Access to Information Statement

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Introduction

1. The Yorkshire Dales National Park Authority is committed to openness, transparency and accountability. We will do our best to provide information to members of the public on request, where it is held by us and provided that there is no legal or other restriction on disclosing it.

2. If we can, we will respond to requests for information at the time of the request, in the normal course of business.

3. Much of the information we hold is routinely published and is easily accessible, either from our website or by contacting our offices directly on 0300 456 0030. Details about how to make a request for information can be found in the **Annex** to this document.

Relevant Legislation

4. We are required to produce and maintain a Publication Scheme as a general guide to what information is available and where to find it. The Information Commissioner's Office (ICO) has created a model Publication Scheme that all public authorities must use. The Authority's Publication Scheme can be viewed on our website and includes:

    - the classes of information that we publish or intend to publish; and
    - where the information is available and how to access it.

5. Under the Open Data provisions of the Local Government Transparency Code 2014, we publish certain categories of data on our website. Furthermore, under the Openness of Local Government Bodies Regulations 2014 the Authority publishes details of delegated decisions, where these decisions either grant permission or a licence; affect the rights of an individual; or incur expenditure that materially affects our financial position.

6. The Infrastructure for Spatial Information in Europe (INSPIRE) Directive, and associated UK Regulations, complement these transparency and open data policies. INSPIRE requires public authorities to publish any geographical information they manage that relates to a series of environmental themes defined in the Directive, including data about: species and habitats, population demographics, utility services, energy resources, marine features, meteorological features and human health. We have made our key geographical datasets available on https://ckan.publishing.service.gov.uk/organization/yorkshire-dales-national-park-authority and the datasets themselves accessed through WMS or WFS services from the links provided on this website

7. In addition to this published information, individuals have rights of access to other information held by the Yorkshire Dales National Park Authority under three main pieces of legislation:

    (i) The Freedom of Information Act 2000

(ii) The Environmental Information Regulations 2004

(iii) The UK General Data Protection Regulation, complemented by the Data Protection Act 2018

Freedom of Information Act 2000 (FoI)

8. Information held by the Authority that is not available under the Publication Scheme (and which does not fall within EIR or UK GDPR/the DPA) can be requested in writing under the Freedom of Information Act 2000. We are required to supply information within 20 working days of receiving the request, unless that information falls within one or more exemptions contained in the Act. If the Authority is not able to provide the information, we must give the applicant the reasons for refusal and confirm their right to ask for a review.

9. There is a presumption in favour of disclosure, but there are several exemptions to the provision of information. Many of the exemptions require a "public interest" test to be applied before a decision can be taken to withhold the information. Generally speaking, the decision on releasing information will be based upon whether the public interest in not releasing the information is outweighed by the public interest in releasing it.

10. Datasets: A dataset is “a collection of factual information in electronic form in connection with the services and functions of the Authority that is neither the product of analysis or interpretation, nor an official statistic and has not been materially altered”. Amendments to FoI under the Protection of Freedoms Act 2012 (PoFA)and the Re-use of Public Sector Information Regulations 2015 (RPSI) make special provisions relating to datasets. These provisions relate to how information is released rather than what information is available and require the Authority to publish datasets that have been requested under FoI in a format enabling re-use. References to these datasets, and any updated versions, are included in our Publication Scheme. If any information in the dataset is a relevant copyright work and the Authority is the only owner, the information will be available for re-use under a specified licence.

Environmental Information Regulations 2004 (EIR)

11. The Environmental Information Regulations 2004 give a right of access to information held by the Authority relating to the status of the elements (such as air, water, land/landscape) and factors that may affect these elements; as well as measures (including administrative measures) such as policies, plans, programmes and activities that are likely to affect these elements; or reports and analyses on the implementation of environmental legislation. Most requests for information that are made to the Authority are be covered by EIR, e.g. development management/planning and the built environment, conservation and biodiversity, farming and land management.

12. Requests under EIR do not have to be in writing and, unlike FoI, do not need to be made under the requester’s real name. In general, requests under EIR are

handled in the same way as those considered under FoI and, in most cases, we have 20 working days to respond although this can be extended in exceptional cases. Any decision to withhold information must be notified to the applicant setting out the reasons, including the exception(s) on which the refusal is based. Under EIR these exceptions include, for example, where:

- the information requested comprises personal data;
- the request involves the disclosure of internal communications;
- disclosure of the information would adversely affect:
  the interests of the person who provided the information; or the protection of the environment to which the information relates; or the confidentiality of commercial or industrial information where the law so provides to protect an economic interest;

UKGDPR and Data Protection Act 2018 (UKGDPR and DPA)

13. The UK General Data Protection Regulation is complemented by the additional provisions of the UK Data Protection Act 2018 and sets out the framework for data protection law in the UK.

14. Data is defined as “personal data” under the terms of UK GDPR and DPA if it relates to a living individual who can be identified from that data, or from that data and other information which is in the possession of the Authority.

15. The right of subject access gives individuals the right to obtain a copy of their personal data that is being held by the Authority, as well as other supplementary information on how and why their data is being used. Requests can be made verbally or in writing (email is acceptable) and we may need to satisfy ourselves as to the identity of the person making the request. We will normally provide the information within one calendar month unless clarification or charges need to be made or where more time is reasonably needed to locate the information, in which case the requester will be kept informed.

16. Further information about data protection can be found in the Authority’s Data Protection Policy.

ANNEX

Making a request for information under FoI or EIR

1. Requests for information that has not been published and may therefore need to be considered under FoI/EIR should be submitted (in writing or by email in the case of FoI) to:

   Access to Information
   Yorkshire Dales National Park Authority
   Yoredale, Bainbridge
   North Yorkshire DL8 3EL
   Email address: accesstoinfo@yorkshiredales.org.uk

2. Assistance will be given to anyone needing help to submit their request in writing.

3. If a request is for information that is partly held by the Authority and partly held by another body, we will process the request in accordance with the agreed processes and inform the requester of exactly what information this Authority holds and what information is held elsewhere.

4. Where we are being asked to disclose information provided by a third party (and where there is no statutory requirement for that information to be made public e.g. relating to planning applications), we will usually consult the third party concerned before deciding whether to release the information, unless:

   - we do not intend to disclose the information (relying on a legitimate ground);
   - the views of the third party can have no effect on the decision to disclose, for example where there is other legislation preventing or requiring disclosure of the information;
   - the cost of consulting third parties would be disproportionate. (e.g. someone asks for a copy of a petition with 500 signatures).

5. Legislation provides a right of access to the information itself, not to particular documents. If the information that is wanted is in a document which also contains other information which is exempt from disclosure, only the information that is requested will be disclosed.

6. In deciding whether information should be disclosed, the identity of the requester is irrelevant, and information will be provided or withheld unconditionally whoever makes the request.

Fees and Charges

7. In most cases we will provide the information without charge. However, in some instances we may need to make a charge to cover our costs. If this is the case, we will give details of the charges which must be paid prior to the provision of the information.

8. **Freedom of Information Act**: The Authority is entitled to charge for disbursements - photocopying, printing and postage, plus any charges incurred in recovering documents from storage/archive. Copying charges are currently 7p per A4 page, 17p per A3 page, plus the actual postage. However, if the charge would total less than £2.00, the information will be provided for free.

9. If the officer time cost of locating and providing the information exceeds the "appropriate limit" of eighteen hours work or £450 or (based on the standard hourly rate of £25 as set out in Regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004) we do not have to provide the information, though we can choose to do so if the requester pays for the work involved, at a rate of £25 per hour. In this case we will advise the requester, who may wish to make a more limited request involving less information or elect to pay the necessary costs.

10. **Environmental Information Regulations:** in contrast to FoI, EIR allow public authorities to charge for making environmental information available, including the cost of officer time in locating, retrieving and extracting that information.

11. EIR does not specify the rate at which staff time should be calculated, but the Information Commissioner's current guidance is to apply the FoI rate of £25 per hour.

12. No charge can be made for a requester to access any public registers or lists of environmental information held by the Authority; or to examine the information requested at the Authority's offices. We cannot charge for the time spent redacting excepted information

13. Payment of any charges must be made in advance, and the requester will be notified of the need for charges within 20 working days of receipt of the information request, together with the amount of payment required. The requester then has 60 working days following issue of the notification to make the payment. If payment is not made within this period, we will not proceed with the request. The period from the day of this notification to the day the payment is received does not count towards the time limit for responding to the request.

14. **UK General Data Protection Regulation and Data Protection Act 2018**: In most cases, Subject Access Requests are not subject to a fee. However, where the request is excessive, we may charge a "reasonable fee" for the administrative costs of complying with the request. We can also charge a reasonable fee if an individual requests further copies of their data following a request, based on the administrative costs of providing further copies.

Refusal of request

15. If there are grounds for refusing the release of all or part of the information requested, the requester will be issued with **a refusal notice** explaining why the request has been declined. There are a number of reasons why a request can be refused.

a) Exemptions/Exceptions:
Under the provisions of FoI there are two types of exemption – 'absolute' and 'qualified.'
Absolute**:** If one of these exemptions applies, the Authority is under no duty to confirm or deny whether the information exists or to disclose it.
Qualified**:** If the information requested is covered by a qualified exemption, the information is exempt unless it is in the public interest to disclose. The public interest test favours disclosure, and the information may be withheld only if it is considered that the public interest in claiming the exemption is greater than the public interest in disclosing the information.

All exemptions under the EIR are qualified and are called exceptions. Exceptions can be either class- or prejudice-based. Most exceptions under EIR are subject to the public interest test, with a presumption in favour of disclosure

b) Excessive Costs:
If the cost of locating and providing the information exceeds £450/18 hours work, the Authority is not obliged to provide the information unless the requester wishes to pay for the work involved (at £25 per hour). Where a request is refused on cost grounds, an indication may be given of what information could be provided within the cost ceiling.

c) Vexatious requests
If a request is deemed by us to be vexatious – as defined by the ICO "manifestly unjustified, inappropriate or an improper use of a formal procedure" - the Authority may refuse to process it.

d) Repeated requests
If the Authority has previously complied with a request, there is no obligation to respond to a subsequent identical or substantially similar request from the same requester unless a reasonable interval has elapsed.

e) Requester has been unable to sufficiently describe the information required
If, after providing the requester with the necessary assistance and advice, we are unable to identify the information required, we have no obligation to proceed with the request.

Review of request

16. Any dissatisfaction with the Authority's response to a request for information should be treated as a request for an internal review. A request for a review should be made to the Governance and Compliance Officer no later than 30 working days from receipt of the decision/response:

Governance and Compliance Officer
Yorkshire Dales National Park Authority
Yoredale, Bainbridge

North Yorkshire DL8 3EL

Telephone: 01969 652326 (direct line); 0300 456 0030 (switchboard)
Email: accesstoinfo@yorkshiredales.org.uk

17. The review will be carried out by the Director of Corporate Services.

18. The target response time to respond after review is 10 working days, with the requester being kept informed if there are any unavoidable delays. Requests for an internal review will be recorded, and reported to the Audit & Review Committee, in the usual way along with other complaints

19. If the requester is still dissatisfied with the Authority's response, they may refer the matter to the Information Commissioner's Office (FOI and EIR complaints | ICO); or call the ICO helpline on **0303 123 1113**; or use the live chat service: Start a live chat Powered by G

20. The right to request a review is distinguished from a general complaint which is processed in accordance with the Authority's Complaints Policy,