



Freedom of Information Policy

Introduction

LBRO is committed to the principles of freedom of information. Under the Freedom of Information Act 2000 it will establish a general right of access to the information it holds, thereby promoting greater openness and accountability, facilitating a better understanding of what we do and how public money is spent. LBRO affirms its recognition of the public's 'right to know' and will operate an access regime on the presumption that information is open unless there is a valid reason to restrict access (where an exemption specified under the Act has to be applied).

Unless the information requested falls into one of the Acts narrow (qualified) or specific (absolute) exemptions, LBRO is obliged access to any individual who requests to see it.

The Act is based on the premise that the disclosure decision is taken by the 'holding authority', i.e. the organisation holding the information and not necessarily the originator or 'owner' of the information.

If you request the information from us, you have the right to know:

- If we hold that information
- If it is available to you
- at what cost
- how you can access it

Publication Scheme

To comply with the Act LBRO has a publication scheme which is the vehicle that we will use to inform you, the public, of what information it publishes or intends to publish, where it can be accessed and whether the information will be available free of charge or at a specified cost.

It will identify:

- the classes of information LBRO is committed to making routinely available to the public
- how this information will be made available (via the web, on paper or in electronic format)
- whether or not there will be a charge for certain types of information

All material listed in the publication scheme is Crown copyright unless stated otherwise.

The Director of Resources is responsible for ensuring that the scheme is regularly reviewed and maintained.

The Act sets a general time limit of 20 days (or before) for us to provide you with that information.

Where possible, LBRO will aim to publish information on its website, at www.lbro.org.uk/publications, or at other locations identified within the scheme.

Exemptions

Certain information held by LBRO will be classified as exempt under the Act. The Act provides for both absolute and qualified exemptions. Where information is absolutely exempt, there is no obligation under the Act to provide the information requested.

Most exemptions under the Act are qualified and are subject to a public interest test. Where information requested falls within the terms of a qualified exemption, the Director of Resources within LBRO will assess whether the public interest lies in disclosing the information to the applicant or in withholding it.

It should also be noted that information is exempt from the Act if it is reasonably available to the applicant through other means.

The FOIA is independently enforced by the Information Commissioner. If you need additional information about the FOIA, including exemptions, you can find it on the Information Commissioner's website www.ico.gov.uk.

Complaints

LBRO is committed to ensuring that due consideration is given to all complaints made in relation to the release of, and access to, information, and that a constructive, consistent approach is applied and maintained to all complaints to ensure, wherever possible, that there is a positive, timely resolution to every complaint.

All complaints will be fully investigated and treated confidentially.

LBRO will not, however, recognise or acknowledge complaints that are considered to be of a vexatious or malicious nature.

Should you wish to make a complaint about any aspect of our publication scheme or issues concerning denied access to any information held by LBRO, your complaint will be dealt with in accordance with the terms and conditions stated in our standard complaints policy.

If your complaint is upheld we will notify you. If your complaint was about information withheld, the information will now be provided to you. If your complaint is not upheld you will be informed and a reason given.

For further, more detailed information regarding the way LBRO deals with all types of complaints and its internal levels of responsibility, refer to the general Complaints Policy/Procedure.

What can I complain about?

Under the FOIA you are entitled to complain about:

- the length of time taken to reply
- the quality and quantity of the information provided
- exemptions you feel were wrongly approved
- the level of the fees

In all cases LBRO will investigate the nature of the complaint and will inform you in writing if:

- LBRO has not followed its own procedures
- There is a need to provide additional information
- An apology is required and whether a change in procedures is required.

If after receiving the LBRO's response you are still not satisfied, you may contact the Information Commissioner to ask him to investigate the matter.

Charges

Most of our information will be available free of charge. However LBRO does reserve the right to charge. In most cases no charge will apply as the information will be easily obtainable and easy to supply. Where a charge is deemed appropriate LBRO will charge at the rate of £25 per hour (to include the costs of staff time). In deciding charges LBRO will take into account:

- where the information is held
- complexity of locating the document or information
- retrieving the information from a document
- commissioning a piece of work in support of the request

LBRO is not obliged to respond to requests where the costs exceed £450, or where previous requests for the same information have been made.

Contact details

For general information about the FOIA and publishing/publication queries, please speak to:

Director of Corporate Strategy and Board Support

The Local Better Regulation Office

Axis

10 Holliday Street

BIRMINGHAM

B1 TTG

0121 226 4019

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