

# **NEW FOREST NATIONAL PARK AUTHORITY**



## **ACCESS TO INFORMATION SUMMARY GUIDE**

## 1. What is the Freedom of Information Act 2000 (the Act)?

The Freedom of Information Act 2000 came into force in January 2005 with the aim of promoting greater openness in government. It gives anyone (including individuals, the press, politicians, companies and people living outside the National Park) the right to be told about and given access to **any** information that the Authority holds, unless there are valid reasons for withholding the information. The Act sets out a number of exemptions from the right to know, some of which are subject to a public interest test.

Personal Data will still be dealt with under the Data Protection Act 1998. Environmental data will be dealt with under the Environmental Information Regulations 2004 which contain broadly similar provisions to the Act, although the Regulations are in some respects more rigorous in terms of the duty to disclose.

## 2. What information is covered by the Act?

**All information held** by the Authority, including information dated prior to January 2005, will be subject to the Act, including paper and electronic records as well as audio or video recordings.

## 3. What is the purpose of the Act?

The aim of the Act is to promote greater openness in government, to provide increased transparency in decision making and to build public trust and confidence.

## 4. How does it work?

There are two ways that information will be available:

- 1) through the Authority's publication scheme; and
- 2) through the right of access.

## 5. What is a publication scheme?

The Authority is required by the Act to adopt a publication scheme. This scheme is a guide to the type of information that the Authority routinely makes available to the public. This information is categorised and can be information such as published reports, minutes of meetings, leaflets or other documents. Details of how each piece of information can be obtained is contained within the scheme.

The Authority's publication scheme is available on request and can also be found on the Authority's website at [www.newforestnpa.gov.uk](http://www.newforestnpa.gov.uk).

## 6. What is the right of access?

People who ask for information have the right to:

- be told if that information is held by the Authority and, if so
- be given the information, unless it is exempt.

In general, the Authority has **20 working days** from receipt to respond to a request.

It is not necessary to mention the Act when making a request or to explain the reason for the request.

## **7. What is a request for information under the right of access?**

For a request for information to be recognised under the Act it must:

- be in writing, for example a letter, e-mail or fax;
- give the name of the person asking for the information;
- give an address to which the Authority can send correspondence; and
- describe the information wanted.

## **8. What if a request is not clear or in the required format?**

The Authority has a duty to provide advice and assistance in order to help people receive the information they want. We will always try and assist applicants. This may include by:

- providing details of the information already available via the Authority's publication scheme;
- explaining the procedure the Authority will follow in dealing with a request;
- assisting the applicant to make their request in writing;
- providing a standard application form (also available to download from the Authority's website) which will guide the applicant in making their request; or
- other advice and assistance given by the Freedom of Information Officer, who may be able to help further.

The appropriate officer is David Stone, Head of Member Services and Freedom of Information Officer, who can be contacted by e-mail on [david.stone@newforestnpa.gov.uk](mailto:david.stone@newforestnpa.gov.uk) or on 01590 646645.

## **9. Does the information have to be provided?**

It is important to remember that the starting position should always be to disclose information unless a valid reason exists not to do so.

The Act gives the Authority a number of legitimate reasons to withhold information. Under some circumstances, the Authority might confirm that it holds the information but the information itself may be exempt from disclosure; under exceptional circumstances the Authority may even refuse to confirm or deny whether it holds the information.

The Authority can refuse requests if the sole purpose of the request is to hinder the continuing operation of the Authority's functions; these are known as vexatious requests under the Act. Requests from the same person that are substantially similar may also be refused.

Additionally the Act also allows for a number of exemptions. There are a number of absolute exemptions where information can be refused without considering the public interest test, for example, disclosure would breach confidentiality or information is accessible by other means. There are also a number of qualified exemptions which would apply when releasing the information would not be in the public interest, for example, the release would prejudice an investigation, or prejudice a contractor's or the Authority's commercial interests.

Further information on the application of exemptions can be found in the Authority's Access to Information Policy, available on the Authority's website at [www.newforestnpa.gov.uk](http://www.newforestnpa.gov.uk).

**10. How will the information be provided?**

The person requesting the information can express a preference as to the format in which they would like to receive it. For instance, you may request a copy of the information or the opportunity to come and inspect it at the Authority's offices. Alternatively if there is a high volume of information you may be happy to receive a summary of the information. Wherever possible the information will be provided in the format that you have asked for, so long as it is reasonably practical to do so.

**11. What should I do if I want to make a request for information?**

The Authority's Access to Information Policy sets out the Authority's commitment to dealing with requests for information.

Generally if a request is for information that is available in the normal course of business or contained in the Authority's Publication Scheme it will not be dealt with as a Freedom of Information request. Formal requests under the Act should be made in writing. The request will need to include a description of the information you want in order to help the Authority locate and produce it and you will need to include your name and an address for correspondence so the Authority can provide you with the information. An application form is attached to this leaflet or available on the Authority's website at [www.newforestnpa.gov.uk](http://www.newforestnpa.gov.uk) to help you make your request.

**12. What if I am not happy with the response?**

You should contact the officer dealing with your request or the Authority's Freedom of Information Officer. They will help try and clarify the information you want, or explain why the information cannot be disclosed or provide further advice.

The Act requires the Authority to have an internal appeal procedure. If you are not satisfied because your request has been refused then you should write to the Freedom of Information Officer. Your appeal will be dealt with under the Authority's complaints procedure, and the decision will, in the first instance, be made by the Director of Corporate Services, provided that he or she was not party to the original decision and is senior to the person who made the original decision.

The Director of Corporate Services will keep you informed as to the progress of the review, will keep records of the review and will aim to deal with the matter within 20 working days of receipt of the complaint. If the review includes a reconsideration of the public interest test (where a qualified exemption was found to apply) or where the review is particularly complex, the matter should be dealt with within 30 working days of receipt of the complaint. If, at any stage, it becomes clear that the review will exceed the deadline the Authority will keep you informed.

If the original decision is reversed and the Authority determines that the information should be disclosed, it will notify you in writing as soon as possible and the disclosure of the information will be made at the earliest opportunity.

If the decision to refuse disclosure is upheld or you are still dissatisfied, you will have recourse to the Chief Executive, in accordance with the final stage of the Authority's complaints procedure.

### **13. What if I am still not happy?**

If you are still unhappy following the internal appeal procedure you may request a review by the Office of the Information Commissioner. The contact details are:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel No: 01625 545700  
Fax No: 01625 545510

# NEW FOREST NATIONAL PARK AUTHORITY



## FREEDOM OF INFORMATION: REQUEST FOR INFORMATION

### Your details

Name (title, forename and surname).....

Address .....

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Telephone number .....

Fax number .....

Email .....

Signed ..... Date .....

**Please note that we cannot provide you with the information you are requesting unless you provide your name and an address for correspondence.**

### Description of the information you require

*Please provide a description of the information you would like the New Forest National Park Authority to provide you with. If your request relates to specific document(s), please include any details of the document you may have (for example the date of production or author, or any reference number) and its likely location (for example the relevant staff member, office or section). If you are not sure how to describe the information you want, the Authority's Freedom of Information Officer (details in paragraph 8 of the guidance leaflet) will be happy to advise you, or direct you to others who can help.*

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**NB: The Authority will ask for clarification of any request for information where it does not prove possible to identify the information needed from the original description provided.**