

**North Yorkshire Fire & Rescue Service**  
**Freedom of Information, Data Protection Act, Environmental Information Regulations Policy**

**1.0 INTRODUCTION**

- 1.1 This policy aims to ensure that individuals know how to access information in an open and transparent manner, concerning North Yorkshire Fire and Rescue Service and North Yorkshire Fire and Rescue Authority, through the Freedom of Information Act, Data Protection Act and Environmental Information Regulations.

**2.0 DEFINITIONS**

- 2.1 Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities, subject to certain exemptions, and places a number of legal obligations on public authorities. Public information means any record held by the Authority in any form. This includes documents, e-mails, plans and all other types of recorded manual or electronic information, with the exception of information held which contains personal information relating to identifiable individuals. There are 44 exemptions which are designed to protect confidential or other information which can be used to refuse a request which may not be in the public interest to release. In this instance the public authority must explain why an exemption has been applied.

- 2.2 The Data Protection Act 1998 gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly. The Act works in two ways.

Firstly, it states that anyone who processes personal information must comply with eight principles which make sure that personal information is:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in line with your rights
- Secure
- Not transferred to other countries without adequate protection.

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and in most paper records. Requests may be refused, and in this instance the public authority must explain why an exemption has been applied.

- 2.3 Environmental Information Regulations 2004 gives members of the public the right to access environmental information held by public authorities. They can also apply to any organisation or person carrying out a public administration function, and any organisation or person under the control of a public authority who has environmental responsibilities. This can include some private companies or public private partnerships e.g. companies involved in energy, water, waste and transport.

Environmental information is divided into 6 main areas:

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- The state of the elements of the environment such as air, water, soil, land, fauna (including human beings).
- Emissions and discharges, noise, energy, radiation, waste, and other such substances.
- Measures and activities such as policies, plans and agreements affecting, or likely to affect, the state of the elements of the environment.
- Reports, cost-benefits and economic analyses.
- The state of human health and safety, contamination of the food chain.
- Cultural sites and built structures (to the extent they may be affected by the state of the elements and the environment).

If a public authority receives a request for information on any of these areas mentioned above, they are legally obliged to provide the information within a prescribed number of days. There are a number of exemptions /exceptions that may be applied by a public authority to refuse disclosing information if this occurs the public authority must explain in full why a particular exemption/exception applies.

### **3.0 REQUEST FOR INFORMATION**

3.1 Appendix 1 provides a comprehensive flowchart to identify the appropriate Act from which to request information. All requests for information are made through the Central Administration Office Manager.

- 3.1.1 A Freedom of Information valid request must be made in writing (or electronic means) giving:
- Name of applicant
  - Address for correspondence
  - Description of information requested

North Yorkshire Fire and Rescue Service will respond within 20 working days from the day after receipt of the request.

- 3.1.2 A Data Protection Act valid request must be made in writing (or electronic means) and an individual must provide proof of identity. An individual must provide direction on what information is requested. North Yorkshire Fire and Rescue Service will respond within 40 days starting from the relevant day when all the above is in place.

- 3.1.3 An Environmental Information Regulations valid request can be made by letter, e-mail, telephone or in person.

North Yorkshire Fire and Rescue Service will respond within 20 working days from the date of receipt of the request.

- 3.2 In depth guidelines for applying for information under the relevant Act can be found in the Freedom of Information Act/ Data Protection Act/ Environmental Information Regulations Standard Operating Procedures.

### **4.0 ENFORCEMENT**

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4.1 The Information Commissioner is responsible for the enforcement of legal compliance by North Yorkshire Fire and Rescue Service around Freedom of Information, Data Protection Act and Environmental Information Regulations.

**5.0 COMPLAINTS**

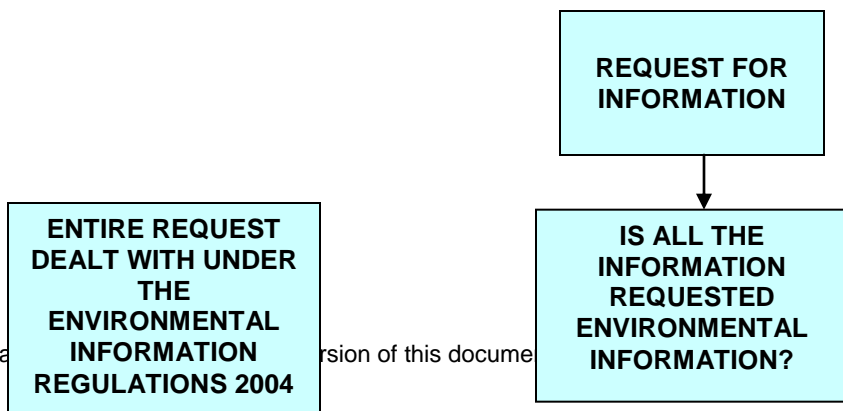
5.1 Complaints regarding processes or refusal of access to requested information should be made firstly to the North Yorkshire Fire and Rescue Service's Complaints Officer, the Central Administration Office Manager in accordance with the Complaints Standard Operating Procedure. If a satisfactory solution to the complaint is not found with North Yorkshire Fire and Rescue Service the requester can forward the complaint onto the Information Commissioner's Office. The contact address is:

DPA/FOI/EIR Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

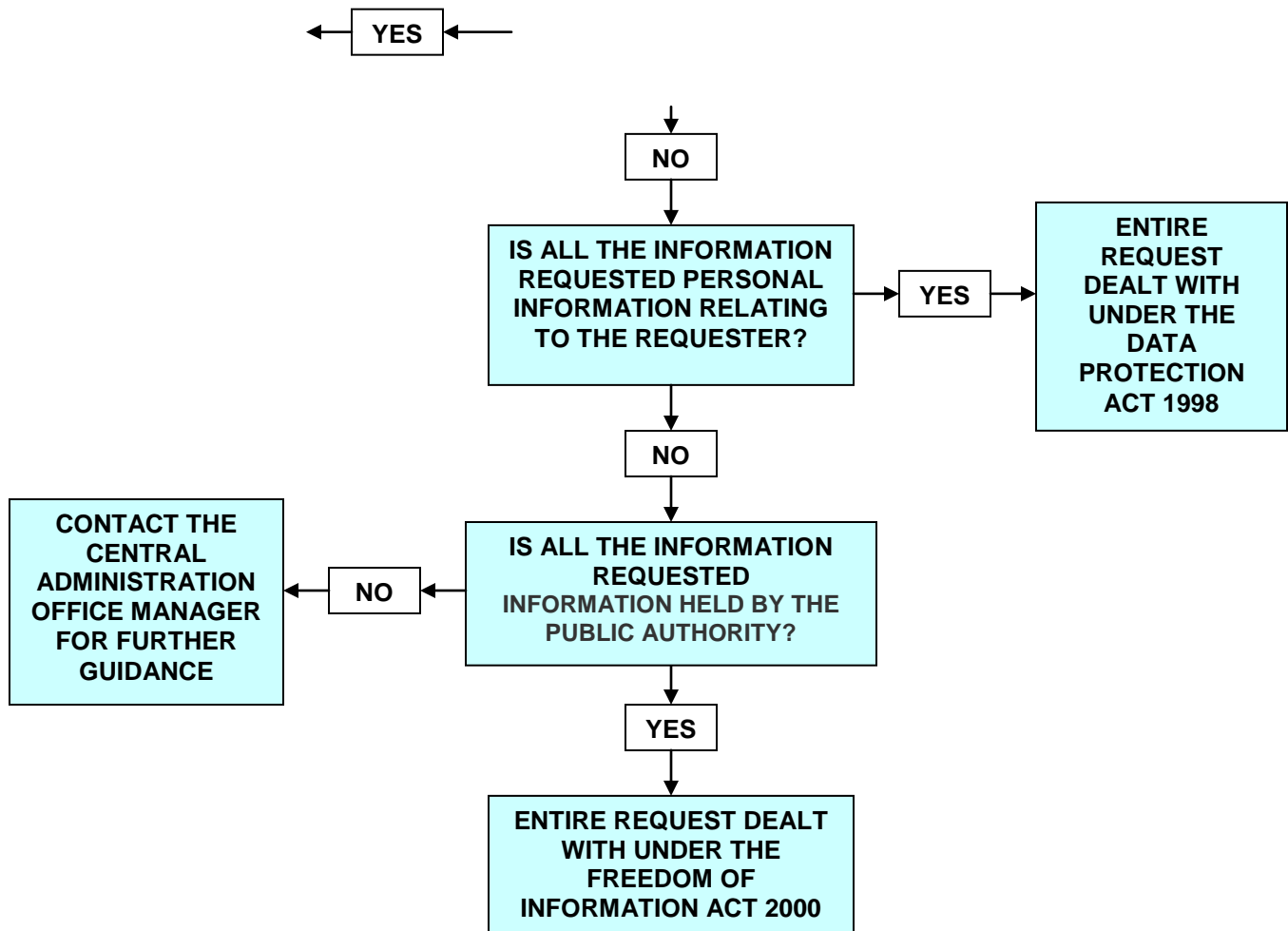
Website address: [www.ico.gov.uk](http://www.ico.gov.uk)

**APPENDIX 1**

**“WHICH ACT APPLIES”**



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Information which is environmental must be dealt with under the **Environmental Information Regulations 2004**.

Information which is personal, where the requester is the subject must be dealt with under the **Data Protection Act 1998**.

Information which falls into neither of the above must be dealt with under the **Freedom of Information Act 2000**.