 'When will I get a response' for more information on this.

You should receive an acknowledgment of your request within 3 working days of asking it, and this will tell you the date by which we must respond. If you have not had an acknowledgment after 6 working days please contact us at foi@barnet.gov.uk and we will look into this for you.

If 20 working days have not yet passed:

- Please check to see if we have emailed you to extend the deadline for the response. See the question 'When will I get a response?' For more

information on this.

- Please check to see if we have emailed you to ask you to clarify your request. If we are unsure about what information you are requesting, or the request is ambiguous, or there are no time scales given, we will have emailed you to ask you to clarify. Asking you to clarify a request puts the time to respond on hold. If we have asked you to clarify your request, please respond to us and then we will begin dealing with your request.
- If neither of the above applies please wait until the 20 working days have passed before contacting us. We will be working on your request and sometimes we do respond on the last day.

If more than 20 working days have passed:

- Please check to see if we have emailed you to extend the deadline for the response. See the question 'When will I get a response?' for more information on this.
- Please check to see if we have emailed you to ask you to clarify your request. If we are unsure about what information you are requesting, or the request is ambiguous, or there are no time scales given, we will have emailed you to ask you to clarify. Asking you to clarify a request puts the time to respond on hold. If we have asked you to clarify your request, respond to us and then we will begin dealing with your request.
- If neither of the above applies contact us at foi@barnet.gov.uk and we will look into this for you.

Q:What can I ask for in an FOI/EIR request?

Answer:

- You can ask for any **recorded information** the council holds. This includes information in files, emails, on CCTV, any phone recordings, photographs or any other information.

Requests for information about people who can be identified, information about deceased people or information about yourself are likely to be refused. See the questions '*can I get information about myself under FOI*' and '*Can I get information about someone else under FOI*' for more details.

- You can ask for information about anything the council deals with, from the acceptable use policy to zoo licensing, from council tax to public toilets.
- You don't have to give any reasons for your request, but if you think context would help us please include it. For example it might help us narrow down the files to search or the geographical area.

- If you think your request might be treated as unreasonably frivolous (“vexatious”) but you feel you do have a serious reason for asking please let us know. For example “will Santa get a parking ticket outside my house as it’s a CPZ, my 6 year old is worried Santa won’t visit” is less likely to be refused as vexatious as “do you give parking tickets to Santa?”
- When making a request bear in mind that the more information you ask for the more chance there is of it being refused under time limits (FOI) or volume and distraction from other council work (EIRs).
- Be as specific as possible about the information you are looking for and provide a time scale for the information.

For example *please can I have all the information you have about Barnet House* is likely either to be refused under time grounds (as it would take many days to collate all the information held) or to mean we ask the requester for clarification eg about a date range, which will delay their response.

Please can I have a copy of the current Barnet House lease or please can I have information about repairs to Barnet House between 2010 and 2015 are examples of specific questions.

Q: I don’t agree with the findings of an internal review

Answer: If you are dissatisfied with how the council has handled an internal Review you can complain to the Information Commissioner’s Officer (ICO).

Their contact details are:

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

casework@ico.org.uk

Q: Why do I have to give you my name?

Answer: Section 8 of the Freedom of Information Act requires a requester to provide a name for a request to be valid. This could be in the formats Mr Jacobs, T Jacobs, Timothy Jacobs, Mr T Jacobs etc but not Timothy, or TJ. A company name is also acceptable (eg Zachary 2000 Ltd or Zak and Co).

Pseudonyms are not allowed so please provide us with your real name. If you have a real name that maybe mistaken for a pseudonym (eg Donald Duck) please contact us before making a request.

The Environmental Information Regulations do not require a real name to be provided, but we would ask you to provide your real name to ensure we address you correctly. We require a name to log your request on our case management system.

Q: Do I have to pay a fee?

Answer:

There is no fee to make a Freedom of Information (FOI) or Environmental Information Regulation (EIR) request.

In some very rare circumstances we may issue a 'fees notice'. This will explain that a fee is payable to cover photocopying and other charges ("disbursements") before you can receive the information requested. A fees notice is not an invoice and you can choose not to pay it. If you do not pay the council will not have to provide you the information.

The council very rarely issues fees notices.

More than 99% of requests are responded to without a fee being charged under the fees notices.

Q: What can I do with the information released under FOI/EIR?

Answer: You can do anything with the information that has been released, subject to any copyright restrictions.

Information released under FOI or EIRs is considered to have been published to the whole world and to be publically available information.

You may use the information as you wish, subject to any copyright restrictions. Documents or information released that have copyright restrictions will be marked with a © or say eg "Copyright London Borough of Barnet 2015". See the council's copyright policy for more information. If there is a document released that has copyright that is not the council's you would need to contact the copyright holder directly to discuss what you could and could not do with the document.

Q: Can a child make a FOI request?

Answer: Yes, if they are old enough to communicate with us. There is no upper or lower age to make a request. If the child can't write yet an adult can make a request on their behalf.

We have had requests from children as young as 8 and we answer them exactly the same as anyone else's request.

If you let us know the age of the child we can make sure we use age appropriate style and terms.

Q: Can my dog/cat make a FOI request?

Answer:

No, you have to be human to make a FOI/EIR request. This also rules out ghosts, zombies and other undead as well as more benign entities such as fairies, sprites and the tooth fairy.

Q: Can I use FOI/EIR to get information the council holds about me?

Answer: No. Information released under FOI or EIRs is considered to have been published to the whole world and to be publically available information. This means if we released information about you to you under FOI anyone anywhere would be able to ask for a copy of it. That would be a breach of the Data Protection Act 1998. Information about the requester themselves is exempt from disclosure under section 40(1) of the Freedom of Information Act and Regulations 12 and 13 of the EIRs. If you make a request for your own information under FOI or EIR it will be refused and you will be advised to make a subject access request under the Data Protection Act 1998.

To obtain information the council holds about you, you need to make a subject access request (SAR) under the Data Protection Act 1998.

You can do that by clicking on this link:

<https://www.barnet.gov.uk/citizen-home/council-and-democracy/data-protection-and-freedom-of-information/data-protection-act.html>

Q: Can I use FOI to get information the council holds about someone else?

Answer:

- No. Information released under FOI or EIRs is considered to have been published to the whole world and to be publically available information. This means if we released information about someone else to you under FOI anyone anywhere would be able to ask for a copy of it. That would be a breach of the Data Protection Act 1998. Information about someone else is exempt from disclosure under section 40(2) of the Freedom of Information Act and Regulations 12 and 13 of the EIRs. If you make a request for someone else's information under FOI or EIR it will be refused.
- The exemption to this is comments made on **planning applications**. Planning law requires comments and objections (and statements of support) made in response to a planning application to be made public. We will release the content of comments made about planning applications, and people's names and addresses under FOI/EIR. However we will redact (withhold) information such as telephone numbers, email addresses and other personal information they may have included (such as work or health details). For more information on this see the planning portal:
<https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/submit-a-planning-application/view-or-comment-on-a-planning-application.html>

- If you are acting on someone else's behalf you can make a subject access request under the Data Protection Act 1998 on their behalf. You can do that by clicking on this link: <https://www.barnet.gov.uk/citizen-home/council-and-democracy/data-protection-and-freedom-of-information/data-protection-act.html>

Q: Who deals with FOI request in the council?

Answer: The council has a network of Link Officers who work in all council services- both in house delivery units and those delivered by external partners such as CSG and Re. Link Officers deal with routine requests for information, process them, collate information and draft responses. They apply the more straightforward exemptions and exceptions. They undertake the Link Officer role in addition to the other parts of their role in the delivery unit.

Link Officers who work in delivery units within the council will send their responses out on behalf of the council. Link officers who work in outsourced delivery units, such as those in CSG and Re (such as council tax, planning, business rates and environmental health etc) will have their responses cleared and sent out by the central Information Management Team.

There are three Information Management Officers in the Information Management Team who deal with FOI and EIR requests (among other areas of work). The Information Management Officers (IMOs) log requests and deal with the more complex cases, and advise Link Officers on applying complex exceptions and exemptions, especially those involving the public interests test. IMOs also undertake Internal Reviews. The IMOs also deal with Data Protection issues, transparency, and other information management issues. The IMOs can be contacted at foi@barnet.gov.uk

You can find out more information about the Information Management Team, including our Freedom of Information Act toolkit and policies on the internet here: <https://www.barnet.gov.uk/citizen-home/council-and-democracy/policy-and-performance/information-management-policies.html>

Q: How many requests can I make a year?

Answer: There isn't a quota of requests that you can make, so you can make as many as you like.

If you make so many requests that they are causing disruption to the council's business and harming the carrying out of council functions we can refuse requests as vexatious (FOI) or manifestly unreasonable (EIR). There isn't a number that would cause this- it would depend on the requests, the volume of them and the disruption that they caused.

For FOIs we can aggregate the time taken to comply with requests from the same person within a period of 60 working days if they are about similar subjects. This

means that within that time, we can add up all the time we have taken to deal with requests about eg parking or planning. When the total time reaches 18 hours we can then refuse further requests.

Q: How will you send the information to me?

Answer: We will send you the response and any disclosed information either by email or post. You can specify which you prefer but we recommend email as it is faster, more environmentally sound and reduces the risk of post going astray. Alternately you could come to the council offices in New Southgate and collect it by appointment.

If you have asked for information by email and it is too large for us to email to you we will contact you for an address to send it to you. Alternately you could come to the council offices in new Southgate and collect it.

Q: Do you publish responses on your website?

Answer: Yes, we publish the majority of our responses and information disclosed on our website. You can browse them here: <https://barnet.gov.uk/citizen-home/foi-requests.html>

If you include personal information (your own or someone else's) we will remove (redact) this from the request before we respond and so the personal information will not be published.

Q: I put personal information in my request, will you publish it?

Answer: No, if you include personal information (your own or someone else's) we will remove (redact) this from the request before we respond and so the personal information will not be published.

Q: The information I want is held by a service the council has outsourced, can I still ask for it under FOI?

Answer: Yes, you can make a request for information that is held by one of our outsourced/partner organisations. These include CSG for council tax, business rates, IS and customer services information, Re for planning, regeneration, environmental health and building control information, NSL for parking enforcement, HBPL for legal information etc.

You can make a request for information to those organisations and they will pass it to the council to be logged and dealt with. However, it is quicker to send it straight to the council – see the question 'How do I make a Freedom of Information (FOI) or Environmental Information Regulations/EIRs request?'

We will deal with a request for information held by an outsourced service or external delivery unit in the same way as information held by a council delivered service. The contracts with partner organisations all contain robust clauses about how FOI and EIR requests are handled. The council is unusual in that we have ensured that we

have strong contractual provisions in our outsourced contracts on how FOI and EIR requests are handled, which means that much information held by organisations on our behalf is released under FOI and EIR.

If you wish to make a request for information that you think is likely to be held by an outsourced service but relates to work they do for London Borough of Barnet make your request in the usual way. If the response is that the information is not held by the council and you are dissatisfied you can request an Internal Review of the response – see the question ‘I’m not happy with the response I received’ on how to do this.

Q:How do I find out more about FOI or EIR?

Answer: We’re pleased you want to learn more about this fascinating area! The council has a FOI Policy and a FOI toolkit which are on our website here:

<https://www.barnet.gov.uk/citizen-home/council-and-democracy/policy-and-performance/information-management-policies.html>

You are welcome to use these for your own private use and study. If you want to quote from them, or if you are an organisation and want to use our policies please contact us (foi@barnet.gov.uk) to discuss copyright issues.

Alternately, you can visit the Information Commissioner’s Office website www.ico.org This has basic information about FOI and EIR, and a large number of specialist guidance notes. There is also very detailed specialist ‘lines to take’ which deal with specific issues and how the ICO approaches them. The ICO website also had decision notices where you can see the formal decisions the ICO has made on FOI issues. You can search by Barnet and see our recent decision notices- most of them have been in our favour recently which reflects our highly professional and robust attitude to FOI. The council refers to the ICO guidance, lines to take and Decision Notices in dealings with its requests.

If you want to look at cases which have been appealed from the ICO to the First Tier Tribunal (Information Rights) you can use this link:

<http://www.informationtribunal.gov.uk/Public/search.aspx>