



Family Support Wales

FREEDOM OF INFORMATION

Domiciliary Care Agencies (Wales) Regulations 2004
Reg: 16,24 &26 Standard: 22 – Business Premises, Management and Planning

Policy Statement

The Freedom of Information Act 2000 provides access to information held by public authorities and is different to the Data Protection Act 1998 which is concerned with personal data held by all companies registered to hold such Data.

Public Authorities

These include government departments, local authorities, unitary authorities, the NHS, state education sector, police forces etc. It does not however cover every organisation that receives public funding e.g., charities, or certain private sector organisations that perform public functions.

Definition of “Information”

The Act covers any recorded information that is held by a Public Authority in England, Wales and Northern Ireland.

Recorded information includes:-

Printed documents

Computer files

Letters

Emails

Photographs

Sound or/and Video recordings.

The Act ensures information is available in two ways.

Public authorities are obliged to publish certain information about their activities, and

Members of the public are entitled to request information from public authorities.

Principles

“Openness is fundamental to the political health of a modern state. The white paper marks a watershed in the relationship between the government and people of the United Kingdom. At last there is a government ready to trust the people with a legal right to information.”

“Unnecessary secrecy in Government leads to arrogance in governance and defective decision making.”

YOUR RIGHT TO KNOW 1997

The main principle behind Freedom of Information is that, quite simply, people have a right to know about the activities of public authorities, unless there is a good reason for them not to. This is sometimes described as a presumption or assumption in favour of disclosure. This means that:-

Everybody has a right to access official information Disclosure should be the default-in other words information should be kept private only when there is a good reason and it is permitted by the Act.

An applicant (requestor) does not need to give a reason for wanting the information on the contrary, public authorities must justify the refusal.

They must treat all requests equally, except under some circumstances relating to vexatious requests and personal data. The information someone can obtain under the Act should not be affected by who they are. All requestors should be treated equally whether they are journalists, local residents, public authority employees, or foreign researchers and because they should treat all requestors equally, they should only disclose information under the Act if they would disclose it to anyone else who asked. In other words you should consider any information released under the Act as being released to the world at large.

Schedule 1 of the Act contains a list of public bodies that are covered by the Act.

Section 5 of the Act gives the Secretary of State the power to designate further bodies as public authorities.

With effect from 1st September 2013 public authorities now include companies wholly owned:-

By the Crown

By the wider public sector or

By both the Crown and the wider public sector.

Who can make a request?

Anyone can make a freedom of information request you do not have to be a U.K Service User or a U.K citizen. They can be made by organisations e.g. newspaper, campaign group or company.

Requestors should direct their request for information to the public authority they think they will hold the information.

When appropriate, Family Support Wales will assist individuals to access freedom of information requests by signposting to sources of advice such as Citizens Advice Bureau etc.

Related Policies

Corporate Social Responsibility

Good Governance