

# **Sedgefield Town Council**

## **Freedom of Information**

October 2002 – Updated December 2004

### **Background**

The Freedom of Information Act 2000 was passed on 30 November 2000. It gives a general right of access to all types of “recorded” information held by public authorities, such as Sedgefield Town Council, sets out exemptions from that right and places a number of obligations on “public authorities”.

Sedgefield Town Council complied with the duty to adopt their publication scheme by 28 February 2003, which was the date by which the publication scheme has to be in operation, and in addition submitted their scheme to the Information Commissioner which was approved 31 December 2002.

This sets out the following:

- The types of information which members of the public can readily obtain
- The manner in which the information is published
- Details of any charges.

The final phase of the Freedom of Information Act 2000 comes into force in January 2005 this gives a general right of access to all types of recorded information which we hold. Individuals already have the right to access information about themselves which is held on computer and most paper files under the Data Protection Act of 1998.

The right to access information under this Act can be exercised by anyone, both individuals and legal persons (e.g. a Corporate Body) worldwide. The right is also fully retrospective. When making a request for information applicants are not required to mention the Freedom of Information Act. However, the request must be made in permanent form i.e. in writing or e-mail. A request made by telephone is not sufficient. In addition it must also include enough details to enable the officer to identify the information requested. If STC does not hold the information but is aware of others who do then the applicant should be given details of the other body. All information not covered by an exemption (as detailed below) must ordinarily be released to the applicant within 20 working days of the request. Where possible the information should

also be provided to the applicant in the manner which they have specified (for example, by providing a summary or a copy, or allowing inspection of a record).

### **STC Publication Scheme**

This is a guide to the information which we hold and this document is publicly available at the following locations:

- Town Council Notice Board at the Parish Hall
- Board Room Library (this is a new area within the Advice and Information Centre where information is housed and is open to the public during office hours.
- Town Council website ([www.sedgefield.net](http://www.sedgefield.net))

## ***Published Information***

All documents are held in the “library” section within Council Offices in the Advice and Information Centre Sedgefield which is open to all during office hours. All information is subject to the Town Council’s Destruction Policy as detailed below

### **COUNCIL INTERNAL PRACTICE AND PROCEDURE**

- Minutes of all council, committee and sub-committee meetings
- Procedural Standing Orders
- Councils Annual Reports
- Agendas and supporting papers for council, committee and sub-committee meetings
- Terms of Reference for Committees

### **CODE OF CONDUCT**

- Members Declaration of Acceptance of Office
- Members Register of Interests
- Register of Members Interests Book

### **PERIODIC ELECTORAL REVIEW**

This is information concerning changes to the electoral arrangements for parish, town and community councils. It includes:-

- Recommendations for the creation of new wards, the amendment of existing wards, proposals for the
- names of new wards and alterations to the number of councillors to be elected to the council.
- Information relating to the last Periodic Electoral Review of the council area
- Information relating to the latest boundary review of the council area

## **EMPLOYMENT PRACTICE AND PROCEDURE**

- Terms & conditions of employment
- Job descriptions
- Equal Opportunities Policy
- Health & Safety Policy
- Staffing Structure

**Exclusions** – *'personal records' i.e. appraisals, employee specific salary details, disciplinary records, sickness records and the like by virtue of being personal data under the Data Protection Act 1998*

## **PLANNING DOCUMENTS**

- Responses to planning applications
- Parish Plan
- Copies of planning consultations, the Development Plan, Structure Plan, Local Plan and Rights of Way/Footpath maps all of which are also available from the local planning and/or highway authority respectively

## **AUDIT AND ACCOUNTS**

- Annual return form
- Annual Statutory report by auditor (internal and external)
- Receipt/Payment books, Receipt books of all kinds, Bank Statements from all accounts
- Precept request
- VAT records
- Financial Standing Orders and Regulations
- Assets register – this will include details of commons/village greens owned by the council including
  - management schemes for commons as well as village halls, community centres and recreation grounds.
- Risk Assessments
- Loan sanction approvals
- Fees and charges applied by the council

- Safety inspection records for example for playgrounds
- Register/file of members allowances

## **DEVELOPMENT AND IMPLEMENTATION OF POLICY**

- Policy Statements issued by council
- Responses made by council to consultation papers
- Analysis of responses received to public consultations by the council
- Village Appraisal
- Complaints handling procedure

## **BYELAWS :**

***Made for any of the following purposes: -***

- The regulation of a pleasure ground or public space
- The regulation of an open space or burial ground
- The regulation of any baths, swimming pool, bathing place or wash-house
- To control dogs and dog fouling

## **COUNCIL CIRCULARS/NEWSLETTERS**

- Town, parish, community guide
- History of town, parish or community (or similar commissioned publication)

## **ARTS, ENTERTAINMENT & TOURIST INFORMATION –**

This relates only to information produced by the council.

## **ALLOTMENTS**

- Plans
- Standard tenancy Agreements

## **BURIAL GROUNDS**

- Plans
- General policies

## **BEST VALUE**

*This is information which encompasses the duty owed by a council to the local people, to provide good quality*

*services at an acceptable cost, to continually improve the delivery of public services and to marshal such*

*services across its entire area.*

- Best Value Performance Plan
- Best Value Inspection reports

### **Accessing Additional Information**

The Town Council has implemented new protocols to deal with individual requests for information and appropriate policies in order to comply with the Act.

Anyone will be able to make a request for information although the request must be made in writing to the Town Clerk or by e-mail. This request must contain details of the applicant and the information sought. All applicants have two related rights:

- To be told whether STC holds the information
- To receive the information and where possible in the manner requested i.e. as a copy of summary or the applicant may ask to inspect a record.

### **Information Commissioner**

A person who makes a request for information may apply to the Information Commissioner for a decision as to whether the request has been dealt with according to the Act. In response to the information Commissioner may serve the decision notice on a local council and applicant setting out any steps, which are required in order to comply. The Commissioner will also have the power to service Information Notices and Enforcement Notices on local councils and when serving a notice of any kind the Commissioner must at the same time explain the case mechanism. Basically all Notices may be appealed by the complaint or local council respectively to the Independent Information Tribunal, which may uphold, overturn or vary the Notice. Appeals for the High Court against any decisions that the Tribunal made by any party to the Appeal.

## **Sedgefield Town Council**

# **POLICY ON RETENTION AND DESTRUCTION OF INFORMATION AND RECORDS**

## 1. INTRODUCTION

- 1.1 The Freedom of Information Act 2000 ("the Act") provides the citizen, who could be anyone anywhere
- 1.2 including companies, with the right to request information from the council. The only requirement is that the
- 1.3 council must **HOLD** the information/record, which is the subject of the request. 'Hold' does not mean that the
- 1.4 council either initiated the information or that the information relates to the council's functions or operations.
- 1.5 The information could be information that another organisation has initiated or produced, and forwarded to the
- 1.6 council for "information purposes".
  
- 1.7 A council-wide audit of the information held by the council is being undertaken. This involves each section
- 1.8 (Reception, Admin Office, Project Assistant and Town Clerk and 'Library') identifying the information that they
- 1.9 presently hold; its location, and who is responsible for the retrieval of the information should requests
- 1.10 materialise. This audit will be a very manpower intensive exercise as it will include information held on paper
- 1.11 and electronically. To facilitate the retrieval of specific items of information (should a request arise) each section
- 1.12 is to produce an index identifying the types of information held.
  
- 1.13 Previously, in December 2002, STC adopted a Publication Scheme, which identified that information will be
- 1.14 routinely published by the council. If a category is included in the Publication Scheme it must be published and
- 1.15 any request for the disclosure of that information can simply be directed to a publication source, e.g. website,
- 1.16 library, etc. In considering a policy to govern retention and destruction of information it will be advantageous to
- 1.17 consider expanding the categories of information routinely published and included in the Publication Scheme
  
- 1.18 During the audit it is becoming evident that there is a large amount of information which has been retained for
- 1.19 a considerable period of time and is "un-owned" by anyone. There are statutory requirements for certain
- 1.20 information or records (termed "information") to be kept for certain periods of time, e.g. council minutes, but
- 1.21 usually the retention of such information is at the discretion of the council.
  
- 1.22 The destruction of information has to be undertaken and also the ability to show conformity with the policy in the
- 1.23 event of a challenge by someone requesting information.
  
- 1.24 The operation of a Retention and Destruction Policy requires the identification of a dedicated Information Officer
- 1.25 who should have the operational responsibility for compliance with the Policy.

- 1.26 With the greater use of E-Government and experiences of the implementation of  
the Act, this policy is likely to be  
1.27 revised but should in any event be reviewed by the 31<sup>st</sup> January 2007 to  
ensure that it is robust for the purposes  
1.28 of the Act.

## **2. RETENTION**

2.1 Each record of information will be allocated an "owner". The allocation of ownership will be agreed between the

respective officers and registered in the Information Index by the Information Officer.

The concept of ownership

will entail officers identifying the retention period for the record or where there is a shared ownership the longest

retention period and that officer (or the officer who requires the information the longest) being responsible for

ensuring that a system is in place for its destruction in accordance with this policy.

2.2. Each Owner will identify the appropriate timescale for categories of information retained by the council. This

timescale will be in compliance with the principles of this policy and each category of record or information will

be identified by the Owner and recorded. The schedule of records will be monitored and should the period of

retention expire immediate action should be taken to ensure its destruction.

2.3 If the retention of the information is justifiable, the respective Owner will consider whether the retained information

falls within a category included in the Publication Scheme or whether the Information is capable of being included

as a further category and the Publication Scheme amended. If publication is relevant, then the 'Knowledge

Manager' should be notified and forwarded copies for inclusion in the appropriate media and the Publication

Scheme amended if appropriate.

2.4 Where information is to be retained for long periods of time, the element that has to be retained should be considered and 'informal registers' kept rather than extensive files, e.g. a planning application (papers) will be held for 6 months. Following this all papers will be destroyed and only the electronic information will be retained for say 10 years

before being erased whilst the decision and comments will be retained ( forever) via the Minutes.

2.5 Whether the information is passed to others within the council or external agencies, the Owner will be

responsible for that information – namely, for the retention and destruction of that Information – and must

therefore keep him/herself informed as to the circulation of the information. It is critical that information should

not be duplicated, as the destruction of that information will not be facilitated by any number of unascertainable copies and could pose problems for the council in later years.

2.6 Where information is shared with an external organisation, the owner must either accept that the information may

be held within the other organisation for a longer period than that required by the council or agree with the external

organisation a mutually acceptable retention period. However, it is critical that, if the information is deemed to be

confidential or exempt, the external organisation must accept this categorisation, and refuse disclosure on those grounds if held at a time of receipt of a request.

2.7 Information should not be circulated beyond the immediate persons with an active use for that information.

### **3. DESTRUCTION**

3.1 Upon the information reaching the expiry date for retention, the designated Information Officer, under the

guidance of the Owner, shall ensure that ALL copies of that information are permanently destroyed. Where the

information is held in more than one media the Information Officer will instruct the appropriate staff to undertake

the deletion of the information from the council's record systems.

3.2 If there is an operational need to extend the period of extension this should be noted in the retention schedule or

communicated to the Owner (if required by another officer) for such amendment to the schedule.

3.3 The need for the tracking of distribution of the information becomes apparent at the time for Destruction of the file,

as every person who received a copy of the information will need to identify the location of that information within systems in their control.

3.4 The destruction of paper copies should be complete i.e. incineration or shredding.

Electronic copies must be

completely deleted from any memory source or other media.

3.5 The Knowledge Manager will be notified of the destruction of the information so that the corporate file may be

appropriately marked for future reference.

#### **4. STORAGE OF INFORMATION**

4.1 The garage will still be the main location for stored records which should need to be retained past the operational

requirement. The Knowledge Manager will ultimately be responsible for the storage space but until the full

implementation of the knowledge management system the responsibility will be undertaken by the Clerk or such

other officer to whom the responsibility shall be delegated.

4.2 The records stored in the garage will comprise the **single** copy of the retained record.

The Owner will notify all

recipients that the record is in storage and duplicate files will be marked for destruction either at the identified date

or earlier if operational requirements dictate.

4.3 Each section will arrange a time with the Clerk when their records will be removed for destruction in accordance with the retention schedule. The records should be disposed of in a manner which prevents republishing or further dissemination.

4.4 The Knowledge Manager should be informed of the location of the storage of information and will take an

overview of the information retained by the council, and ensure suitable space is provided for the apparent record

retention requirements. If records have to be retained indefinitely, the Knowledge Manager shall consider the

most effective way of storage, which will not unduly diminish the space for temporary retention of records.

The Knowledge Manager may consider all forms of media for storage to accommodate the needs of the council

provided reproduction from that media is legally acceptable in any court or tribunal.

## 5. TIMETABLE FOR DESTRUCTION OF INFORMATION

a) Minutes - forever	To be retained
b) Financial Information (Accounts / Inland Revenue etc)	21 Years
c) Legal Documents etc.	Forever
d) Reports / Correspondence	10 Years
e) Inspection sheets (H&S, Playgrounds etc.)	25 Years
f) E mails	1 Month
g) Personal Notes on Minutes / Reports accepted	until formally