

**POLICY FOR DEALING WITH  
FREEDOM OF INFORMATION ACT 2000  
AND THE ENVIRONMENTAL INFORMATION REGULATIONS 2004  
REQUESTS FOR INFORMATION**

The Freedom of Information Act allows the public to ask for information held by the Borough Council subject to exemptions.

The Environmental Information Regulations allow the public a right of access to environmental information held by the Borough Council subject to similar but not the same exemptions as those within the Freedom of Information Act.

**HELP AND ASSISTANCE**

If we think that you would benefit from using your access to information rights they will tell you about them. There is also information about our Publication Scheme on our website. This lists all information which is already available. Staff will also help you to ask for information if you need this for example if you can't put your request in writing we will help you to do this.

If we can't find the information you want we will help you to clarify your request (if possible) as quickly as we can. If we still can't find the information you want we will let you know or advise if another organisation holds the information.

**YOUR REQUEST FOR INFORMATION**

Under the Freedom of Information Act you must ask for information in writing telling us clearly and exactly what you want and how we can get the information to you. It can help if you let us know why you want the information and the names of any staff involved but you don't have to do this.

Requests for environmental information do not have to be in writing but it will help us deal with your request if you could do this for us as it will ensure that we try to provide you with the correct information.

We aim to deal with all requests for information within twenty working days or less where this is possible.

Sometimes we have to decide where the public interest lies in disclosing information. If this is the case we will make this decision as soon as possible.

We will tell you when we expect to have decided this. If we can't give you a decision on that date we will say so and tell you why.

If the information you are asking for involves someone else (such as another organisation) we may have to consult them or direct you to them for the

information. Where disclosure would affect their legal rights we may have to ask for their consent. If you are concerned about consultations with these third parties please tell us.

Where the information you have requested is already in the public domain, for example on public registers or on our website, this information is outside the provisions of the Freedom of Information Act and Environmental Information Regulations.

In such cases we will advise you how you can access the information. Please note that if you wish to inspect public registers held by the Council or visit the offices and view public documents it is advisable to telephone in advance so that the relevant Department can make sure staff are available.

Whilst our staff are always willing to help, if you require interpretation of environmental information a written report will be provided upon payment of a fee. You will be advised if a fee is payable (see below).

## **WHAT HAPPENS IF WE DON'T HOLD THE INFORMATION YOU WANT**

We will tell you if we don't hold the information you ask for. If we know who else might hold it we will tell you who that is. We will not generally transfer your request to another organisation without telling both you and them that we intend to do so. If you object to a proposed transfer we won't go through with it.

## **CHARGES AND COSTS**

You can ask us not to charge for providing information and we will consider your request in accordance with the legislation. We will always give you any free information which is relevant to your request.

We will charge for information where the law sets a charge. Where we have published a charge for information we provide we will expect you to pay this charge.

We won't charge you where we think that to do this isn't in the interests of the service we provide.

Where the cost of meeting your request or yours and others apparently acting with you (is more than the legal limit currently about 18 hours of officer time or £450) we will tell you what we can supply within the limit. In some cases no legal limit applies but we will let you know if we consider your request manifestly unreasonable.

In other cases where we have to spend money to give you the information we may ask you to pay this amount. We will always let you know if there are any costs in meeting your request. You can then decide whether you want to go ahead with your request. These costs may include photocopying which will be charged at 10p per A4 sheet. However on grounds of triviality the Council

will not charge for costs totalling less than £5.00.

In addition to requesting environmental information you may wish to request that the Council provide interpretation of any information for example contaminated land enquiries are the most frequently requested, whether a property or site is classed as contaminated land under Part IIA of the Environmental Protection Act 1990.

Requests for the interpretation of environmental information for a site or property are subject to a fee to cover our reasonable costs – for 2010/2011 these fees are:

- £46.00 for a single answer enquiry, or
- £70.00 for a complex answer enquiry

A written response in the form of a report will be provided.

You will be asked to pay the fee prior to receiving a response from the Council. The fee should be paid as a cheque made payable to Harrogate Borough Council and sent marked for the attention of the officer dealing with the enquiry. The fee is VAT exempt.

Enquirer's will be advised on a case-by-case basis as to whether the charge applies should they be unsure or require clarification.

## **IF WE DON'T SUPPLY THE INFORMATION YOU HAVE ASKED FOR**

We may decide not to disclose information to you under exemptions specified in the Freedom of Information Act or the Environmental Information Regulations. If we do we will normally tell you which exemption was used and if this isn't obvious why.

If we think that the cost of meeting your request would be more than the limits set by law, we won't normally supply the information to you.

If we think that you have already been given the information you are asking for and it is unreasonable to provide it again, we won't normally supply the information to you. If we think that your request is intended to make the Council waste resources we won't normally supply information to you.

## **CONTACT THE COUNCIL**

You can contact us by telephone, fax email or letter.

Tel: 01423 500600

0845 300 6041

Fax: 01423 556160

Address: Council Offices, Crescent Gardens, Harrogate HG1 2SG

Email: [customer-services@harrogate.gov.uk](mailto:customer-services@harrogate.gov.uk)

Web: [www.harrogate.gov.uk](http://www.harrogate.gov.uk)

You can also contact us for Freedom of Information and Environmental Information Regulations requests by emailing [foi@harrogate.gov.uk](mailto:foi@harrogate.gov.uk).

For environmental information you may wish to contact the Department responsible for the information you require.

| Department                            | Contact Details  | Type of Environmental Information held   |
|---------------------------------------|--|--|
| <b>Community Services</b>             |  |  |
| Environmental Protection Team         | <a href="mailto:environmentalprotection@harrogate.gov.uk">environmentalprotection@harrogate.gov.uk</a><br>Tel: 01423 556633<br>Fax: 01423 556820<br><br>Environmental Protection Team<br>Springfield House<br>Kings Road<br>Harrogate<br>HG1 5NX   | Contaminated land<br>Air Quality<br>Pollution Control<br>Private Water Supplies<br>Public Health e.g. noise odours       |
| Parks and Open Spaces                 | <a href="mailto:customerservices@harrogate.gov.uk">customerservices@harrogate.gov.uk</a><br>Tel: 01423 500600/0845 300 6091<br>Fax: 01423 556100<br><br>Parks and Open Spaces Team<br>Brandreth House<br>St. Luke's Avenue<br>Harrogate<br>HG1 2AA | Information on parks and open spaces, grounds maintenance, landscape design and development, arboriculture and The Stray |
| <b>Development Services</b>           |  |  |
| Information and Plans Processing Unit | <a href="mailto:dds-planningenquiries@harrogate.gov.uk">dds-planningenquiries@harrogate.gov.uk</a><br>Tel: 01423 556666<br>Fax: 01423 556510<br><br>Planning Enquiries<br>Knapping Mount<br>West Grove Road<br>Harrogate<br>HG1 2AE                | Planning and building control information  |

| Department          | Contact Details  | Type of  |
|---------------------|--|--|
| Property Management | <a href="mailto:estates.division@harrogate.gov.uk">estates.division@harrogate.gov.uk</a><br>Tel: 01423 556044<br>Fax: 01423 556580 | Environmental Information held<br>Building and estates management. Land Records for Council land |
|                     | Planning Enquiries<br>Knapping Mount<br>West Grove Road<br>Harrogate<br>HG1 2AE  |  |

### **IF YOU ARE NOT HAPPY WITH OUR RESPONSES**

If you are not happy with our response to your request for information, you can appeal against the way your request has been dealt with or make a complaint. If after an appeal has been conducted or the complaint dealt with by the Council you are still not happy with the way your Freedom of Information Act or Environmental Information Regulations request has been dealt with you can contact the Information Commissioner and the address is: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

The Information Commissioner is an independent person who has responsibility for overseeing the Freedom of Information Act, Environmental Information Regulations and the Data Protection Act. For more information visit the Information Commissioner's website at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk).