



NEW FOREST NATIONAL PARK AUTHORITY (NPA)

ACCESS TO INFORMATION POLICY

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This policy sets out how we will meet our responsibility under the statutory provisions that provide a right of access to information held by public authorities.

1. INTRODUCTION

- 1.1 The information access provisions of the Freedom of Information Act 2000 (**the FOIA**) and the Environmental Information Regulations 2004 (**the EIR**) give the public a right of access to information held by public bodies. This is in addition to the rights individuals have under the Data Protection Act 2018 (**the DPA 18**) and the UK General Data Protection Regulation (**the UK GDPR**, and together with the DPA 18 **the Data Protection legislation**) to access their own personal information.
- 1.2 Our policy is to make information available wherever reasonably possible and appropriate.
- 1.3 Our policy has adopted the provisions set out in the FOIA [Section 45 Code of Practice](#) and we will have regard to any guidance issued by the Information Commissioner when considering requests for information.

2. HOW TO OBTAIN INFORMATION

- 2.1 Information will be available through either:
 - our publication scheme; or
 - the right of access.
- 2.2 The FOIA requires all public authorities to make information available through a publication scheme. Our publication scheme does not list individual documents but indicates what information is publicly available by category.
- 2.3 Wherever possible we will make information that is not normally published available upon request. However, this intention must be balanced against the need to ensure the confidentiality of some information relating to such areas as personal privacy, commercial sensitivity and where disclosure would not be in the public interest. We may also refuse a request where it would not be in the public interest to expend public funds on the matter, for example where a request is repeated, exceptionally resource intensive or vexatious or otherwise unreasonable in nature.

3. PUBLICLY AVAILABLE INFORMATION

- 3.1 Where information that has been requested is already reasonably accessible through other means, including where it is already publicly available from another organisation, we will not need to supply it under the FOIA. As part of the process of responding to requests, business areas are encouraged to consider publishing the types of information

that has been requested. Proactive publication of information on our website will facilitate access and may also reduce the number of requests received under the FOIA in the future.

- 3.2 If the information sought is not on our website, it may be possible to inspect the information at our offices or to be sent a copy.
- 3.3 Although we are not required to do so under the FOIA, if someone does not have access to the internet and the information is also readily available in another format (e.g. hard copy), it may be possible to pass on the information in that format. In such circumstances, a reasonable charge for costs incurred, such as postage, may be levied.
- 3.4 Where a requester has made us aware of any accessibility needs, we will make reasonable adjustments to assist the requester to access the information in accordance with our public sector duty under the Equality Act 2010.

4. INFORMATION AVAILABLE THROUGH THE RIGHT OF ACCESS

- 4.1 A request for recorded information will be treated under the FOIA unless it is a request for [environmental information](#), the requester's own personal data or it is a request for information given out as part of our routine business, for example, general enquiries or information that is already included in our publication scheme.
- 4.2 We are not required to create new information in order to comply with a request for information under the FOIA, the EIR or the Data Protection legislation. We need only consider information that we already have in recorded form at the time of the request.
- 4.3 **Requests for information under the FOIA** must be made in writing (including e-mail, fax, or web and social media messaging etc). These must include the real name of the person, representative or organisation making the request, an address for correspondence (postal or email) and details of the information being sought. We will not generally seek to verify the identity of an applicant, however where it appears that a pseudonym is being used, or only a first name is provided, we will request further information and we may refuse a request, if we are not satisfied that the request is valid.
- 4.4 **Requests for information under the EIR** do not have to be made in writing, although we will still need a contact name and address to whom the response and any disclosed information can be sent. On receiving a verbal request, we will acknowledge it in writing, setting out our understanding of what information is being sought and requesting clarification, if required.
- 4.5 **Requests for personal information under the Data Protection legislation** should be made in writing. Our privacy notice sets out how we handle personal information and is

available on our website at the following link. [Privacy and cookies - New Forest National Park Authority \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk/privacy-and-cookies)

- 4.6 Requests of any type may be submitted using our standard Information Request Form which can be found on our website www.newforestnpa.gov.uk/freedom-of-information
- 4.7 Applicants are not required to tell us why they are seeking the information if they do not wish to do so, however it may assist us to locate the information and comply fully with the request if they are able to provide some context.

5. FORMAL REQUESTS FOR INFORMATION

- 5.1 We routinely respond to enquiries and informally provide a wide range of information and we will continue to do so, with only certain requests being treated formally under the FOIA, the EIR or Data Protection legislation.
- 5.2 As mentioned above, the FOIA requires that a request for information must be made in writing. If an applicant is unable to put their request in writing, we will provide advice to assist them to formulate their request. In addition, an applicant may wish to consult another person or agency, such as the Citizens' Advice Bureau, who may be able to assist with the application or make the application on their behalf. In exceptional circumstances, we may accept a request verbally and send a note to the applicant for confirmation. The statutory time limit for our reply will not begin until written confirmation is received from the applicant.
- 5.3 If the information sought is not described in a way which would enable us to identify and locate it, or the request is ambiguous, we will seek clarification and the response time will be put on hold until we receive further information. We will provide reasonable assistance to identify the information sought and contact will be made to clarify the request at the earliest opportunity. We will not seek to determine the motivation for, or aims of, the person requesting the information, as it is irrelevant to the decision.
- 5.4 If following the provision of any assistance the applicant still fails to describe the information requested in a way which would enable us to identify and locate it, we will consider that we have complied fully with the request and until such time as the applicant is able to provide further information, no further action will be taken.
- 5.5 We will not provide assistance to applicants whose requests are vexatious within the meaning of Section 14 of the FOIA or manifestly unreasonable within the meaning of Regulation 12(4)(b) of the EIR, unless it is reasonable for us to do so.

6. PROVISION OF INFORMATION

6.1 An applicant may express a preference for the format in which they receive the information, such as:

- a hard copy;
- an electronic copy;
- a spreadsheet format;
- to inspect the information at our offices; or
- if there is a large amount, a summary of the information.

Unless it is not reasonable to do so, we will provide the information in the requested format. However, we are entitled to consider all the relevant circumstances, including the cost of providing the information in the requested format.

7. CHARGING FOR INFORMATION

7.1 Our aim is to provide information free of charge wherever possible, but in exceptional circumstances we may charge those requesting information a fee in accordance with the Fees Regulations made under Section 12(4) of the FOIA. We may charge production costs (e.g. redacting exempt information, printing or copying), transmission costs (e.g. postage) and complying with the applicant's preference about the format in which they wish to receive the information. We will provide the applicant with the projected costs prior to us undertaking the work.

7.2 If we receive a request for information under the FOIA or the EIR and consider that the cost of complying with that request would not exceed £450 (the limit currently set out in the Fees Regulations), we will not make a charge for extracting and supplying that information.

7.3 If we consider that the cost of complying with a request would exceed £450, we are not bound to continue processing the request (although we must still confirm or deny whether the information is held, unless the cost of doing so alone would exceed £450 or there is another reason not to confirm or deny). In such cases, we will advise the applicant that the request, as currently worded, exceeds the cost of compliance, and we will assist them to reduce the scope of the request, such as by reducing the timeframe or the breadth of the categories of information sought. If the requester is not able or not willing to reduce the scope of the request, it may be refused in its entirety, or, with the agreement of the applicant, we may supply as much information as is possible until we reach the cost limit, at which point we will stop.

7.4 Applicants may not pay for excess hours in order to complete a request which exceeds the cost limit because, as a small authority, we do not have the resources to redirect

staff to such tasks, and it would not be reasonable to recruit temporary staff under these circumstances.

- 7.5 The Fees Regulations do not apply to documents made available under our publication scheme or to information which is reasonably accessible to the applicants by other means, nor where provision is made by or under any enactment as to the fee that may be charged by us for disclosing the information.
- 7.6 In most cases we cannot charge for subject access requests made under the Data Protection legislation, although where a request is considered to be manifestly excessive, we may charge a reasonable fee, including expenses such as photocopying, printing, postage and staff time. Alternatively, we may refuse to comply with the request.

8. REQUESTS FOR INFORMATION AS PART OF AN ORGANISED CAMPAIGN

- 8.1 Where the cost of compliance of providing the information to several related requests exceeds the cost threshold limit, we are not obliged to comply with the request. However, we may, on a discretionary basis, be prepared to offer advice about what could be disclosed in a more cost-effective manner. We will determine whether the various requests are related and / or part of an organised campaign.

9. REQUESTS FOR INFORMATION THAT INCLUDES ORDNANCE SURVEY MAPS

- 9.1 Requests for copies of Ordnance Survey (OS) maps without any information added or overlaid by us will be refused as they will be readily available from other sources. However, applicants may request to view maps that we hold at our offices.
- 9.2 Where the request is for our information which has been overlaid on OS mapping, we will deal with the request in accordance with the relevant legislation and our licensing agreement with the OS and some or all of the information may be exempt from disclosure.

10. REPLIES TO REQUESTS UNDER THE FOIA AND THE EIR

- 10.1 On receipt of a request for information we will log and acknowledge the request. We aim to acknowledge requests within 5 working days of receipt.
- 10.2 We will respond as soon as possible and not later than the end of the 20-working day period from the time the request is received. In our response, we will confirm or deny whether we hold the information (unless an exemption applies for not doing so).
- 10.3 If further clarification is necessary to identify the information being sought, then the 20-working day limit is suspended until that clarification is received. Where we require further assistance, we will contact the applicant as soon as possible.

- 10.4 If we are considering applying a qualified exemption, which is accompanied by a public interest test under the legislation, time in excess of the normal 20 working day limit may be required. If so, we will notify the applicant in writing and we will provide an estimate of a date by which we expect to reach a decision. The estimates will be realistic and reasonable in the circumstances of the particular case, taking account of considerations such as the need to consult third parties. If the estimate given proves to be unrealistic, we will notify the applicant at the earliest opportunity and give a revised estimate of when the decision will be issued.
- 10.5 If we do not hold the information requested, we will issue a refusal notice to the applicant.

11. REQUESTS FOR PERSONAL INFORMATION (SAR)

- 11.1 **Requests for personal information are covered by the DPA and the GDPR** and should be made in writing. These will be responded to within one calendar month, although this can be extended by a further two months, where necessary, for complex requests.
- 11.2 To avoid personal data about one individual being sent to another, either accidentally or by deception, we may need to request formal identification documents. Where we have an ongoing relationship with an individual, it is unlikely that we will need to ask for identification documents, however if you are unknown to us or have appointed a representative (a solicitor, Citizen's Advice, or a relative etc.) to act on your behalf, we will need you to provide two recent forms of identification which between them show the applicant's name, address, date of birth, and a letter of authorisation to act on the data subject's behalf, if relevant. Acceptable forms of identification are a passport, driving licence, birth/adoption certificate, recent utility bills, etc.

Requests for Information under the Data Protection legislation should be addressed to:

The Information and Data Protection Officer
New Forest National Park Authority
Lymington Town Hall
Avenue Road
Lymington SO41 9ZG
Email: dpo@newforestnpa.gov.uk

12. TRANSFERRING REQUESTS TO ANOTHER PUBLIC AUTHORITY

- 12.1 If we receive a request for information which we do not hold, but we consider it is likely to be held by another public authority, we will assist the applicant by providing them with the contact details of the relevant organisation, if known.

- 12.2 If the applicant consents, we may, at our discretion, transfer the request to the public authority which we reasonably believe may hold the information.
- 12.3 If we do not know who holds the requested information, we will send the applicant a refusal notice stating that we do not hold the information.
- 12.4 If we hold only part of the information requested, we will treat that part of the request as a request for information and process it accordingly. We will inform the applicant that we do not hold the remainder of the information sought and will provide as much help as is reasonable to enable the applicant to locate it elsewhere.
- 12.5 Any transfers of requests to another public authority will be undertaken as soon as possible so that no undue delay is suffered by the applicant. The period for compliance with the transferred request will not start until that request is received by the public authority that may hold it.

13. CONSULTATION WITH THIRD PARTIES

- 13.1 We recognise that the disclosure of information may affect the interests of a third party. We also recognise the importance of the DPA and GDPR and the Human Rights Act 1998, and this policy is written in accordance with their terms. We further recognise that unless an exemption is provided for in the FOIA we will be obliged to disclose that information in response to a request.
- 13.2 If the consent or opinion of a third party is required prior to disclosure of information, we will, at the earliest opportunity, seek to consult with that third party with a view to seeking their consent to the disclosure, unless such a consultation is not practical.
- 13.3 The consultation may assist us in determining whether an exemption under the FOIA applies to the information requested, or the views of the third party may assist us in determining where the public interest lies under Section 2 of the FOIA.
- 13.4 If the cost of consultation with the third party(/ies) is disproportionate, consultation may not be undertaken. We will not undertake consultation if we do not intend to disclose the information for some other legitimate ground under the terms of the FOIA, or the views of the third party were not relevant to the matter that is the subject of the current request.
- 13.5 A third party's refusal to consent to disclosure will not necessarily mean that information cannot be disclosed. However, their views and any representation they have made regarding the harm to them of disclosure will be taken into account when considering where the public interest lies. Where we do disclose information, and disclosure is contrary to the wishes of a third party, we will usually give them advance notice or draw their attention to the disclosure as soon as possible.

13.6 We will only accept information from third parties in confidence if that information would not otherwise be provided to us to assist the delivery of our functions. We will not agree to hold information received from third parties in confidence if it is not confidential in nature.

14. CONTRACTS

14.1 In entering into contracts, we will refuse to include contractual terms which purport to restrict the disclosure of information held by the NPA in relation to the contract beyond the restrictions permitted by the FOIA. Unless an exemption under the FOIA applies in relation to any part of the contract, we will be obliged to disclose that information in a response for a request regardless of the terms of any contract.

14.2 We will further reject confidentiality clauses as to the terms, the value and performance of the contract unless this is justified and in accordance with the FOIA. Where, exceptionally, it is necessary to include non-disclosure provisions in the contract, we will seek at the earliest interval to agree a schedule of the contract, which clearly identifies the information which should not be disclosed. However, even if such a schedule is drafted, the restrictions on disclosure may be overridden by our obligations under the FOIA, particularly where there are strong public interest factors in favour of disclosure. Furthermore, whilst an exemption may apply whilst the contract is relatively new, the lapse of time may negate the applicability of the exemption.

14.3 We will not hold information in confidence if it is not in fact confidential in nature. Information is confidential in nature if the disclosure of such information would be an actionable breach of confidence.

14.4 If a private sector organisation has contracted with us to provide a service that is a function of the Authority, then it may be deemed to be part of the Authority for the purposes of the FOIA and will be bound by the terms of the FOIA like any other public authority.

15. EXEMPT INFORMATION

15.1 The FOIA and EIR provides enforceable rights of access to information that is held by public authorities. Its purpose is to promote transparency, accountability and trust in how public funds are used and decisions are taken.

15.2 There are [23 exemptions](#) from the rights of access under the FOIA. These exemptions mark out the limits of the right of access to information under the FOIA. If information is properly exempt, then there is no right of access to it under the FOIA.

15.3 The [exceptions to disclosure](#) under the EIR are found in Regulations 12 and 13. All exceptions under the EIR are subject to the public interest test, which means that, even where the exception is engaged, we need to consider whether the factors in favour of disclosure outweigh those in favour of withholding the information.

16. EDITING DOCUMENTS TO REMOVE EXEMPT INFORMATION

16.1 There will be occasions when certain information must be redacted (withheld from other information that is being disclosed). The work will be undertaken by designated staff. However, all staff should be aware that there are procedures and guidance available to manage this.

16.2 The most common reason for redating documents will be to remove the personal data of third parties.

17. REFUSING REQUESTS FOR INFORMATION

17.1 If we rely on one or more exemptions to refuse a request the applicant will be notified of the appropriate exemption and why it applies. If the reasoning behind the exemption, or the exemption itself, would result in the disclosure of information which would itself be exempt, then we will not provide that reason.

17.2 If we determine that the public interest in maintaining the exemption outweighs the public interest in disclosure, then we will state this in our decision letter, together with the public interest factors we have considered and which formed a material part of the decision.

17.3 The Information and Data Protection Officer will generally respond to requests for information and will seek the views of the relevant officers when determining what information is withheld and what information is disclosed. If the DPO is not available, the Solicitor and Monitoring Officer will consider the request, or a member of the NPA's Executive Leadership Team.

18. APPEALS

18.1 We have adopted an internal appeal procedure for requests under the FOIA. Anyone who considers that we are not complying with our statutory duty may use this procedure. The internal review process must be exhausted before a referral is made to the Information Commissioner.

18.2 An appeal may be made where:

- the applicant considers that we have not followed our publication scheme;

- the applicant considers that a request for information has not been properly handled or a fee has been wrongly charged;
- the application was not dealt with within the timeframe set out by the FOIA (and the Fees Regulations, if applicable);
- the applicant is dissatisfied with the outcome of the consideration of the request;
- the applicant considers that exemptions have been wrongly applied; or
- the issue is such that it cannot be resolved informally in discussion with the officer dealing with the request.

18.3 An appeal should be directed to:

The Information and Data Protection Officer
 New Forest National Park Authority
 Lymington Town Hall
 Avenue Road
 Lymington SO41 9ZG
 Email: dpo@newforestnpa.gov.uk

Appeals submitted in connection with a response to a request under the EIR must be received within 40 days of our response to the request. Our policy is that any appeals under the FOIA should similarly be submitted within 40 days.

- 18.4 In accordance with the Information Commissioner's advice, we will consider any expression of dissatisfaction in response to our reply to a request for information to be a complaint, including the submission of an appeal, and we will conduct an internal review of the matter. If the applicant decides that they do not wish the matter to go through this procedure, then the complaint will be withdrawn.
- 18.5 Any appeal for a review of a decision made relating to a request for information will, in the first instance, be made by our Solicitor and Monitoring Officer, provided that they were not party to the original decision. If the Solicitor and Monitoring Officer is unavailable for any reason or has otherwise previously been involved, then a member of the Executive Leadership Team, who has responsibility for the area of work to which the information relates, will undertake the review.
- 18.6 The internal review will constitute a fresh decision based on all the available evidence that was relevant at the time of the request and will not simply be a review of the first decision. The review will look again at the original request and the relevant information rather than merely reviewing the previous response. The reviewer may discuss the original decision and the reasons for it, with the Information and Data Protection Officer or the staff member who made it or with other officers where relevant.
- 18.7 We will aim to deal with the review within 20 working days of receipt of the complaint. If the review includes a reconsideration of the public interest test (where a qualified

exemption was found to apply) or where the review is particularly complex, the matter should be dealt with as soon as possible and within 40 working days of receipt of the complaint. The applicant will be kept informed of the progress and should there be a delay in the response they will be informed of the reasons for it and the date by which they can expect a response.

- 18.8 If the original decision is reversed or partly reversed and we determine that some or all of the information should have been disclosed, we will notify the applicant in writing as soon as possible and the disclosure of the information will be made at the earliest opportunity.
- 18.9 If the decision to refuse disclosure is upheld or the applicant is still dissatisfied for any reason, they will be advised that they may refer the matter to the Information Commissioner at:

The Information Commissioner
 Wycliffe House
 Water Lane
 Wilmslow
 SK9 5AF

Helpline: 0303 123 1113 www.ico.org.uk

Version history

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2.0	Complete revamp and format of Policy	9 Sept 2024	Jo Murphy (DPO)	RAPC 9-9-2024