

**NORTH WALES FIRE AND RESCUE SERVICE  
FIRE AUTHORITY REPORT**

DATE:	20 <sup>th</sup> December 2004
REPORT BY:	<b>CHIEF FIRE OFFICER</b>
PURPOSE OF REPORT:	To advise Members of the Freedom of Information Act 2000.

1. **INTRODUCTION**

- 1.1 The Freedom of Information (FOI) Act 2000 introduces the 'right to know', and makes provision for the disclosure of information held by public authorities or others providing services for them.
- 1.2 Whereas the Data Protection Act 1998 aims to protect personal privacy, the FOI Act 2000 seeks to place information in the public domain. Its aim is to ensure that decision-making is open and accountable.
- 1.3 The FOI Act 2000 became law in November 2000, but is being implemented in stages. The full implementation of all provisions, including the right of individual access, will come into force on January 1<sup>st</sup> 2005.

2. **INFORMATION**

- 2.1 The FOI Act places information in the public domain by two different methods:
  - a) any person making a written request to a public authority has the right to be informed in writing whether or not the authority holds the information – “the duty to confirm or deny” – and, if so, to have that information communicated to them, subject to exemptions;
  - b) public authorities are required to disclose, through their publication scheme, the classes of information the authority publishes or intends to publish, the manner in which it is (to be) published, and whether or not it will be available free of charge.
- 2.2 People seeking personal information about themselves would do so by making a subject access request as covered by the Data Protection Act. People seeking official information about North Wales Fire and Rescue Service would do so under the general right of access under the FOI Act.
- 2.3 Requests for information about an individual other than the person making the request would need to be checked for compliance with the Data Protection principles.

2. **INFORMATION** *(continued)*

2.4 The exemptions referred to in paragraph 2.1 above fall into two categories:

- eight are absolute exemptions that relate to clear-cut issues such as where information is already accessible to the applicant by other means, and
- fifteen are qualified exemptions that require some element of interpretation or consideration of the circumstances, such as in the case of a test of 'public interest'.

2.5 Normally, the authority would have 40 calendar days to respond to a request under the Data Protection Act, and 20 working days to respond to a request under the FOI Act.

2.6 A request under the Data Protection Act would need to be accompanied by the correct standard fee (currently £10); a similar request under the Freedom of Information Act would be subject to a scale of fees as set out in regulations.

2.7 North Wales Fire and Rescue Authority's publication scheme was published in February 2003, and is now being updated to reflect changes and progress made since that time.

2.8 Internal policies and procedures are also being developed to ensure that requests for information received after January 1<sup>st</sup> 2005 are handled appropriately and efficiently.

3. **RECOMMENDATIONS**

3.1 That Members note the contents of this report.