

## **BRECKLAND DISTRICT COUNCIL**

**Report of:** Ellen Jolly, Portfolio Holder for Finance and Democratic Services

**To:** Cabinet – 1 July, 2014

**(Author:** Susan Allen – Democratic Services Officer

**Subject:** Freedom of Information Act and Data Protection Act Policies

**Purpose:** To replace the current policies, dated 2004 to ensure that the Council's policies reflect the current legislation relating to Freedom of Information and Data Protection

### **Recommendations:**

#### Freedom of Information

- (a) That Cabinet approves the revised Policy.

#### Data Protection Policy

- (b) That Cabinet approves the revised Policy.

## **1.0 BACKGROUND**

- 1.1 The Council's current Freedom of Information and Data Protection Policies were written in 2004. There have been legislative changes and changes in practice and guidance since the policies were written. This report recommends the adoption of the revised policies which reflect these changes.

## **2.0 CONCERNS**

- 2.1 Reliance upon out-of-date policies could result in inadvertent breaches of the Freedom of Information Act and/or the Data Protection Act. A breach of legislation may result in an investigation from the Information Commissioners Office (ICO) potentially leading to a fine (and in extreme cases imprisonment). Failure to comply with either Act may result in a loss of trust from the general public.

## **3. OPTIONS**

- 3.1 Option 1 - Do nothing – If the Council does not update its policies then this may lead to a breach of legislation and to which the Council would potentially be liable.
- 3.2 Option 2 - Approve the revised policies – Revised policies would ensure that the Council is compliant with both of the Acts and any recent changes to legislation and guidance.

## **4.0 REASONS FOR RECOMMENDATIONS**

- 4.1 The revised policies will promote openness, transparency and accountability throughout the Council. The current policies are out dated and are in need of an update.

## **5.0 EXPECTED BENEFITS**

5.1 Both the policies, publication scheme, supporting documents and web refresh will be completed by September 2014.

## 6.0 **IMPLICATIONS**

### 6.1 **Carbon Footprint / Environmental Issues**

6.1.1 It is the opinion of the Report Author that there are no implications.

### 6.2 **Constitution & Legal**

6.2.1 The nature of this report relates to matters set out in information law. There are no direct implications relating to the constitution.

### 6.3 **Contracts**

6.3.1 It is the opinion of the Report Author that there are no implications.

### 6.4 **Corporate Priorities**

6.4.1 It is the opinion of the Report Author that there are no implications.

### 6.5 **Crime and Disorder**

6.5.1 It is the opinion of the Report Author that there are no implications.

### 6.6 **Equality and Diversity / Human Rights**

6.6.1 It is the opinion of the Report Author that there are no implications.

### 6.7 **Financial**

6.7.1 It is the opinion of the Report Author that there are no implications.

### 6.8 **Risk Management**

6.8.1 By updating these policies, the risk of inadvertent breach of the Data Protection Act and Freedom of Information Act will be mitigated against.

### 6.9 **Staffing**

6.9.1 It is the opinion of the Report Author that there are no implications however all staff will need to be notified of the revised policies and training will be delivered in the future.

### 6.10 **Stakeholders / Consultation / Timescales**

6.10.1 It is the opinion of the Report Author that there are no implications.

### 6.11 **Acronyms**

6.11.1 None

**7.0 WARDS/COMMUNITIES AFFECTED**

7.1 All customers of the authority have the right to know that their rights to information will be supported and managed by Breckland District Council.

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Background papers:- None

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**Lead Contact Officer**

Name and Post: Susan Allen – Democratic Services Officer  
Telephone Number: 01362 656395  
Email: sue.allen@breckland.gov.uk

**Director / Officer who will be attending the Meeting**

Name and Post: Vicky Thomson, Assistant Director – Democratic Services

**Key Decision:** No

**Exempt Decision:** No

**Appendices attached to this report:**

**Appendix A – Freedom of Information Act Policy**

**Appendix B – Data Protection Policy**