

**Cabinet**  
**14<sup>th</sup> NOVEMBER 2022**

**FREEDOM OF INFORMATION POLICY**

**Purpose:**

To consider the revised Freedom of Information Policy (currently known as the Code of Practice on Public Access to Information).

**Recommendations / key decisions required:**

To approve the new Policy document.

**Reasons:**

- The current Code of Practice on Public Access to Information has passed its review date;
- Compliance with the requirements of the Code of Practice issued by the Cabinet Office under Section 45 of the Freedom of Information Act 2000;
- To assist with compliance with this Code of Practice and the legislation.

Cabinet Decision Required                      YES

Council Decision Required                      NO

CABINET MEMBER PORTFOLIO HOLDER: Cllr Philip Hughes

Directorate: Chief Executive's

Name of Head of Service:  
Noelwyn Daniel

Report Author: John Tillman

Designations:

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**EXECUTIVE SUMMARY  
CABINET  
14<sup>TH</sup> NOVEMBER 2022**

**Freedom of Information Policy**

**1. BRIEF SUMMARY OF PURPOSE OF REPORT.**

This revised Policy sets out the principles which underpin Carmarthenshire County Council's approach to the promotion of open government and reinforces its commitment to openness.

It reflects the key features of the Freedom of Information Act 2000 (the Act), including the categories of exempt information specified within this legislation.

The document was originally approved as the Code of Practice on Public Access to Information on 14<sup>th</sup> May 2013 and has far exceeded its review date. This was therefore identified as an Internal Audit action.

Upon reviewing the document in September and October 2019, the following key changes have been made:

- The new draft takes into account the requirements of the Cabinet Office's latest Freedom of Information Code of Practice (4<sup>th</sup> July 2018), which sets out best practice in discharging functions and responsibilities under the Act;
- The title of the document has been simplified and shortened, to avoid confusion with the Cabinet Office document.

(All changes have been highlighted within the attached draft Policy document).

**DETAILED REPORT ATTACHED?**

**YES**

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Noelwyn Daniel

Head of ICT & Corporate Policy

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>

## 1. Policy, Crime & Disorder and Equalities

The recommendation is that this Policy be implemented and supported by other Council policies, specifically:

- Records Management Policy;
- Information Security Policy;
- Handling Personal Data Policy.

## 2. Legal

The changes made to the Policy reflect the requirements set out in a Code of Practice issued by the Cabinet Office under Section 45 of the Freedom of Information Act 2000. The Policy is designed to assist with compliance with this Code of Practice and the legislation.

## 3. Staffing Implications

The Policy applies to all information held by the Council and therefore all staff that handle or are responsible for this information.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Noelwyn Daniel

Head of ICT & Corporate Policy

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

<b>1. Scrutiny Committee request for pre-determination</b>	N/A
If yes include the following information: -	
<b>Scrutiny Committee</b>	
<b>Date the report was considered:-</b>	
<b>Scrutiny Committee Outcome/Recommendations:-</b>	

## 2. Local Member(s)

Name(s) of local member(s) and individual comments to be included, if appropriate.

None

3. Community / Town Council None

4. Relevant Partners None

5. Staff Side Representatives and other Organisations None

CABINET PORTFOLIO HOLDER(S)  
AWARE/CONSULTED

Yes

Include any observations here

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Draft Freedom of Information Policy (prepared in October 2019)	n/a	n/a
Code of Practice on Public Access to Information	n/a	<a href="https://www.carmarthenshire.gov.wales/media/3297/code_of_practice.pdf?v=201711241220400000">https://www.carmarthenshire.gov.wales/media/3297/code_of_practice.pdf?v=201711241220400000</a>
Cabinet Office Freedom of Information Code of Practice	n/a	<a href="http://www.gov.uk/publications">www.gov.uk/publications</a>
Information Commissioner's Office – Guide to Freedom of Information	n/a	<a href="https://ico.org.uk/for-organisations/guide-to-freedom-of-information/">https://ico.org.uk/for-organisations/guide-to-freedom-of-information/</a>
The Freedom of Information Act 2000	n/a	<a href="http://legislation.gov.uk">Freedom of Information Act 2000 (legislation.gov.uk)</a>
Protection of Freedoms Act 2012	n/a	<a href="https://www.legislation.gov.uk/ukpga/2012/9/contents/enacted">https://www.legislation.gov.uk/ukpga/2012/9/contents/enacted</a>