

PUBLICATION SCHEME

FREEDOM OF INFORMATION (FOI) ACT 2000

The Freedom of Information (FOI) Act 2000 gives a general right of access to all types of recorded information held by the Police Authority. It sets out exemptions from that right and places a number of obligations on the Authority. Any person who makes a request to the Authority for information will be informed whether the information is held, and, subject to exemptions, supplied with that information.

Your rights and our responsibilities

Section 19 of the FOI Act requires the Authority (together with all other public authorities) to adopt an approved Publication Scheme, setting out the information routinely made publicly available. The model scheme, on which this publication scheme is based, has been approved by the Information Commissioner and is reviewed from time to time. In adopting (or reviewing) this Publication Scheme, the Authority is required to have regard to the public interest by:

- allowing public access to information held; and
- publishing the reasons for the decisions the Authority makes.

This Publication Scheme lets the public know what information is readily available from the Authority without your needing to ask us for it. Readily available means that the information is available on our website, can be requested by letter, e-mail or telephone call; can be purchased; or can be found in a local library.

The FOI legislation gives you a right of access to recorded information held by the Police Authority, subject to certain exemptions. If you ask for information, the Authority will be required to:

- let you know in writing whether the information you have requested is held; and
- if it is, provide the information to you within 20 working days, unless it is subject to an exemption.

The Authority also has a duty to provide advice or assistance to you or anyone seeking information (for example in order to explain what is readily available or to clarify what is wanted).

Responsibility for the Publication Scheme

The Authority's Chief Executive has overall responsibility for its Publication Scheme. The person responsible for the day to day maintenance and management of the Publication Scheme is:-

Governance Officer
Town Hall
Lancaster Road
Preston
PR1 2RL

Tel 01772 906848
Fax 01772 906323

E-mail: foi@preston.gov.uk

Charging for Publications

Requests for multiple copies of publications or multiple printouts from the website or for copies of archived material no longer available on the website will attract a charge. The cost will include any photocopying and postage costs. Any charge made will be in line with those charges set out in the Freedom of Information Act and / or any other relevant legislation. Where a charge applies, the cost and the reasons for levying a charge will be made known to you. You will be advised of this cost prior to your request being processed and the charge will be payable in advance.

Comments about the Publication Scheme

If you have any comments about the Authority's Publication Scheme or feel that the Scheme could be improved, you should write, in the first instance to Beverly Wood (contact details as set out above).

Complaints about the Publication Scheme

If you think the Authority has failed to supply information in accordance with the Scheme, please write, in the first instance to:

Chief Executive
Lancashire Police Authority
PO Box 653
PRESTON
PR2 2WB

Telephone: 01772 532010
Fax: 01772 768870
E-mail: Miranda.carruthers-watt@lpa.lancscc.gov.uk

The Authority will aim to deal with your complaint within 10 working days. If you are dissatisfied with the response you can ask for the matter to be internally reviewed. Internal reviews will be completed promptly and a response given to you within 20 working days of your further request.

If, after the internal review, you remain dissatisfied, then you can write to the Information Commissioner. (Contact details are given at the end of the document.)

Availability of this scheme in other formats

Requests for copies of the Scheme in alternative formats or languages other than English should be directed, in the first instance, to the Policy and Performance Officer at the address listed above.

Copyright

For material where the Authority owns the copyright, it can be reproduced free of charge in any format or medium for research, private study or for internal circulation within an organisation. This is subject to the material being reproduced accurately and not being used in a misleading context. Where material is being republished or copied to others, the source of the material must be identified and our copyright acknowledged. The Lancashire Police Authority logo is also copyrighted and may not be reproduced other than as it appears on copied material.

Other Copyrighted Material

Some material we include in our Scheme may be the copyright of a third party. Our rights to hold and use such material do not extend to others. You must obtain authorisation from the copyright holder(s) concerned if you wish to copy or reproduce such material.

Requests for Personal Information

Under the Data Protection Act 1998, you already have a statutory right to have access to personal data we hold about you on computer or in a structured manual file (ie on paper). 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

- not transferred abroad unless to countries with adequate data protections 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 at www.ico.gov.uk or from the Information Commissioner at the address given below.

Information where the 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
- 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.

However, we must emphasise that because police operations are the responsibility of the Chief Constable and the Lancashire Constabulary, information on individuals is more likely to be held by Lancashire Constabulary than Lancashire Police Authority.

If you wish to apply for access to your personal data, known as “a subject access request”, you should write to us at the above address. A fee of £10 must accompany your request together with proof of your identity (a current passport or photo driving licence). You will also need to supply us with the details we need 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, or
- 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

An online complaints procedure is also available on the Information Commissioner's website at:
http://www.ico.gov.uk/complaints/freedom_of_information.aspx

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 Lancashire Police Authority is not the “Data Controller”

In many cases, it is the Constabulary and not the Police Authority that hold personal information. The Police National Computer (PNC) includes information on prosecutions, convictions and cautions. Chief Constables are the “data controllers” for this information and not Lancashire Police Authority.

You have the right to be told by a Chief Constable whether any information is held about you on the Police National Computer and a right to a copy of that information. The Chief Constable will give that information if he is satisfied as to your identity and on payment of a fee of £10. The Chief Constable 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 Lancashire Constabulary you should contact: -

Force Data Protection Officer
Lancashire Constabulary
PO Box 77
Hutton
PRESTON
PR4 5SB

Telephone: 01772 618198

Fax: 01772 618123

Email: data.protection@lancashire.pnn.police.uk

Environmental Information Regulations

Environmental Information Regulations provide members of the public with the right to access environmental information held by public authorities.

If you wish to make a request for information under the Environmental Information Regulations (EIR), you should write to:

Governance Officer
Town Hall
Lancaster Road
Preston
PR1 2RL

Tel 01772 906848
Fax 01772 906323

E-mail: foi@preston.gov.uk