



Warwickshire
POLICE AUTHORITY

The authority behind the force

Access to Information

February 2008

Access to Information

Introduction

Warwickshire Police Authority is obliged to comply with the Data Protection Act 1998 the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 in respect of how we process information and deal with requests for information and we ensure that our approach reflects our obligations under this legislation.

We fulfil our obligations under the Acts by:

- Being clear about how information can be accessed;
- Facilitating access to information where this does not prejudice the purpose for which the information is held or infringe rights to privacy;
- Ensuring that data held about individuals is accurate, relevant and is only held for the purposes and length of time that is necessary;
- Ensuring that there are adequate security measures in place to protect personal data processed by the Authority and the confidentiality of individuals; and
- Effectively train staff so that they are aware of the Authority's obligations under the Acts.

Making a request for information:

Under the Freedom of Information Act 2000 any person is entitled to make a request for information held by a public authority, such as a Police Authority.

The Environmental Information Regulations 2004 give people the right to request environmental information held by the Authority

Individuals also have a right to request access to their personal information under the Data Protection Act 1998.

If you would like to make a request for information you can do so by contacting **Neil Gulliver** by:

- **Post:** Warwickshire Police Authority, 3 Northgate Street, Warwick CV34 4SP
- **Telephone:** 01926 412322
- **Fax:** 01926 412502
- **E-mail:** policeauthority@warwickshire.gov.uk or neilgulliver@warwickshire.gov.uk

Freedom of Information

The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. A 'public authority' is defined in the Act, and includes but is not restricted to central and local government, non-departmental public bodies, the police, the health service and schools, colleges and universities. Any person who makes a request to a public authority for information must be informed whether the public authority holds that information and as long as that information is not exempt from disclosure under the Act, supplied with that information **within 20 working days**.

Under the Act, personal data – information we hold about a living individual - is exempt from disclosure. However, an individual can request access to their own personal information held by the Authority under the Data Protection Act 1998 and subject to exemptions under the Act, must be supplied with that information **within 40 calendar days**.

Publication Scheme

The Freedom of Information Act requires each public authority to produce a Publication Scheme. This sets out what information held by the Authority will be made available to the public, how the public can access that information and whether the information will be available free of charge or on payment. The aim is to enable you to have fast and easy access to the information you require. A copy of the Police Authority's Publication Scheme can be accessed on the Authority's website.

Data Protection Act 1998

Under the Data Protection Act 1998, you have a statutory right to have access to personal data the Authority holds about you. You also have the right to expect us, as the data controller, to ensure that data is:

- processed fairly and lawfully;
- obtained for specific and lawful purposes;
- adequate, relevant and not excessive;
- accurate and where necessary kept up to date;
- not kept for longer than is necessary;
- processed in accordance with the rights of the data subject;
- kept secure; and
- not transferred abroad unless to countries with adequate data protection laws.

For the purposes of the 1998 Act, “personal data” is information that relates to a living identifiable person. The person or organisation who controls the purpose and manner in which data is processed is the “data controller”. More information on the Data Protection Act can be found on the website of the Information Commissioner www.informationcommissioner.gov.uk.

Information where Warwickshire Police Authority is the Data Controller

Where we are the data controller, you are entitled to be told whether we hold data about you, and if we do:

- to be given a description of the data in question;
- to be told for what purposes the data is processed; and
- to be told the recipients, or classes of recipients, to whom the data is or may be disclosed.

You are also entitled to a copy of the information with any unintelligible terms, acronyms or codes explained. You will also be given any information available to us on the source of the data. The data will be in its latest form.

If you wish to apply for access to your personal data, known as a “subject access request”, you should write to us at the address shown on page 1 above. A fee of £10 must accompany your request together with proof of your identity. We also need to be supplied with the details needed to locate the information you seek. A request for access to personal data will be dealt with promptly and in any event within 40 days of receipt of the request and payment of the fee.

If you consider that a request by you for access to your personal data has not been dealt with properly, you may:

- write to us at the above address seeking resolution of your complaint.

- write to the Information Commissioner, who is appointed to consider such complaints at:

Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Information Commissioner is empowered to assess whether there has been a failure to comply with the 1998 Act. The Commissioner can issue enforcement proceedings if satisfied that there has been a contravention of the data protection principles. The Commissioner can also recommend that you apply to court alleging a failure to comply with the subject access provisions of the 1998 Act. The court may make an order requiring compliance with those provisions and may also award compensation for any damages you have suffered as well as any associated distress.

Information where Warwickshire Police Authority is not the “Data Controller”

In many cases, it is the police and not the police authority that holds personal information. The Police National Computer includes information on prosecutions, convictions and cautions. Chief Officers of Police are the “data controllers” for this information and not Warwickshire Police Authority.

You have the right to be told by a Chief Officer whether any information is held about you on the Police National Computer and a right to a copy of that information. The Chief Officer will give that information if he is satisfied as to your identity and on payment of a fee of £10. The Chief Officer may deny access to this information where the information is held for the prevention or detection of crime or for the apprehension or prosecution of offenders and where release of the information would be likely to be prejudicial to any of these purposes.

Police forces provide a form to simplify the exercise of your subject access rights to PNC information. In the case of Warwickshire Police you should contact:

Force Data Protection Officer
Warwickshire Police
PO Box 4, Leek Wootton, Warwick. CV35 7QB
Telephone: 01926-415000

Environmental Information Regulations 2004

The Environmental Information Regulations 2004 came into force on the 1st January 2005 to coincide with the Freedom of Information Act.

The Regulations give people a right to ask a public authority holding environmental information, either in writing or verbally, for specific information and expect a response within **20 working days, or 40 working days** if the request is complex or voluminous. There may be a charge for providing the information, in line with the fees charged for requesting information under the Freedom of Information Act.

Environmental information includes all the information that you would expect to be environmental, such as:

- Information about air, water, soil, land, flora and fauna, energy, noise, waste and emissions

Environmental Information also includes information which has a clear link to the environment but may not appear to be environmental at first glance. For example:

- Any decisions, measures and activities affecting or likely to affect any of the above
- Financial and cost benefit analysis relating to these would also be classed as environmental information
- Certain information about human health and the food chain, built structures and cultural sites.

There have been Environmental Information Regulations in the UK since 1992, based on European legislation. In 1998 the UK was a signatory to an international convention, the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Because of the principles laid down in the Aarhus Convention the, European Union introduced a new Directive on public access to environmental information (2003/4/EC). As with all member states the UK had to update its Environmental Information Regulations in line with this Directive.

There are differences between definitions and the rights of access to information between the Environment Regulations and the Freedom of Information Act. Also if the requests falls under the Environmental Regulations then it will be exempt under Freedom of Information.

The Department for Environment, Food and Rural Affairs (Defra) have an Environmental Information Unit to provide advice and guidance to the public and authorities. More information about the Regulations can be found on their website www.defra.gov.uk.