

Freedom of Information Act and Environmental Information Regulations Policy

Applicable To	All Council Staff
Effective Date	TBC
Termination Date	Ongoing
Next Review Date	2026
Review Cycle	Every 4 Years
Policy Owner	Senior Information Risk Officer (SIRO)
Accountable Person	Senior Information Risk Officer

1.0 Policy Introduction

- 1.1 Gloucester City Council [the council] is committed to being open and transparent with all information it holds and complying with the requirements of the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR).
- 1.2 Furthermore, through following the requirements of the FOIA and the EIR the council will work to make information it holds available wherever possible.

2.0 Policy Scope

- 2.1 This policy applies to all officers, elected Members, contractors, agents representatives and temporary staff working for or on behalf of the council.
- 2.2 This policy applies to written requests for information, whether or not the requester expressly mentions the FOIA and the EIR or not. However, neither the Act/Regulations nor this policy require the council to treat every enquiry as a formal request under the Act/Regulations, and officers should consider dealing with enquiries under normal customer service procedures where possible.
- 2.3 The provisions of the FOIA and EIR, and therefore this policy, come into force if:
- The requested information cannot be provided straight away; or
 - The requester makes it clear they expect a response under the Act/Regulations.

3.0 Policy Context

- 3.1 The purpose of this policy is to ensure that the council complies with the provisions of the FOIA and EIR.
- 3.2 This policy does not cover Subject Access Requests (requests for access to personal information). These are exempt from release under section 40 of the

FOIA and Regulation 5(3) of the EIR and are processed in accordance with the Data Protection Act 2018 and as outlined in the council's Data Protection Policy.

4.0 Policy Statement

- 4.1 The council recognises that there is corporate responsibility to provide the public with a general right of access to all information held by the council, subject to the exemptions/exceptions set out in the FOIA and EIR.
- 4.2 The senior officer with overall responsibility for ensuring the council's compliance with the legislation, and therefore this Policy, is the SIRO. The SIRO will determine any internal review requests.
- 4.3 The Policy and Governance Manager is responsible for drawing up guidance and promoting compliance with this Policy in such a way as to ensure the easy, appropriate and timely retrieval of information. The Policy and Governance Manager will provide advice on FOI and EIR to the council, in consultation with One Legal where appropriate, and will monitor and report on corporate performance in respect of response times. Performance data is published on the council's website.
- 4.4 The Business Support Team handles all formal FOI and EIR requests, logging requests, monitoring deadlines and collating responses from relevant officers. A formal request is one that expressly mentions the FOIA and the EIR and is usually submitted directly to the FOI mailbox or using the FOI web form. As detailed in 2.2 above informal requests may be dealt with under normal customer service procedures where possible and if more appropriate.

The Council's Publication Scheme

- 4.5 The council's [Publication Scheme](#) is the proactive release of key information about the council information that is routinely requested available via the council's website. In accordance with guidelines set out by The Information Commissioner's Office (ICO), the council's Publication Scheme provides access to information under the following categories:

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

Requests for information

- 4.6 Information not available in the Publication Scheme can be accessed through a request for information under the FOIA or EIR, which gives the information requestor:
 - the right to be told whether information exists, and

- the right to receive the information (subject to exemptions).
- 4.7 These rights can be exercised by anyone worldwide. Requests for information not listed in the Publication Scheme will be processed according to the requirements for requesting information under the FOIA and EIR.
- 4.8 Requestors will be entitled to all the information unless one of the statutory exemptions/exceptions applies. However, only those specific pieces of information to which the exemption applies will be withheld.
- 4.9 Where the council has determined that an exemption(s) /exception(s) apply the council will consider the prejudice test and/or the public interest test, where applicable, and may in some circumstances withhold the requested information either in part or in full.

Process for formal requests for information

- 4.10 On receipt of a request, it will be logged, allocated a reference number and an acknowledgement sent to the requestor confirming the date by which they can expect to receive a response.
- 4.11 The council aims to respond to all requests within the maximum 20 working days set out in the FOIA and EIR. The council may seek clarification if a request is unclear and at this point the clock is stopped until clarification is received. If clarification is not received after 3 months, the request will be closed.
- 4.12 All responses will be signed off by the relevant Manager or Team Leader.
- 4.13 The council's response to a request for information will:
- provide the information requested;
 - confirm that the information is not held by the council;
 - confirm that another authority holds the information and inform the requestor how to contact that authority;
 - under the FOIA, confirm that the information is held and offer to provide it if a fee is paid. This will usually be the case where it exceeds the costs limit set out in the FOIA;
 - under the EIR, confirm that the information is held and offer to provide it if a fee is paid in accordance with the council's published schedule of fees and charges.
 - refuse to provide the information, and explain why giving the requestor a right of internal review/complaint; or,
 - under the FOIA, advise that more time is needed to consider the public interest in disclosing or withholding the information, up to a maximum of a further 20 working days;
 - under the EIR, advise that more time is needed as the information requested is particularly complex and there is a lot of information to provide, up to a maximum of a further 20 working days.

- 4.14 Responses will ordinarily be provided in electronic form. If physical copies of information are requested however, the requestor will be sent a notice of those fees (at the time of writing paper copies of information will be charged for at the cost of 25 pence per sheet). The Council does not have to supply the information until the fee is paid by the requestor.

Complaints

- 4.15 The requestor is able to make a complaint, known as an internal review, about the procedural aspects of a request or about a decision to withhold some or part of the requested information. Every response to a request for information made by the council contains information on how to request an internal review under FOIA and EIR, as well as the details of the Information Commissioner's Officer (ICO), to whom the requestor can complain if they remain dissatisfied with the response after an internal review.
- 4.16 On receipt of an internal review request, it will be logged under the original reference number and an acknowledgement sent to the requestor confirming the date by which they can expect to receive a response.
- 4.17 The council will respond to internal reviews for FOI within the maximum 20 working days set out in the FOIA and internal reviews for EIR within the maximum 40 working days. The council may seek clarification if an internal review is unclear and at this point the clock is stopped until clarification is received. If clarification is not received after 3 months, the request will be closed.
- 4.18 The SIRO will determine the outcome of internal reviews and the response will:
- uphold the original decision; or
 - provide a new response, which may disclose information that was previously withheld or may continue to withhold information under different or additional exemptions/exceptions.
- 4.19 The response will inform the requester of their right to appeal against the decision to the ICO.
- 4.20 The council will comply with any requests for information from the ICO in relation to appeals or subsequent appeals to the Information Rights Tribunal.

5.0 Staff Responsibilities

- 5.1 All staff should have an awareness of their obligations under this policy. Staff should recognise that all recorded information may be provided to the public and that in every case the law requires that there will be full and unconditional disclosure unless one of the statutory exemptions/exceptions applies. Linked

to this is the proper implementation of established retention schedules for recorded information.

- 5.2 Line managers should ensure that their staff have a good understanding of the requirements of the policy and are aware of relevant processes and procedures within their service area for how information requests are handled.

6.0 Breach of Policy

- 6.1 If this policy is breached through failure to meet the timescales set out within it, this will be highlighted to the relevant Director or Head of Service and will be reported in internal performance data to enable identification of any trends and remedial actions required.

7.0 Monitoring/review of the Policy

- 7.1 This policy shall be reviewed every 4 years by the Policy and Governance Manager in consultation with the SIRO.

8.0 Changes to the Policy

- 8.1 Unless there are major legislative changes to the FOIA/EIR regime (whereupon Cabinet approval must be sought) any changes required to the policy following review is delegated to SIRO in consultation with the Cabinet Member for Performance and Resources to implement those changes.