

To:
Chief Executives (all local authorities including Wales)
Clerks to Police, Joint Fire and Transport Authorities

Please circulate to those responsible for:
Corporate/Strategic Policy, Legal Services, Member Services,
Public Relations, Information services, Management Board

Freedom of Information - Corporate Implications 21 August 2002

Summary of key issues for FOI Act

Dear Colleague

The **attached** paper summarises key issues that authorities are advised to address in preparing for the Freedom of Information Act 2000. The issues are grouped into four implementation phases, and include key messages for members, Chief Executives and senior officers. Authorities should not delay addressing the implications of the FOI Act, in view of the requirement to produce Publication Schemes by the end of this year.

The LGA wishes to thank Mike Kendall, Vice-President of the Association of Council Secretaries and Solicitors (ACSeS) who has prepared the paper for ACSeS and the LGA.

For further information, go to the LGA's fact-sheet on the FOI Act, which is on our website at <http://www.lga.gov.uk/Briefing.asp?lsection=0&id=SXA712-A780E4D3> and has links to other key sources of advice and information.

Yours sincerely

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Freedom of Information – the corporate implications

Summary

This note summarises the key issues for local authorities in preparing for the Freedom of Information Act 2000. It also outlines the four distinct phases in preparing for implementation, including the requirement to produce Publication Schemes by February 2003. In considering the phases, elected members and officers should realise

- that the Freedom of Information Act is a major opportunity for local government to become **more open and accessible** to its communities and residents;
- that it is an important link to the **e-government** agenda;
- that the way in which authorities respond to the challenges of Freedom of Information may be an important element in future **comprehensive performance assessments**;
- that preparation can help authorities to **avoid processing expensive individual applications** for information under the legislation.

The remainder of this note describes the main phases in preparation and outlines the issues which local authorities need to address.

1. Introductory Phase: Local Authority Ownership

- 1.1 Do members and officers understand how the legislation works, and what it will mean in terms of processing individual applications?
- 1.2 Is there awareness of the timetables for compliance, not only for local

authorities but for other public bodies, including schools, police and the health service? In two-tier areas, is there liaison over common standards for the availability of information?

- 1.3 Who has lead responsibility within the authority at a political and an officer level? Does the programme for implementation have political backing, and ownership by the senior management board of the authority?
- 1.4 What project arrangements and resources are being allocated? How is the Freedom of Information project being linked to the e-government agenda and programme? What references are being made to Freedom of Information in IEG statements?

2. Phase 1: production of Publication Schemes (by February 2003)

- 2.1 What commitments will be contained within the Publication Scheme to make information available? Do authorities realise that from February 2003, such commitments will be enforceable by the Information Commissioner?
- 2.2 Do councils understand that the more material available in Publication Schemes, the less they will have to process expensive individual applications?
- 2.3 How will authorities classify their information in Publication Schemes? Will this reflect ease of use for the public? Will the public be given an opportunity to comment on the classes before they are adopted?

- 2.4 What existing publications (books, booklets, leaflets, etc.) are available for inclusion?
- 2.5 What additional information can be made available for the initial Publication Scheme? Have authorities identified the most frequently asked questions from the public, from reception staff, help points, etc? Do these questions suggest further information that could be made available to assist the public?
- 2.6 What commitments will be contained within the Publication Scheme to replace publications/information made available initially?
- 2.7 Do councils understand how existing web material relates to the Publication Scheme (and will, in due course, reduce the need to process individual applications)?
- 2.8 What programme will be adopted for adding information periodically between publication of the Publication Scheme by February 2003, and the processing of individual applications in January 2005?
- 2.9 N.B. Closing date of 31 December 2002 for applications to Information Commission for approval of the authority's Publication Scheme.

3. Phase 2: Records Management

- 3.1 How long does the Council believe it needs to hold on to existing information, either in hard copy or held electronically?
- 3.2 What external (national) standards for retention/disposal of hard copy or electronic records are available for reference?
- 3.3 What information do authorities hold and where? What needs to be disposed of under the proposed Disposal Policies? What can be made readily available now, by adding to Publication Schemes?
- 3.4 How will authorities organise/categorise information for the future, so that information is easily "captured" if needed?
- 3.5 How will authorities organise their web material alongside other records?

4. Phase 3: Individual Applications (January 2005)

- 4.1 What are the attitudes of the authority towards individual applications? Will requests for information be welcome, or resisted by use of fees, etc., for individual applications?
- 4.2 What corporate standards will be adopted for processing individual applications and for giving advice and assistance to applicants in formulating their requests?
- 4.3 What forms, processes for dealing with applications and systems for capturing information need to be designed?
- 4.4 Who will deal with applications? What training is needed for staff at general reception areas, help points, contact centres, etc? What training programmes are needed to understand how the exemptions will apply?

This paper was prepared by

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 for ACSeS and the LGA

August 2002