



## **Freedom of Information Act 2000**

### **Publication Scheme**

#### **Introduction**

The Freedom of Information Act 2000 ('FoIA') received Royal Assent on 30 November 2000. It 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, subject to exemptions, supplied with that information.

#### **Your rights and our responsibilities**

Under the FoIA all Police Authorities (together with all other public authorities) must have a Publication Scheme setting out the information we routinely make publicly available. Our scheme must be approved by the Information Commissioner and we have to review the scheme from time to time. In adopting (or reviewing) our Publication Scheme, we are required to have regard to the public interest in:

- allowing public access to information we hold; and
- to the publication of reasons for the decisions we make.

The purpose of our Publication Scheme is to let you know what information is readily available from us without your needing to ask us for it. By 'readily available', we mean that the information can be obtained from our website, can be requested by letter, e-mail or telephone call; can be purchased ; or can be found in a local library.

The Freedom of Information Act 2000 gives you a right of access to recorded information held by the Police Authority, subject to certain exemptions. If you ask us for information we will be required to:

- let you know in writing whether we hold the information you have asked for; and
- if we do, provide the information to you within 20 working days (unless it is subject to an exemption).

The Authority also have 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 Cumbria Police Authority Publication Scheme**

The person with day to day responsibility for maintaining and managing the Publication Scheme is: -

Mr S. Edwards,  
Acting Chief Executive  
Cumbria Police Authority  
Police Authority Office,  
Carleton Hall,  
Penrith,  
Cumbria CA10 2AU

Telephone: 01768 217732  
Fax: 01768 217738  
E-mail: [stuart.edwards@cumbria.police.uk](mailto:stuart.edwards@cumbria.police.uk)

### **Contacting Cumbria Police Authority**

If you wish to obtain a hard copy of our Publication Scheme or any of the publications contained in our list of publications you may write to, e-mail or telephone us at:

Cumbria Police Authority  
Police Authority Office,  
Carleton Hall,  
Penrith,  
Cumbria CA10 2AU

Telephone: 01768 217732  
Fax: 01768 217738  
E-mail: [stuart.edwards@cumbria.police.uk](mailto:stuart.edwards@cumbria.police.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 on our Publication Scheme or feel that the Scheme could be improved, you should write, in the first instance, to Stuart Edwards (contact details shown above).

## **Complaints about the Publication Scheme**

If you think we have not supplied information in accordance with our Scheme, then you should write, in the first instance, to:

The Acting Chief Executive  
Cumbria Police Authority  
Police Authority Office,  
Carleton Hall,  
Penrith,  
Cumbria CA10 2AU  
Telephone: 01768 217734  
Fax: 01768 217738  
E-mail: [clive.alcock@cumbria.police.uk](mailto:clive.alcock@cumbria.police.uk)

We 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. We aim to complete an internal review and respond to you within 20 working days.

If, after the internal review, you remain dissatisfied then you can complain to the Information Commissioner. (Contact details are towards the end of this document)

## **Availability of this scheme in other languages and formats.**

If you require a copy of the Scheme translated for speakers of other languages or in other formats, such as audio or Braille, please contact the Authority at the address and telephone numbers listed above.

## **Copyright**

Different bodies might own the copyright of material contained in our Scheme:

### **Cumbria Police Authority Copyright Material**

For material where we own 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 Cumbria 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 (i.e. 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 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 at [www.ico.gov.uk](http://www.ico.gov.uk) or from the Information Commissioner at the address given below.

## **Information where Cumbria 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, information on individuals is more likely to be held by Cumbria Constabulary than Cumbria 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). 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

An online complaints procedure is also available on the Information Commissioner’s website at:

[http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](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 Cumbria Police Authority is not the “Data Controller”**

In many cases, it is the Constabulary and not the Police Authority who hold personal information. The Police National Computer includes information on prosecutions, convictions and cautions. Chief Constables are the “data controllers” for this information and not Cumbria 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 Cumbria Police you should contact: -

Force Data Protection Officer  
Cumbria Constabulary,  
Police Headquarters,  
Carleton Hall,  
Penrith,  
Cumbria CA10 2AU

Telephone: 01768 217456  
E-mail: david.cherry@cumbria.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:

The Acting Chief Executive  
Cumbria Police Authority  
Police Authority Office,  
Carleton Hall,  
Penrith,  
Cumbria CA10 2AU

Telephone: 01768 217732  
Fax: 01768 217738  
E-mail: stuart.edwards@cumbria.police.uk