



## **Freedom of Information and Environmental Information Regulations Policy**

### **1. Background**

1.1. Since January 2005 the Freedom of Information Act (2000) (FOIA) and the Environmental Information regulations (2004) (EIR) have given the public rights of access to information held by public authorities. These rights of access help to create a culture of openness and dialogue with the community, partners and other stakeholders.

1.2. This policy and its associated procedures and guidance will support the Council in meeting its legal obligations as set out in the Act and regulations. The policy also underpins the Council's Values, in particular that of Accountability and its aim is to demonstrate the Council's commitment to openness.

1.3. This policy covers all information held by Cambridgeshire County Council and information held on its behalf by partners and contractors. It applies to any information owned by the Council regardless of format (paper / electronic etc.) The legislation applies to all information regardless of when it was created.

1.4. This policy applies to all staff, Members and contractors of the Council.

1.5. Since 2005 the number, frequency and complexity of requests for information has grown considerably. The purpose of this revised policy, procedures and guidance is to enable the council to respond efficiently to the increasing demands for information.

### **2. Information Requests**

2.1. The Council will meet its legal obligations to respond to all request for information and will supply that information, subject to the limited exemptions / exceptions as specified by law.

2.2. Requests can be made by anyone regardless of their age, nationality, location, profession, motives or history. Requests will be dealt with in an applicant blind manner, i.e. each will be treated equally regardless of who is making the request. The exception to this is where an individual requests information about themselves. Such requests will be dealt with under the subject access provisions of the Data Protection Act 1998. Separate policy and procedures are in place for processing these requests.

2.3. Requests can be for any information that is held by the Council, regardless of how the information was produced or obtained. It includes information about or Version v1.0 – issued November 2010 obtained from other organisations including contracts, partnership information and agreements.

- A request under FOI must be:
- Written (Letter, email or fax acceptable)
- Legible
- Provide a name
- Provide an address for response (email acceptable)
- Describe the information sought sufficiently for the Council to identify it.



2.4. EIR does not require the request to be made in writing; however such requests must be recorded and logged.

2.5. The requestor does not have to mention any legislation in their request and they are not required to know Council process, procedures and jargon to describe the information requested.

2.6. All requests will be logged and responded to in accordance with the Council's procedures and supporting guidance for handling requests. These procedures will be updated from time to time and anyone receiving and handling requests is required to familiarise themselves with these procedures.

2.7. Requestors will not be required to explain the purpose of their request, however the Council may apply restrictions on the re-use of information it provides. Information from or belonging to other organisations will usually be provided if appropriate for the response, however the use of this information will be restricted by them (e.g. ordnance survey mapping). It is the requestor's responsibility to ensure that any re-use of information complies with copyright restrictions.

2.8. The Council will monitor the requests made in order to identify information regularly sought by the public. The Council will pro-actively publish information requested.

2.9. The Council will not create new information in order to respond to a request. However, it will provide related information and provide advice in order to assist the requestor obtain the information sought.

### **3. Ownership of Information**

3.1. The Council is the owner of the information produced and held by it. Services are the custodians of that information and are responsible for management of the information in accordance with agreed retention policies. All information held by the Council will be accessible subject to the appropriate exemptions / exceptions.

3.2. No employee, Member, contractor or partner of the Council will attempt to withhold, or destroy information if it has been requested under FOIA / EIR.

**Application of exemptions must be approved by the Information Governance team.** Version v1.0 – issued November 2010 **Governance team.** Public Interest tests must be approved by the Corporate Director – Customer Service and Transformation. Exemptions under section 36 must also be approved by the Monitoring Officer.

### **4. Request Handling Procedures**

4.1. The Information Governance team is responsible for issuing procedures for the handling of requests. Procedures will identify roles, responsibilities and timescales for handling and responding to requests.

### **5. Fees Policy**

5.1. The Council will maintain a separate fees policy for charging for access to information.



5.2. The Council will not normally provide information where the cost to the Council for locating and retrieving the information exceeds the appropriate limit as specified by the Secretary of State under section 12 of the FOIA (currently £450 or 18 hours). However the Council will, wherever possible, assist requestors in refining their requests in order to obtain the information sought.

## **6. Provision of the Information**

6.1. Wherever possible information will be provided in the format requested. Other legislation (e.g. Disability Discrimination Act) will be considered in each case to ensure the requestor receives the information in a suitable format. Where information is not held in the format requested, due consideration will be given to the impact on services where additional resources are required to provide the information in an alternative format.

6.2. All requestors will be made aware of the Councils review process for handling FOI and EIR requests. Procedures for undertaking reviews will be issued and maintained by the Information Management team. Reviews will be undertaken independently of the officers responsible for handling the request.

6.3. Requests for review must be received within 40 days of the provision of information or issue of a decision notice.

6.4. The Council aims to complete reviews within 40 working days from receipt of the review request.

## **7. Publication Scheme**

7.1. The Council has adopted the Information Commissioner's model publication scheme. Wherever possible information on the publication scheme will be published on the internet. Other information included on the scheme will be provided by services within 5 days. These requests will not be logged as FOIA / EIR requests Version v1.0 – issued November 2010

7.2. A guide to the publication scheme will be maintained and published by the Information Management team.

## **8. Policy / Procedure Review**

8.1. This policy will be reviewed every 5 years. Procedures will be reviewed every 2 years or more often if required to following specific events. Reviews will be undertaken by the information Management team.