

CUMBRIA SEA FISHERIES COMMITTEE	Paper No
Meeting date: 5th December 2008	
From: The Secretary to the Sea Fisheries Committee	

FREEDOM OF INFORMATION ACT 2000

1 SUMMARY

The report updates members on the implications of operating the FOIA Act for Cumbria Sea Fisheries Committee since January 2005.

2 POLICY POSITION AND BUDGETARY IMPLICATIONS

2.1 The principle of open government which underpins the FOIA is one which the Cumbria Sea Fisheries Committee endorses and seeks to follow in its work. Meetings of the Committee (subject to limited exceptions) are open to the press and public and papers are made available before the meetings.

2.2 Resource implications are contained within the Committee's existing budget for:

- Storage of non-current and semi-current records
- Staff time undertaking management of the records
- Staff time to deal with public enquiries under FOIA from January 2005

3 RECOMMENDATIONS

3.1 That the Committee note that there have been no implications of the Freedom of Information Act 2000 for the Cumbria Sea Fisheries Committee since its inception in January 2005.

3.2 That the Committee approve the proposed changes to the Committee's Publication Scheme (A copy of the Scheme is appended), in line with the model scheme approved by the Information Commissioners Office, to be adopted with effect from 1st January 2009.

4 BACKGROUND

- 4.1 The Freedom of Information Act provides the public with a statutory right of access to recorded information, subject to certain conditions and exemptions unless the public interest in maintaining the exemption outweighs the public interest in disclosure.
- 4.2 Requests for information must be put in writing and give sufficient detail to identify the information required. Officers must confirm or deny the existence of the information and if confirmed communicate the information to the individual.
- 4.3 The right to have access to the information does not entitle the individual to copies of the documents.
- 4.4 A fee may be levied for the provision of information.
- 4.5 Certain types of information are exempt from release as follows:

Cost exemptions: where cost of providing information exceeds £600

Public interest exemptions: National Security or information on prosecutions

Absolutes exemptions: where the information is already reasonably accessible; court proceedings, data protected; disclosures would breach confidentiality; prohibition by Court Order;

Qualified exemptions: Information is soon to be published; disclosure is harmful to the U.K. economic interests; involves details of criminal investigations or civil proceedings; prejudice an accident investigation; prejudice health and safety of staff; information is legally privileged.

5 CONCLUSION

- 5.1 Cumbria Sea Fisheries Committee will continue to comply with the FIOA. If the Committee fails to respond to enquiries made under the FOIA it will face legal sanctions and damage its reputation as a transparent, accountable and competent body.

David Claxton
Secretary to the Sea Fisheries Committee
October 2008

APPENDICES - Freedom of Information Act Publication Scheme

<u>IMPLICATIONS</u> -	Staffing:	None
	Financial:	None identified at this stage
	Electoral Division(s):	All Divisions

FREEDOM OF INFORMATION ACT 2000

The Freedom of Information Act (FOIA) received Royal Assent on 30 November 2000. The Act came into force on 1 January 2005. This along with the Information Regulations 2004 (EIRs) provide rights of public access to some types of recorded information held by a 'Public Authority'. Although Sea Fisheries Committees were not specifically listed they are considered to be public bodies and as such should comply with the legislation.

From 1 January 2005 any person has a right to request details of information held by Sea Fisheries Committees. The request must be **in writing** and give sufficient detail to identify the information required. The Sea Fisheries Committee must then confirm or deny the existence of the information and, if confirmed and the information is not excluded under the Local Government Act 1972 (as amended), communicate the information to the individual.

The right to have access to information **does not** entitle the individual to copies of documents.

There may be a fee to cover costs of providing the information.

Certain types of information are exempt from release as follows:

Cost exemption – cost of providing information exceeds £600

Public Interest exemption: National security or information on prosecutions.

Absolute exemptions – the information is already reasonably accessible; court proceedings; data protected; disclosure would breach confidentiality; prohibition by Court order.

Qualified exemptions: Information is soon to be published; disclosure is harmful to the U.K. economic interests; involves details of criminal investigations or civil proceedings; prejudice an accident investigation; prejudice health and safety of staff; information is legally privileged.

As the FOIA is now in its sixth year of full operation, Section 19 of the Act obliges every public authority to adopt an approved Publication Scheme. Under Section 20 of the Act, the Information Commissioners Office (ICO) has approved a model scheme which is suitable for a local Sea Fisheries Committee to adopt with effect from 1st January 2009. Therefore Cumbria SFC must ensure that all necessary amendments are made to its existing Publication Scheme by 31st December 2008.

PUBLICATION SCHEME

Under the legislation every Sea Fisheries Committee is required to adopt a 'Publication Scheme'. This scheme provides a second mechanism aiding public access to information held by the Committee. The scheme is intended to reduce the burden to public authorities of responding to requests. The scheme sets out the classes or categories of information that Sea Fisheries Committees publish or intend to publish, how the information is made available and whether or not a charge is levied.

Further information on the process is available at www.ico.gov.uk

CORE CLASSES OF INFORMATION

The CSFC has identified the following core classes of information:

- 1 Who we are and what we do – Constitution, structure and membership of the Committee along with the staffing structure. Geographical area covered, outline or responsibilities, location of office and contact details
- 2 What we spend and how we spend it – Annual and audit of accounts, revenue and capital spending plans and procurement procedures
- 3 What our priorities are and how we are doing – Aims, objectives, plans and performance
- 4 How we make decisions – Minutes of the Committee and General Purposes Working Group, Committee reports and any other publicly available reports
- 5 Policies and Procedures - Legislation relevant to the Committee's functions, policies and procedures for the conduct of the Committee's business, about the provision of services and employment matters. Records management and personal data policies, customer service, charging regimes and policies.
- 6 Lists and registers – Permit holders lists (cockle, mussel and shellfish) – covered under the Data Protection Act and therefore **unavailable** for disclosure.
- 7 The services we offer – the list of services which fall within the responsibility of the Committee:

Regulatory role

Byelaws

Information for fishermen

Information about shellfish harvesting

Appropriate Assessments

Notices, leaflets and guidance

Media releases

Details of the services for which the Committee is entitled to recover a fee together with those fees.

CUMBRIA SEA FISHERIES COMMITTEE

PUBLICATION SCHEME

This publication scheme (the scheme) is designed to identify and facilitate access to a range of information gathered, held and used by the CSFC. The scheme will assist in ensuring that the CSFC complies with the Freedom of Information Act 2000.

The scheme specifies the classes of information which the Committee publishes or intends to publish. The format in which the information is available, either hard copy, by inspection, through appointment or electronically on the designated website and whether or not the information is available free of charge or on payment of a fee.

Some information will be excluded from publication. Where that is the case the reasons for exclusion will be clearly stated. Excluded throughout the scheme is general correspondence sent or received by the Committee and all information relating to private individuals by virtue of it being personal data under the Data Protection Act 1998.

In certain cases a limitation on the age of some documents has been stipulated. This does not necessarily mean that information beyond a date cannot be obtained but it indicates that it is not readily available as a matter of course within the scheme. If original documents are more readily available from an alternative source, details of that source are specified within the scheme.

Cumbria Sea Fisheries Committee (CSFC) is a statutory body with responsibilities for the management and conservation of marine and environmental resources within an area from Burgh Marsh Point in the north to Haverigg Point in the south, and six miles offshore from the baselines.

The overall aim of the CSFC is the sustainable management of the marine environment through the regulation, development and protection of fisheries resources. The Committee strives to conduct its business in an open, honest and transparent manner in order to achieve this aim.