

# **POLICE AND CRIME COMMISSIONER FOR ESSEX**

## **FREEDOM OF INFORMATION ACT 2000**

### **PUBLICATION SCHEME**

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# FREEDOM OF INFORMATION ACT PUBLICATION SCHEME

## Part One

### THE POLICE AND CRIME COMMISSIONER for ESSEX PUBLICATION SCHEME

#### INTRODUCTION

##### **The Freedom of Information Act 2000**

The Freedom of Information Act (FOI) 2000 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 from June 2003**

Under the FOI Act 2000 all public authorities must have a Publication Scheme setting out the information we routinely make publicly available (See Page 11 for general information about the PCC for Essex). This PCC Publication Scheme will be submitted to the Information Commissioner for approval and review of the scheme from time to time will be required.

This scheme has been analysed for equality, to understand the effect on protected groups<sup>1</sup> and has been identified as having low potential for any adverse impact.

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.

Our publication must:

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<sup>1</sup> The Equality Act 2010 protects people from discrimination on the grounds of 'protected characteristics'. The relevant characteristics for services and public functions are Race, Disability, Gender Age, Sexual Orientation, Religion or Belief , Gender Reassignment and Pregnancy and Maternity

- set out the classes of information which we publish or intend to publish;
- say how we will publish the information in each class; and
- say if we will provide the information free or charge for it.

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 is available on our website, can be obtained from us if you request it by letter, e-mail or telephone call, can be purchased from us or can be found in a local library.

Part two of our Publication Scheme sets out the classes or types of information we publish or intend to publish. Part three sets out the list of publications and supports the Publication Scheme. It lists specific publications we make available, how they can be obtained and whether they are free or if we will ask you to pay a charge.

### **Yours rights and our responsibilities from 1 January 2005**

The Freedom of Information (FOI) Act 2000 gives you a right of access to recorded information held by public authorities, subject to certain exemptions.

The FOI Act applies to the majority of public authorities. The FOI Act came into force fully on 1 January 2005. Full access rights under the FOI Act came into force on 1 January 2005.

If you ask us we are required to:

- let you know in writing whether we hold 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.

We 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).

Further information with regard to individual rights of access can be provided. Such information will includes contact details, how to obtain assistance and our appeals procedure.

## **Further developments from 1 January 2009**

Further changes to the scheme became effective from 1 January 2009. From this date it is a requirement to produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public.

This Publication Scheme has been updated to meet the revised publication scheme proposed by the Information Commissioner.

## **Responsibilities for the PCC Publication Scheme**

The Chief Executive to the PCC has overall responsibility for the Publication Scheme. The person responsible for maintaining and managing the Publication Scheme is: -

The Operating Manager  
Police and Crime Commissioner for Essex  
3 Hoffmanns Way  
Chelmsford CM1 1GU

## **Contacting the PCC**

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

The Police and Crime Commissioner for Essex  
3 Hoffmanns Way  
Chelmsford  
CM1 1GU

Telephone 01245 291600  
Fax 01245 291601  
e-mail [pcc@.AWAITS](mailto:pcc@.AWAITS)

Our website also contains a copy of the Publication Scheme at  
<http://www.essexpcc.com>

## **Charging for Publications**

### **Free of charge on website**

There is no charge made by us, although the user will of course, have to meet any charges made by their internet provider and/or telephone company as well as any personal costs for printing etc.

For those without access to the internet, we will provide a single printout of an individual publication, as shown on the website, free of charge from the above contact address (price of postage may be requested if total cost exceeds the cost of a standard first class stamp).

### **Chargeable on the website**

Requests for multiple copies of publications or multiple printouts from our website or for copies of archived material no longer available on the website will attract a charge. The cost will be restricted to 10% of the reasonable costs of complying with the request, together with photocopying costs (currently 3p per sheet) and postage, up to £500 after which the full cost may be recovered. We will let you know the cost when we receive your request and the charge will be payable in advance. Where information is available via the website but a customised value-added service is requested using that information, a charge will be made.

### **Free of charge hard copy**

Indicates a leaflet, booklet or periodical, published by the PCC, which is free of charge.

### **Chargeable hard copy**

Indicates a 'glossy' or bound paper copy, or in some cases a CD Rom or other mediums charged as shown in our publication list.

Where a charge applies, the cost and the reasons for levying such a charge will be made known to you and any charge will be payable in advance.

### **Free of charge to view**

At our office or other designated site.

### **Comments about the Publications 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:

The Operating Manager  
Police and Crime Commissioner for Essex  
3 Hoffmanns Way  
Chelmsford  
CM1 1GU

Fax 01245 291601  
e-mail: [epa@AWAITs](mailto:epa@AWAITs)

## **Complaints about the Publication Scheme**

If you think the PCC has not supplied the information in accordance with our scheme, then you should write, in the first instance to:

The Operating Manager  
Police and Crime Commissioner for Essex  
3 Hoffmanns Way  
Chelmsford  
CM1 1GU

e-mail: [epa@.AWAITS](mailto:epa@.AWAITS)

Your complaint will be acknowledged within 5 working days and the PCC aims to deal with your complaint within 20 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 further complain to the Information Commissioner.

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

Fax 01625 524510  
email [data@dataprotection.gov.uk](mailto:data@dataprotection.gov.uk)

## **Review of the Police and Crime Commissioner for Essex Scheme**

We will review our publication scheme periodically.

### **Availability of this scheme accessible formats.**

You can obtain a copy of this scheme in braille, large print, and CD Rom.

Providing copies in special formats may be subject to some delay. Our aim is to provide these within 20 days, but where we are reliant on external suppliers for these services; delays may be beyond our control.

## **Copyright**

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

### **Police and Crime Commissioner for Essex - 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 to copy to others, the source of the material must be identified and our copyright acknowledged.

### **Other Copyright 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**

It might help you to know that police operations are the responsibility of the Chief Constable and Force and information on individuals is more likely to be held by the police.

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, and
- not transferred abroad unless to countries with adequate data protection laws.

For the purpose 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.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) or from the Information Commissioner at the address given on page 8.

## **Information where the PCC for Essex 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 above address. 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 a 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 the PCC seeking resolution of your complaint
- write to the Information Commissioner, who is appointed to consider such complaints at:

Office of the Information Commissioner (also page 8)  
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 PCC for Essex is not the data controller**

In many cases it is the police (not the PCC) that hold personal information. The Police National Computer includes information on prosecutions, convictions and cautions; Chief Police Officers are the “data controllers” for this information and not the PCC.

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 the 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 Essex Police you should contact:

Force Data Protection Officer  
Essex Police Force  
Police Headquarters  
PO Box 2  
Springfield  
Chelmsford  
Essex CM2 6DA

Telephone 01245 491491  
Fax 01245 452256  
e-mail [info@essex.police.uk](mailto:info@essex.police.uk)

## **Requests under the Environmental Information Regulations**

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

The Operating Manager  
Police and Crime Commissioner for Essex  
3 Hoffmanns Way  
Chelmsford  
CM1 1GU

Telephone 01245 291600  
e-mail [epa@.AWAITS](mailto:epa@.AWAITS)

## **GENERAL INFORMATION ABOUT THE PCC**

### **Roles and Responsibilities**

The role of the PCC is to ensure that there is an efficient and effective police force for Essex and to make sure that the chief constable and force are accountable for what they do for you, in carrying out their responsibilities and serving our communities.

The PCC sets the strategic direction for policing in Essex and holds the Chief Constable to account for the policing service delivered. Delivery of local policing services is the responsibility of the Chief Constable of Essex Police.

The PCC has a number of statutory duties and responsibilities. The main ones are to:

- maintain an efficient and effective police force;
- decide the police budget and allocate assets and funds to the chief constable;
- set the precept for the force area;
- appoint (and if necessary remove) the chief constable;
- consult widely with local people about the policing of their area;
- set the strategic direction and objectives of the force through the Police and Crime Plan;
- monitor the police and how well they perform against the targets set by the PCC;
- prepare and issue an annual report on delivery against objectives, and
- monitor complaints against the police.

It is reiterated that it might help you to know that police operations are the responsibility of the chief constable and information on individuals is more likely to be held by the police than the PCC.

## Part Two

### CLASSES OF INFORMATION

#### Introduction

Under the Freedom of Information Act 2000, the PCC Publication Scheme must say what classes, or broad types, of information the PCC already publishes or intends to publish. We aim to publish as much information as possible about our work through the scheme, except where it would not be in the public interest to do so, for example, because it might prejudice law enforcement or the health and safety of our staff, or our ability to secure best value from local policing because information is commercially sensitive.

For each class we briefly define the information contained in that class, the format in which it is available and whether the class included chargeable material. Chargeable material is indicated by a £ sign.

For those who do not have access to a computer, all information contained in this Publication Scheme (including the scheme itself) is available in hard copy form.

The PCC publishes or intends to publish, information under the following classes:

Classes of information:

- Who we are and what we do.
- What we spend and how we spend it.
- What our priorities are and how are we doing.
- How we make decisions.
- Our policies and procedures.
- Lists and Registers.
- Services we offer.



Class & Definition	Format	Cost/Charge
<p>geographical contacts, including specific member links and lead responsibilities with parts of the force area.</p> <p><b>Other Appointments</b></p> <p>Here you will find:</p> <p>Independent Custody Visiting appointments including the application process, appointment policies, custody visiting policy, working arrangements and appeals procedure against dismissal;</p> <p>chief constable appointments;</p>	<p>Electronically and/or hard copy and/or website</p>	<p>Discretionary (see Part three for Publications List)</p>
<p><b>Partnerships</b></p> <p>Here you will find:</p> <p>details of our partnership plans including those relating to the community safety panels for the areas within Essex where the PCC is a responsible authority in terms of the Crime and Disorder Act 1998;</p> <p>we would also make available documents in respect of other partnerships on which the PCC sits such as the Essex Criminal Justice Board and the local area agreement or explain where those documents are available.</p> <p>We may not publish information in this class if it would endanger the safety of any individual, is commercially confidential or if it is personal information exempt under the Data Protection Act 1998.</p>	<p>Electronically and/or hard copy and/or website</p>	<p>Discretionary (see Part three for Publications List)</p>

Class & Definition	Format	Cost/Charge
<p><b>WHAT WE SPEND AND HOW WE SPEND IT</b></p> <p><b>Summary of revenue and capital estimates of the PCC</b></p> <p>Here you will find:</p> <p>the spending plans for each financial year for the PCC and force, including the council tax level for that year.</p> <p><b>Annual Statements of Accounts</b></p> <p>Here you will find:</p> <p>the income and expenditure for each year, together with the balance sheet as at 31 March and other supporting financial statements, the auditors opinion is also set out in the statement.</p> <p><b>Council Tax</b></p> <p>Here you will find:</p> <p>a summary of spending plans, government grants and current tax levels for each financial year.</p> <p><b>Medium Term Financial Strategy</b></p> <p>Here you will find:</p> <p>the Office of the PCC's overall spending plans and funding sources for the medium term (3 – 5 years).</p> <p><b>Expenses and allowances paid to senior employed staff</b></p>	<p>Electronically and/or hard copy and/or website</p>	<p>Discretionary (see Part three for Publications List)</p>





Class & Definition	Format	Cost/Charge
<p><b>HOW WE MAKE DECISIONS</b></p> <p><b>Schedule of meetings open to the public</b></p> <p>Here you will find:</p> <p>advance publication of all our formal public meetings;</p> <p>details of public consultation events, arrangements for consulting the public and information about dates and venues of any planned public meetings.</p> <p><b>Agendas and approved minutes</b></p> <p>Here you will find:</p> <p>information about how we carry out our work and make decisions through meetings, including agendas and minutes, except information which is exempt under the provisions of the Local Government Act 1972;</p> <p>the PCC's current calendar setting out dates, times and venues of PCC meetings to be held in public and how you can attend;</p> <p><b>Background papers for meetings open to the public</b></p> <p>Here you will find:</p> <p>meetings – agendas and reports, including a list of background papers, to be considered at those meetings, and to be made available a minimum of 5 working days in advance of the meeting, except late papers tabled in accordance with our urgency arrangements or information which is exempt under the provisions of the Local Government Act 1972, for example, because it is commercially sensitive, relates to individual staff or legal proceedings;</p>	<p>Electronically and/or hard copy and/or website</p> <p>Electronically and/or hard copy and/or website</p> <p>Electronically and/or hard copy and/or website</p>	<p>Discretionary (see Part three for Publications List)</p> <p>Discretionary (see Part three for Publications List)</p> <p>Discretionary (see Part three for Publications List)</p>

Class & Definition	Format	Cost/Charge
<p>the names of any regular groups, panels or project boards and their terms of reference.</p> <p><b>Facts and analyses of facts used for decision making</b></p> <p>Here you will find:</p> <p>information supporting the decision making process such as equality impact assessments.</p>	<p>Electronically and/or hard copy and/or website</p>	<p>Discretionary</p>
<p><b>Public Consultations</b></p> <p>Here you will find:</p> <p>information about our arrangements for consulting and engaging in dialogue with local people about policing issues or the work of the PCC, including:</p> <p>our current strategy for engaging in consultation and dialogue with local people;</p> <p>list of forthcoming public meetings;</p> <p>surveys or other consultation or community engagement initiatives we carry out including both with local communities and our own staff;</p> <p>the names of any standing consultative groups or forums administered by the PCC, including any organizations represented on those groups;</p> <p>how you can give your views on policing issues or the work of the PCC or Essex Police;</p> <p>the results of our consultation and other initiatives and how we have taken these into account in our work;</p> <p>any current community safety grant schemes we operate, the procedure for applying for a grant and the process and criteria for deciding</p>	<p>Electronically and/or hard copy and/or website</p>	<p>Discretionary (see Part three for Publications List)</p>









<b>Background papers</b>	Background papers are documents, which relate to the subject matter of a report, disclose any fact or matter on which the report is based and have been relied upon to a material extent in preparing the report but exclude any published work.	Electronically (intra and internet)/hard copy	free	How we make decisions
<b>Calendar of Meetings</b>	Details (dates, times and locations) of PCC's public meetings	Electronically (website) Only lists meetings open to the public	free	How we make decisions
<b>Community Engagement Strategy</b>	Consultation and communication with public & hard to reach groups	Electronically/hard copy	free	How we make decisions
<b>Code of Conduct for PCC</b>	Guidance	Electronically/hard copy	free	Our policies and procedures
<b>Disclosure Log</b>	Summary of FOI requests	Electronically/hard copy	free	Lists and Registers
<b>Animal Visiting Scheme</b>	Procedure, constitution and number of members	Electronically/hard copy	free	Our policies and procedures
<b>PCC Accounts</b>	Statement of Accounts	Hard copy and electronically	free	What we spend and how we spend it
<b>Police and Crime Plan</b>	See Annual Report	Hard copy and electronically (Essex Police website)	free	What are our priorities and how are we doing

<b>PCC Business Plan</b>	The annual business plan	Hard copy and electronically (Essex Police and PCC website)	free	Our policies and procedures
<b>PCC reports to Police and Crime Panel</b>	Reports to Police and Crime Panel	Hard copy and electronically (PCC website)	free	How we make decisions
<b>Collaboration (Essex &amp; Kent)</b>	Associated papers	Hard copy and electronic (website, subject to the security restrictions referred to above)  The link to where agendas can be found	free	How we make decisions
<b>Collaboration (Eastern Region)</b>	Constitution Associated Papers	Hard copy and electronic (website, subject to the security restrictions referred to above)  The link to where agendas can be found	free	How we make decisions
<b>Agendas and Reports</b>	Current agendas and associated reports of the PCC	Hard copy and electronic (website, subject to the security restrictions referred to above)  The link to where agendas can be found	free	How we make decisions
<b>PCC Constitution</b>	Refers to how the PCC conducts business	Hard copy; electronically Website	free	Our policies and procedures
<b>PCC meeting Minutes</b>	Current minutes of PCC meetings	Hard copy and electronic (website)  The link to where minutes can be found	free	How we make decisions

<b>Scheme of Delegation</b>	Refers to delegation by the PCC to the chief constable and chief executive (it does not refer to delegation of matters within the chief constable's remit)	Hard copy and electronically	free	Our policies and procedures
<b>PCC &amp; Essex Police Joint Information Sharing Protocol</b>	Defines the protocols governing the working relationship between the PCC and Essex Police	Hard copy and electronically	free	Our policies and procedures
<b>PCC &amp; Police and Crime Panel Joint Information Sharing Protocol</b>	Defines the protocols governing the working relationship between the PCC and the Police and Crime Panel	Hard copy and electronically	free	Our policies and procedures
<b>Financial regulations (including contract standing orders)</b>	PCC financial regulations	Hard copy and electronically	free	What we spend and how we spend it
<b>Freedom of Information Act 2000 Publication Scheme</b>	The scheme sets out the information the PCC routinely makes publicly available	Electronically and hard copy Website	free	Our policies & procedures
<b>PCC Equality Scheme</b>	Equality Scheme	Hard copy and electronically (website)	free	Our policies and procedures
<b>PCC Senior Officers</b>  <b>Chief Executive, Treasurer &amp; Deputy PCC</b>	Names, job title; responsibilities; salary (only staff with salary in excess of £58,200)	Hard copies and electronically (website)	free	Who we are and what we do

<b>PCC Record Retention and Disposal policy</b>	Record Retention and Disposal Policy	Hard copy and electronically (website)	free	Our policies and procedures
<b>Health &amp; Safety Policy</b>	PCC Health & Safety Policy	Electronically/hard copy	free	Our policies and procedures
<b>Independent Custody Visitors Scheme</b>	Annual report, procedure, policies	Electronically/hard copy	free	Who we are and what we do
<b>PCC Register of Interests</b>	A register of PCC's interests	To view in the chief executive's office Hard Copy	free	Lists and Registers
<b>Media News Releases</b>	By the PCC, deputy PCC or chief executive	Electronically/hard copy	free	Services we offer
<b>Policies (Various) Added to the scheme as and when agreed</b>		Electronically/hard copy	tba	Our policies & procedures