

## 11. HOW TO ACCESS INFORMATION NOT AVAILABLE UNDER THE SCHEME

If the information you are seeking is not available under this publication scheme, then you may wish to request it from us. The Freedom of Information (Scotland) Act 2002 (FOISA) provides you with a general right of access to the information we hold, subject to certain exemptions.

The Environmental Information (Scotland) Regulations 2004 (EIRs) provide a right of access to the environmental information we hold, and the Data Protection Act 1998 (DPA) provides a right of access to any personal information about you that we hold. Again, these rights are subject to certain exceptions or exemptions.

Together these three pieces of legislation provide rights of access to most information held by the Council. However, there are other acts or regulations which provide a right of access to specific types of information held by local authorities, or which require registers to be publicly available. This includes information held on school pupils and social work client files. More information on this can be found on the Information Commissioner's website at:

[www.itspubliknowledge.info](http://www.itspubliknowledge.info)

### **Pupil information:**

[http://www.ico.gov.uk/upload/documents/library/data\\_protection/practical\\_application/access\\_to\\_personal\\_information\\_held\\_by\\_schools\\_iyi\\_v1.0\\_website\\_version\\_3.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/access_to_personal_information_held_by_schools_iyi_v1.0_website_version_3.pdf)

### **Social work records:**

[http://www.ico.gov.uk/upload/documents/library/data\\_protection/detailed\\_specialist\\_guides/sars\\_social\\_services\\_v1.0\\_260808.pdf](http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/sars_social_services_v1.0_260808.pdf)

Should you wish to request a copy of any information that we hold that is not available under this scheme, please write to:

Lisa Rose  
Principal Solicitor  
Law and Administration Division  
Corporate Services Department  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar DD8 1AN  
Telephone: 01307 476232  
Fax: 01307 476299  
Email: [RoseL@angus.gov.uk](mailto:RoseL@angus.gov.uk)

## **Charges for information which is not available under the scheme**

The charges for information which **is** available under this scheme are set out under [Section 6 – Our Charging Policy](#). If you submit a request to us for information which **is not** available under the scheme the charges will be based on the following calculations:

### **General Information requests under FOISA**

- There will be no charge for information requests which cost us £400 or less to process.
- Where information costs between £400 and £600 to provide you may be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £20, which is calculated on the basis of a waiver for the first £400 and 10% of the remaining £200.
- We are not obliged to respond to requests which will cost us over £600 to process.
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.
- In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

### **Charges for environmental information under the EIRs:**

We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.

In the event that we decide to impose a charge we will issue you with notification of the charge and how it has been calculated. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you. Charges are calculated on the basis of the actual cost to the authority of providing the information.

- Photocopying is charged at 10p per A4 sheet for black and white copying, 30p per A4 sheet for colour copying.
- Postage is charged at actual rate for first class mail.
- Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.

The first £400 worth of information will be provided to you without charge.

Where information costs between £400 and £600 to provide you will be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £20, which is calculated on the basis of a waiver for the first £400 and 10% of the remaining £200.

Where it would cost more than £600 to provide the information to you, however, we will ask you to pay the full cost of providing the information, with no waiver for any portion of the cost.

***Requests for your own personal data under the DPA:***

You are entitled to request your personal data from Angus Council under the subject access provisions contained in the Data Protection Act 1998. Angus Council does not charge a fee for the processing of subject access requests. Requests for your personal information need to be made in writing. There are special rules which provide for access to specific types of personal information, including access to a pupil's educational record by the parent or guardian, an individual's social work records or a tenant's housing records.

A request for access to your own personal data (except for access to social work records) should be made in writing to:





Head of Law and Administration  
Law and Administration Division  
Corporate Services Department  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar DD8 1AN  
Email: [LAWADMIN@angus.gov.uk](mailto:LAWADMIN@angus.gov.uk)

A request for access to your social work records should be made in writing to:

Principal Planning Officer (Quality and Improvement)  
Social Work and Health Department  
Angus Council  
St Margaret's House  
Orchard Loan  
Orchardbank Business Park  
Forfar DD8 1WS  
Email: [SOCIALWORK@angus.gov.uk](mailto:SOCIALWORK@angus.gov.uk)

The Council has produced forms to help you request your personal information. These are available from the following link:

[http://www.angus.gov.uk/services/view\\_service\\_detail.cfm?serviceid=1378](http://www.angus.gov.uk/services/view_service_detail.cfm?serviceid=1378)

<b>Key to symbols</b>	Online		Email	@	Hard copy		CD/DVD/discs		Inspection		Audio copy		Charges may apply	££
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