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Freedom of Information Policy (incorporating Environmental Information)

1.0 Introduction

- 1.1 The Freedom of Information Act 2000 and Environmental Information Regulations 2004 gives everyone a general right of access to the recorded information held by North East Lincolnshire Council, sets out exemptions and exceptions from that right and places a number of obligations on us.
- 1.2 The Council takes its responsibilities for the management of information under the Act and Regulations very seriously, this policy provides a framework through which effective management will be achieved and audited.

2.0 Scope of the Policy

- 2.1 This policy is to ensure that the Council follows the provisions of the Act and Regulations, by:
- a) Making routinely published information about its activities available to the public through the Publication Scheme; and
 - b) Providing information not available through the Publication Scheme on request in a timely manner, subject to exemptions and public interest.
- 2.2 This policy supplements the following Council policies:
- a) Data Protection Policy ; and
 - b) Records Management Policy.
- 2.3 This Policy relates solely to requests for information made explicitly under the Act or Regulations, or where the Council is unable to respond to the request in full. Normal service requests will continue to be dealt with following established service procedures.

3.0 Supporting Guidance

- 3.1 Guidance on making and handling requests under the Act or Regulations is available on the Council's website or from the Informatics and Research Team.

4.0 Roles and Responsibilities

- 4.1 **The Senior Management team** are responsible for ensuring systems are in place within the Council to guarantee compliance with this policy and the supporting guidance in the handling of requests in a timely manner and the maintaining of the Publication Scheme.

- 4.2 **Team Manager - Information Governance and Data Protection** is responsible for promoting and monitoring compliance with this policy and the supporting guidance, including:

- a) Drafting and reviewing guidance;
- b) Raising employee awareness of their responsibilities;
- c) Providing advice and assistance in the handling of requests;
- d) Assisting with and approving the application of exemptions and charges;
- e) Monitoring the proper maintenance of the Publication Scheme and Information Register; and
- f) Supporting the proactive publication of information.

- 4.3 **Strategy, Change and Improvement** are responsible for

- a) Maintaining the Information Register;
- b) Supporting Proactive Publication of information;
- c) Allocating requests and monitoring responses;
- d) Providing advice and assistance in the handling of requests;
- e) Assisting with and approving the application of exemptions and charges;
- f) Checking responses are in accordance with this policy and the supporting guidance; and
- g) Sending the approved response to the applicant.

- 4.4 **Feedback Officers** are responsible for:

- a) Coordinating the handling of requests within their service;
- b) Checking responses are in accordance with this policy and the supporting guidance, and preparing responses; and
- c) Identifying opportunities for the Proactive Publication of information.

- 4.5 **Individual employees** and those acting on behalf of the Council are responsible for:

- a) Knowing their responsibilities under the Act and Regulations;
- b) Drafting responses to requests for information, in a timely manner;
- c) Seeking advice when they are uncertain on how to respond to a request; and
- d) Seeking approval before the application of exemptions or charges.

5.0 The Council's Publication Scheme

- 5.1 The Council's Publication Scheme is available on our website <http://www.nelincs.gov.uk/council/the-council-as-an-organisation/freedom-of-information/information-we-publish/freedom-information-publication-scheme/> or by request from the Informatics and Research Team.
- 5.2 Our Publication Scheme is based on the ICO's model scheme and details the classes of information we routinely make available, how it can be obtained and any associated costs.
- 5.3 Unless otherwise specified information made available through the Council's Publication Scheme will be provided free of charge.
- 5.4 The Publication Scheme will be reviewed on annually by the Informatics and Research Team.

6.0 Personal Information and Data Protection

- 6.1 Requests from an individual for access to information about themselves (personal information) will be processed as a Subject Access Request in accordance with the Data Protection Act 1998.
- 6.2 Requests for personal information about another person must consider and ensure the third parties rights under the Data Protection Act are not breached.

7.0 Formal Requests for Information

- 7.1 Where a formal request is made to the Council for specific information, not available through the Publication Scheme, the applicant has the following rights, subject to any exemptions:
- a) To be told whether the information is held by the Council; and
 - b) To receive that information.
- 7.2 Anyone can make a request for information. The request must be in writing (including e-mail) and specify the applicants name and contact details and the information they require. Although formal requests under the Regulations can be made verbally, to ensure clarity of the information being requested the Council will ask for confirmation in writing.
- 7.3 The Council will provide applicants with advice or assistance to help them make and pursue their requests.
- 7.4 All formal requests for information will be passed to the Informatics and Research Team (FOI@nelincs.gov.uk) who will record them on the Information Register and

determine how they will be handled, including coordinating and monitoring activities with appropriate directorates to locate the information.

- 7.5 The Council reserves the right to charge an appropriate fee for dealing with a formal request for information. Any fee charged will be in accordance with the Council's Charging Policy for Information Requests available on the Council's website (<http://www.nelincs.gov.uk/council/the-council-as-an-organisation/freedom-of-information/making-an-information-request/deal-information-requests/>). The Council is not required to comply with a request or a number of related requests where the cumulative cost of complying with the requests would exceed the appropriate limit.
- 7.6 The Council may decide that some of the information it holds is exempt or excepted from disclosure, and withhold the requested information. The Council will only withhold the specific information to which the exemption or exception applies.
- 7.7 Where disclosure of information would affect a third party, the Council may consult with them, if appropriate, to determine if and how it should be disclosed.
- a) The Council should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of its functions and it would not otherwise be provided. In addition, the council should not agree to hold information received from third parties 'in confidence' which is not confidential in nature. Acceptance of any confidentiality provisions must be for reasons that can be justified to the ICO.
 - b) When entering into contracts the Council should refuse to include contractual terms which purport to restrict the disclosure of information held by the Council and relating to the contract beyond the restrictions permitted by the Act and Regulations.
- 7.8 Where the Council applies an exemption or exception to the disclosure of information, we will provide an explanation of its use and if appropriate the public interest factors, for and against disclosure, taken into account before reaching the decision.
- 7.9 If a request is deemed to be repeated or vexatious, then the Council may refuse to comply with the request. Where a request is refused it will be in accordance with the guidelines set out by the ICO.
- 7.10 The Council aims to resolve all requests within 20 working days, including those where it is necessary to consider the public interest in the application of an exemption or exception. This may be extended if clarification is required or fees are due.
- 7.11 Officers are expected to deal with requests promptly and not delay responding until the end of the 20 working day period if the information can reasonably be provided earlier. In those circumstances where it is not possible to deal with a request within 20 working days, the Council must:
- a) Provide a realistic and reasonable estimate of when a response will be provided;
 - b) Explain clearly the reason(s) for the delay; and

- c) Not exceed 40 working days.

8.0 Publishing of disclosed information

- 8.1 The Council will, where appropriate, make information disclosed in response to formal requests, proactively available through its website to prevent the need for others to make the same request.

9.0 Complaints Procedure

- 9.1 The Team Manager - Information Governance, Complaints and Consultation will coordinate any complaints received in respect of Freedom of Information.
- 9.2 An applicant can use the complaints procedure if they:
 - a) Consider that the Council is not complying with its Publication Scheme; or
 - b) Are unhappy with the handling or outcome of their request.
- 9.3 All responses to requests must notify the applicant of their rights of complaint.
- 9.4 The internal complaints procedure for formal requests is a single stage following the process set out in the corporate complaints procedure for a stage one complaint. The complaint will be acknowledged within two working days and a full response provided where possible within 20 working days.
- 9.5 If an applicant is dissatisfied with the outcome of the internal review they may seek an independent review from the ICO, by writing to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

10.0 Review of the Policy

- 10.1 This policy and the supporting guidance will be reviewed every 2 years by the Informatics and Research Team.

11.0 Contacts

- 11.1 Any enquiries about this Policy should be directed to:

Team Manager - Information Governance and Data Protection
North East Lincolnshire Council
Civic Offices, Knoll Street, Cleethorpes, North East Lincolnshire, DN35 8LN

Tel: (01472) 323372

E-mail: FOI@nelincs.gov.uk

Appendix 1

The following terms are used within this policy

| Term | Meaning |
|-----------------|--|
| The Act | the Freedom of Information Act 2000 |
| The Council | North East Lincolnshire Council |
| Formal Request | means a written request for information under the provisions of the Act or Regulations |
| ICO | refers to the regulatory body for the Act, the Information Commissioner's Officer |
| The Regulations | The Environmental Information Regulations 2004 |