



FREEDOM OF INFORMATION ACT 2000 INTRODUCTION TO THE PUBLICATION SCHEME 2009

ABOUT THE COUNTY OF CUMBRIA	1
CUMBRIA COUNTY COUNCIL	1
RESPONSIBILITIES	2
WHAT IS A PUBLICATION SCHEME?	3
WHO IS ENTITLED TO MAKE A FREEDOM OF INFORMATION REQUEST?	3
EXEMPTIONS	4
FEES	4
INFORMATION ABOUT THE ENVIRONMENT	5
REUSE OF PUBLIC SECTOR INFORMATION	5

ABOUT THE COUNTY OF CUMBRIA

Cumbria is the second largest county in England but less than 500,000 people live here (495,000, *2009 Mid-Year Population Estimates, ONS*) and over 50% of these people live in rural communities, bringing with it diverse and unique challenges.

Cumbria joins the North West of England with the North East and Scotland, with road and rail networks north, south and east. Cumbria enjoys a world class environment and landscape, presenting unrivalled opportunities for tourism, a highly motivated workforce, unique skills in nuclear technologies, and a good quality of life.

Cumbria is made up of six districts:

- Allerdale
- Barrow
- Carlisle
- Copeland
- Eden
- South Lakeland

CUMBRIA COUNTY COUNCIL

The Council Plan provides the strategic direction and vision for the organisation, clearly stating our main priorities and aspirations for the people of Cumbria over the next three years, and how we plan to achieve them.

Over the next three years the Council will focus on:



Challenging poverty in all its forms



Ensuring vulnerable people receive the support they need



Improving the chances in life of the most disadvantaged

These are our priorities and we will target our resources to deliver activity that we are confident will address these issues. We remain **enormously ambitious** for Cumbria and committed to helping Cumbria achieve its full potential as a **first-class place to live and work**.

The underpinning aim for our council plan is that we will be as **effective and efficient** as possible: we will prioritise services, targeting our resources where they are most needed; we will re-engineer services to find new, different and more effective and efficient ways to do things; and, we will focus on our customers, putting people at the heart of everything we do.

Further information can be found in the [Council Plan](#)

RESPONSIBILITIES

The Council has a wide range of statutory functions and services including:

- Assessment and Care Management
- Audit
- Business Improvement
- Change Management
- Children's Social Care
- Communications
- Community Safety
- Community Services
- Culture
- Direct Social Care Provision (Cumbria Care)
- Economic Development
- Education
- Emergency Planning
- Environment
- Equality
- Family Support
- Finance
- Fire and Rescue Services
- Health and Safety
- Highways
- Human Resources
- ICT Client
- Leadership/Support of Schools
- Legal Services
- Lifelong Learning
- Lobbying
- Member Services
- Partnership and Commissioning Trust
- Partnerships
- Policy & Performance Management

- Premises
- Procurement
- Property
- Reputation Management
- Scrutiny
- Services to Children and Families
- Social Inclusion and Wellbeing of Adults in the Community
- Spatial Planning
- Trading Standards
- Transportation
- Waste Management

WHAT IS A PUBLICATION SCHEME?

Section 19 of the Freedom of Information Act 2000 (FOIA) requires all public authorities to whom the FOIA applies to adopt and maintain a Publication Scheme, which must be approved by the Information Commissioner. The purpose of the Publication Scheme is to provide a guide to the information the Council publishes or intends to publish in the future. The Publication Scheme must set out the classes of information, the manner in which it publishes each class of information and whether the information is freely available or whether it is subject to a fee.

The information is separated in to seven classes as follows:-

- Who we are and what we do
- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and Registers
- Services provided by the Council

Most of the Council's information is available on the website www.cumbria.gov.uk however it is not always possible to provide information electronically and some information may have to be requested in writing. The information request form is available online on the Freedom of Information page on the website or you can write to:

Corporate Complaints and Information Compliance Team
Cumbria County Council, Lonsdale Building, The Courts, Carlisle, Cumbria CA3 8NA
Tel: (01228) 221234 Fax (01228) 226706 E-mail: foi-dp@cumbria.gov.uk

WHO IS ENTITLED TO MAKE A FREEDOM OF INFORMATION REQUEST?

Anyone anywhere in the world is entitled to make a Freedom of Information request. The request must be in writing (including fax and email). In all cases; it must clearly state the applicant's name, address and details of the information required. The request will be processed within 20 working days of receipt unless:

- the information requested is exempt from disclosure
- the request is considered a nuisance, unreasonable or repeated

- where the request is subject to a fee and the required amount is not paid within three months

EXEMPTIONS

Some of the information the Council holds will be subject to an exemption under the FOIA legislation. There are 24 exemptions to the general right of access to information. Eight of the exemptions are, in whole or part, absolute exemptions and information does not have to be released if one of these applies. They are:

- Information accessible to the applicant by other means
- Information intended for future publication
- Information relating to security matters
- Court records
- Parliamentary Privilege
- Personal information (absolute exemption for subject access requests and in certain other situations the public interest test applies to third party requests)
- Information provided in confidence
- Legal prohibitions

The remaining 16 are qualified exemptions and the balance of the public interest has to be considered before deciding whether or not to release the information. They are:

- Information intended for future publication
- National security
- Defence
- International relations
- Relations within the UK
- The Economy
- Investigations and proceedings
- Formulation of government policy
- Communications with Her Majesty
- Environmental Information
- Legal Professional Privilege
- Commercial Interests
- Law enforcement
- Audit functions
- The effective conduct of public affairs
- Health and Safety

FEES

Unless a statutory fee applies, most information will be provided free of charge. For instance, information available on the Council's website www.cumbria.gov.uk can be downloaded free of charge. However, on some occasions it is necessary to charge a fee. FOIA legislation allows a charge to be made for disbursements i.e. photocopying, postage etc. Further details can be found in the Council's [Charging Policy](#) and [Schedule of Charges](#).

The Council will not comply with a request where it will exceed the appropriate limit set out by The [Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004](#).

The Council will provide up to £5 worth of information free of charge (up to 50 printed A4 sides, 10p per sheet). Also, if a request takes longer than 18 hours of officer time to fulfil, then the Council has the discretion to refuse it.

INFORMATION ABOUT THE ENVIRONMENT

The Environmental Information Regulations 2004 (EIRs) give rights of public access to environmental information held by the Council.

It is a requirement that authorities covered by EIRs must make environmental information available to the public by easily accessible means, unless there is an exception to disclosure.

The Council must:

- progressively make environmental information available to the public
- publish this information on the internet, in most cases and
- take reasonable steps to organise its environmental information to make it easier to access and publish.

The minimum information which must be published is listed in Article 7(2) of the European Directive 2003/4/EC. This includes:

- policies, plans and programmes relating to the environment
- progress reports prepared or held by public authorities on the implementation of
- environmental legislation or policies
- reports on the state of the environment
- data derived from monitoring activities which affect or are likely to affect the environment
- authorisations with a significant impact on the environment
- environmental agreements
- environmental impact studies and risk assessments
- facts and analyses of facts which are considered relevant and important in framing major
- environmental policy proposals

Under EIRs Regulation 8 (8)(a) the Council is obliged to publish a schedule of charges. Regulation 8 refers to the ability to charge a 'reasonable amount' for the supply of environmental information.

REUSE OF PUBLIC SECTOR INFORMATION

The Reuse of Public Sector Information Regulations 2005 came into force on 1 July 2005. The Regulations implement the European Directive on the Re-Use of Public Sector Information.

The aim of the Regulations is to encourage the re-use of public sector information by removing obstacles that stand in the way of re-use. The main themes are improving transparency, fairness and consistency.

Where commercial information is routinely available and legal authority allows a charge to be made these must be included in the scheme. 'Commercial' publications can cover a range of circumstances, such as:

- the need to charge in order to guarantee the continued collection and publication of the information
- where the information has been collected and analysed for commercial purposes and where this has required professional time and skill and
- information which is normally made available on commercial terms as part of the Council's trading activities

It would not be considered reasonable for the Council to charge for:

- staff time where information is made available to the public as part of regular activities*
- where the only justification for charges is that they have traditionally been made

FURTHER INFORMATION

For guidance on any aspect of this document please contact:

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Cumbria County Council
Lonsdale Building, The Courts, Carlisle Cumbria CA3 8NA
Telephone: (01228) 221234
Email: foi-dp@cumbria.gov.uk