

Douglas Borough Council Freedom of information guidance note

Everything you need to know about making a freedom of information request

Before making a request

There is already a lot of information made available publicly. You may find the answer to your question on the Douglas Council website before you make a request.

We will publish anonymised responses to Freedom of Information requests on our website. Once information is issued to you in response to your Freedom of Information request, it is then considered to be publicly available.

Information we publish online may be treated as exempt under section 20, information accessible to applicant by other means.

If the information you are requesting is already publicly available, your request may be refused, however, we have a duty to advise and assist you to locate the information you are seeking.

Making sure your request is valid

You must be an Isle of Man resident. This can be as an individual or a company, body or organisation.

Your request must be on a Freedom of information form which can be downloaded from our website www.Douglas.im/FOI

You must provide your name, an address and an adequate description of the information you are requesting.

You do not have to inform us why you want the information.

What can I ask for?

Freedom of Information covers all information held by authorities listed in Schedule 1 of the Act and which was created on or after 11 October 2011 with the exception of personal information about you. To access information about yourself, you will need to make a 'subject access request' under the Data Protection act 2002.

If the information refers to someone else, this will only be released under Freedom of Information if it complies with data protection principles

Asking for information in a particular format

If, at the time of making your request for information, you express a preference for receiving the information, the authority will, where reasonably practicable give effect to your preference.

The authority will take into consideration all the circumstances, including cost, when determining what is a reasonably practicable way of providing the information to you. If the provision of the information in a certain way is not considered reasonably practicable then the we will let you know the reason for this.

Responding to your request

If Douglas Council holds the information you request and its release is not exempt under the law, they will give the information to you. We will respond promptly to a valid request, and in any case within 20 working days.

There may be a few exceptions to this, for example, a department may take longer to respond if you ask for information during a busy period or where key staff may not be available. If this is the situation then you will be notified.

In certain circumstances, such as when an authority is considering whether or not a Qualified Exemption applies (see below) the law allows a longer time to respond to your request. Also if key Officers are unavailable or departments are busy with priority tasks. In such instances, the authority will contact you within 20 working days and advise you of the position.

Keeping records

Douglas Council maintain information retention schedules which detail how long information must be kept for.

These schedules are maintained in line with any law and standards that relate to information e.g. keeping financial records for audit purposes. Some information is also passed to the Public Record Office for permanent preservation.

Writing your request

Please be as specific as possible about the information you are seeking to obtain, such as by providing a specific timeframe to assist staff in locating the information.

Aim for one question per request. Asking for lots of different information within one request can make it difficult to understand what you are really requesting.

What help can I get writing the request

You can contact the Council direct on 696300 and ask to speak to the FOI Officer or in their absence their deputy. You can also email the FOI officer on FOI@Douglas.gov.im

What do we do with the personal information that you provide?

The personal information you provide to the authority in making your Freedom of Information request will be processed by the authority in accordance with the Data Protection act 2002 including the monitoring of communications to check for compliance with relevant policies and law.

Any of your personal data will be anonymised before being passed to the relevant business area(s) that may hold the information you have requested.

Information will not be passed to any third party without your prior consent.

Do I have to pay to make a request?

No, the Isle of Man Government agreed not to charge a fee for a request made under the Freedom of Information Act 2015 until the impact can be assessed. This will be kept under review the Government reserves the right to introduce Fees Regulations at any time. Douglas Council have to adhere to the decisions made by the Isle Of Man Government.

When we may refuse a request

Information should usually be made available on request, but there are some circumstances when your request may be refused. Your request for information may be refused if:-

- It is not a valid request
- A practical refusal reason applies
- An exemption applies

Practical refusal reasons

Your request may be refused in the following circumstances:-

- Your request is not a valid request under the Act.
- The authority does not have the information.
- The authority is not required to create or derive information from information it holds, undertake research or analysis of information it holds or undertake substantial compilation or collation of information it holds.
- The authority believes your request is vexatious, malicious, frivolous, misconceived or lacking in substance.
- You have asked for information that has already been given to you or for information that the authority has already refused to give you, and a reasonable period of time has not passed since your last request (this is called a 'repeated request').

Exemptions

Absolute exemptions

Any request for information that falls under an absolute exemption will be refused. These exemptions are:-

- Information accessible by other means
- Court information
- Parliamentary privilege and business
- Communications with the Crown
- Information under international agreements about exchange of information
- Personal information
- Information provided in confidence
- Disclosure of information restricted by law

Qualified exemptions

Any request for information that falls under a qualified exemption will also require a public interest test to be undertaken. The public interest test will determine if disclosing the information requested is in the public interest. The information may be withheld if it is considered that the public interest in withholding is greater than the public interest in releasing it. Some Qualified Exemptions are only engaged if release of information would create prejudice - or harm – to the subject matter of the exemption. These exemptions are:-

- National security and defence
- International relations
- Economy and commercial interests
- Investigations and legal proceedings
- Law enforcement
- Audit functions
- Formulation of policy
- Conduct of public business
- Health and safety
- Research and natural resources
- Communications with the Crown
- Personal information
- Legal professional privilege
- Information for future publication

Neither confirm nor deny

In certain circumstances, if an authority confirms or denies it holds information you have requested this could in itself reveal information which would fall under an exemption.

To learn more about the exceptions then reference the Freedom of information Act 2015 Code of Practice, available to download from the Government website.

What can I do if I am unhappy with the request?

As part of an authority's obligations under the Freedom of Information Act 2015, they must inform you how to submit a review request. Upon receipt of a valid review request, the authority will reassess how your request was handled.

To request a review, complete a review request form (can be downloaded from website) or ask for a paper copy of the form from the Town Hall or Library. This should then be submitted as per instructions on the form.

Authorities who are required to provide information under the Freedom of Information act

It is important to make sure that you are asking the correct authority for your data. For example although Douglas Council is responsible for the running of the Town this does not include the roads networks. Another example would be the car parks, a number of Douglas car parks are not run by the Council. Our website gives an overview of all of our services to help you establish what our responsibility is. If you unsure it is worth first contacting our FOI Officer who will be able to offer some guidance on your request.

The following public authorities are under the Freedom of Information Act 2015 law with effect from 1 January 2018:

All local authorities

- Cabinet Office
- Department of Education and Children
- Department of Environment, Food and Agriculture
- Department of Economic Development
- Department of Health and Social Care
- Department of Home Affairs
- Department of Infrastructure
- Treasury
- Isle of Man Constabulary
- Clerk of Tynwald

Statutory Boards

- Office of Fair Trading
- Isle of Man Financial Services Authority
- Isle of Man Post Office
- Manx Utilities Authority
- Communications Commission
- Gambling Supervision Commission
- Public Sector Pensions Authority

Publicly-owned companies

- e-Ilan Communications Limited
- Isle of Man Film Ltd
- Isle of Man Film (DOI) Ltd
- Isle of Man Ltd
- Isle of Man National Transport Ltd
- Laxey Glen Mills Ltd
- Manx Cable Company Limited
- PGT Limited
- Manx Radio

Other public authorities

- Attorney General's Chambers
- Isle of Man Constabulary
- Clerk of Tynwald
- Financial Intelligence Unit
- General Registry
- Manx Industrial Relations Service
- Manx National Heritage
- Public Services Commission
- Road Transport Licensing Committee

Code of practise

The Freedom of information Act 2015 Code of Practice has been produced in consultation with the Isle of Man Information Commissioner. A public authority is taken to have complied with its legal requirements if it conforms to the provisions of the Code of Practice where relevant.