Worcestershire County Council

Freedom of Information and Environmental Information Policy

Version 1.2
25 September 2014
Document Control

<table>
<thead>
<tr>
<th>Organisation</th>
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<tr>
<td>Title</td>
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</tr>
<tr>
<td>Author</td>
<td>Sarah Lewis, Information Access Officer</td>
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<td>Becki Staite, Corporate Information Manager</td>
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<td>Corporate IG Board, 25 September 2014</td>
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Version History

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<tbody>
<tr>
<td>All Staff</td>
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**1 Introduction**

1.1 Worcestershire County Council [the council] takes its responsibilities with regard to the management of the requirements of the Freedom of Information Act 2000 and Environmental Information Regulations 2004 seriously.

**2 Scope of the policy**

2.1 This policy applies to all employees, elected members, contractors, agents and representatives and temporary staff working for or on behalf of the council.

2.2 The purpose of this policy is to ensure that the council complies with the provisions of the Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR).

2.3 This policy does not cover Subject Access Requests (requests for access to personal data). Subject Access Requests (SARs) are exempt from the Freedom of Information Act under Section 40(1) and are processed in accordance with the Data Protection Act 1998.

2.4 This policy does not cover schools which are responsible for their own information compliance.

**3 Responsibilities**

3.1 The council recognises there is corporate responsibility to provide the public with a general right of access to all information held by the council.

3.2 Each Directorate has an Information Access Co-ordinator (IAC) who is responsible for co-ordinating requests for information in their directorate and to act as the first point of contact for advice.

3.3 The Corporate Information Management Unit (CIMU) is responsible for drawing up guidance on Freedom of Information and promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely retrieval of information.

3.4 CIMU is responsible for monitoring and reporting to the Corporate Information Governance Board (CIGB) regarding responses to requests for information.

3.5 CIMU will also provide an advisory service to the remainder of the council.

3.6 Line managers must ensure that all staff are aware of the requirements of the legislation and that all new staff receive an introductory briefing on the access to information procedures.

3.7 All staff must 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.

3.8 Relevant training for staff will be facilitated by CIMU. All Staff are required to complete the mandatory Freedom of Information training.

**4 Available guidance**

4.1 Guidance on the procedures necessary to comply with this policy is available for council staff from CIMU or on the CIMU Information Legislation SID pages.

4.2 Please note some links in this policy may only be accessible by those who have access to the council's intranet.

**5 Publication Scheme**
5.1 FOI requires the Council to adopt and maintain a publication scheme. A publication scheme is a commitment to routinely and proactively provide information to the public. The Council’s online Publication Scheme specifies:

- what information the council will make routinely available to the public
- how it will do so, and
- whether or not information will be made available free of charge or on payment of a fee

6 Requests for information

6.1 Information not already made available in the Council’s Publication Scheme is accessible through a specific request for information. In this regard the Freedom of Information Act establishes two related rights:

- the right to be told whether information exists, and
- the right to receive the information (subject to exemptions)

These rights can be exercised by anyone worldwide. Requests for access to information not listed in the publication scheme will be processed through the council’s access to information procedures.

6.2 All staff should follow the Freedom of Information Process Maps for dealing with requests – see appendix 2.

6.3 Requestors will be entitled to all the information unless one of the statutory exemptions (FOI) or exceptions (EIR) applies. However, only those specific pieces of information to which the exemption applies will be withheld. Further guidance on exemptions and exceptions can be found on SID: http://sid/cms/acs/culture-and-community/cimu/using-cimu/information-legislation/foi-and-eir/withholding-sensitive-info.aspx.

Where the council has determined that an exemption / exception applies, where appropriate the council will consider the prejudice test and/or the public interest test, and may in some circumstances withhold the requested information.

6.3 The council aims to respond to all requests within 20 working days. If clarification of the request is sought, the response timeframe will be suspended until this is received from the applicant. The applicant has 3 months in which to provide clarification, before their request is considered to be withdrawn.

7 Charges

7.1 Unless otherwise specified information made available through the Council’s Publication Scheme will be free of charge. The council reserves the right to charge an appropriate fee for dealing with a specific request for information in accordance with the Schedule of Charges.

7.2 If a fee is required, the council will issue a fees notice. The applicant has 3 months in which to pay, before their request is considered as being withdrawn.

8 Complaints

8.1 Complaints can be made about the procedural aspects of a request or about a decision to withhold some or part of the requested information.

8.2 The first stage of the FOI/EIR complaint process is an internal review conducted by the Council’s Consumer Relations Department. Following the internal review, the complaint may be referred to the Information Commissioner, if the requestor remains dissatisfied.
9 Policy Compliance

9.1 Non-compliance with this policy will leave the Council's reputation vulnerable to damage and/or may result in a failure to meet our legal obligations. Breaches of this policy will be considered on a case-by-case basis by the Corporate Information Management Unit (CIMU), and reported/referred to other relevant officers as appropriate.

10 Policy Governance

10.1 The following table identifies who within Worcestershire County Council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and implementing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation or amendment.
- **Informed** – the person(s) or groups to be informed after policy implementation or amendment.

<table>
<thead>
<tr>
<th>Responsible</th>
<th>Corporate Information Manager &amp; Information Access Officer</th>
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</thead>
<tbody>
<tr>
<td>Accountable</td>
<td>Corporate Information Governance Board</td>
</tr>
<tr>
<td>Consulted</td>
<td>CIMU, Information Access Co-ordinators, Corporate Information Governance Group</td>
</tr>
<tr>
<td>Informed</td>
<td>All employees, elected members, contractors, agents and representatives, and temporary staff working for or on behalf of Worcestershire County Council</td>
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11 Review and Revision

11.1 This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years.

11.2 Policy review will be undertaken by the Corporate Information Manager in consultation with the Corporate Information Governance Group (CIGG), and relevant directorate representatives.

12 Related Corporate Policies

12.1 The following Worcestershire County Council policy and strategy documents are directly relevant to this policy:

- [Data Protection Policy](#)
- [Information Governance Strategy](#)
- [Information and Records Management Policy](#)
- [Information Classification Policy](#)
## Appendix 1 Glossary

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
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<tr>
<td>CIMU</td>
<td>Corporate Information Management Unit</td>
</tr>
<tr>
<td>DP</td>
<td>Data Protection</td>
</tr>
<tr>
<td>Clarification</td>
<td>Further reasonable details can be requested from the applicant in order to identify and locate the information requested</td>
</tr>
<tr>
<td>EIR</td>
<td>Environmental Information Regulations 2004</td>
</tr>
<tr>
<td>Exceptions</td>
<td>Facility in EIR which enables us to withhold information, particularly if it is sensitive or where disclosure may not be in the public interest. There are 13 exceptions specified in the EIRs. All exceptions are subject to a Public Interest Test.</td>
</tr>
<tr>
<td>Exemptions</td>
<td>Facility in the FOI Act which allows us to withhold information, particularly if it is sensitive information or where disclosure would not be in the public interest. There are 23 exemptions specified in the FOI Act which fall into two categories – absolute and qualified.</td>
</tr>
<tr>
<td>Exemptions - Absolute</td>
<td>Exemptions not subject to the Public Interest Test. If an exemption is absolute then there is no obligation under the Act to consider the request for information further</td>
</tr>
<tr>
<td>Exemptions - Qualified</td>
<td>Exemptions which are subject to the Public Interest Test. Qualified exemptions do not justify withholding information unless, following a proper assessment, the balance of the public interest comes down against disclosure</td>
</tr>
<tr>
<td>FOI</td>
<td>Freedom of Information Act 2000</td>
</tr>
<tr>
<td>ICO</td>
<td>Information Commissioner's Office, the regulators for Freedom of Information</td>
</tr>
<tr>
<td>IAC</td>
<td>Information Access Coordinator</td>
</tr>
<tr>
<td>Personal Data</td>
<td>Data which relates to a living individual who can be identified from the data or from the data and other information which is in the possession of, or is likely to come into the possession of the data controller.</td>
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<tr>
<td>Publication Scheme</td>
<td>A document which describes the information the Council makes, or intends to make, routinely available. The scheme is divided into 7 classes of information</td>
</tr>
<tr>
<td>Public Interest Test</td>
<td>An assessment to weigh the public interest considerations in favour of disclosing information against the public interest considerations in favour of withholding it from disclosure. If the public interest in withholding the information outweighs the public interest in disclosure, it should be withheld.</td>
</tr>
<tr>
<td>SAR</td>
<td>Subject Access Request</td>
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Appendix 2 Information Requests Process Maps v1.5
(Last updated 29 August 2014)

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Key

Symbols used in Process Map

- Indicates the start or finish of the procedure
- Indicates a decision needs to be taken
- Indicates a delay in the process
- Indicates further relevant advice or guidance is available
- Indicates a core action is required
- Indicates current process map merges with another
- Indicates process map continues on a further page
- Indicates an additional action may be necessary

Colours used in Process Map

- WCC Staff
- CIMU
- IAC
- Lead Contact

- Indicates source of additional information
- Indicates responsibility may be shared between both IAC and Lead Contact (depending upon individual Directorate arrangements)
Figure 1 Receiving a request for information
3.1 Lead Contact receives FoI request from IAC

3.2 Lead Contact performs initial assessment of request

Lead Contact has queries regarding request?

Yes

3.3 IAC first point of contact for advice and assistance

3.4 IAC contacts CIMU for expert advice and guidance

3.5 CIMU contacts Legal Services for legal input

No

3.6 Lead Contact collates data for response

3.7 IAC monitors progress

3.11 Draft response collated using templates

3.8 CIMU provide IAC weekly update of outstanding requests

3.12 Final response signed off by Lead Contact

3.9 CIMU provides IAC with relevant advice and guidance where appropriate

3.13 Final response signed off by CIMU-use of exemptions / technical FoI requirements, if necessary

3.14 Response sent to requestor

3.15 Response and any related documentation saved into SU0024 Shared Area

3.16 IAC notifies CIMU of request closure, closing on One Serve (inc. extra data field)

3.10 If request still open:

IAC reminds lead contact of request deadline on day 15

Go to 4.1 Request clarification process

Go to 5.1 Appropriate Limit process

Figure 3 Providing information to requestor
Figure 4 Clarifying request details
5.1 Lead Contact advises IAC it may take longer than 18 hours to:
- Establish information held
- Locate
- Retrieve and Extract

5.2 Lead Contact / IAC to consider contacting requestor to discuss actual information required. This may bring request within the 18 hours.

Does this reduce request to within 18 hours?

- Yes: Go to 3.6 to rejoin request process
- No: 5.3 Lead Contact provides evidence of how request exceeds appropriate limit

5.3 Lead Contact provides evidence of how request exceeds appropriate limit

5.4 Lead Contact to provide indication of how requestor could refine request — i.e. what information could be provided within 18 hours

5.5 Section 12 refusal notice written using exemption template including advice and assistance for requestor on how to refine (limit) request

5.6 CIMU to provide advice on refusal notice contents if required

Go to 3.11 to rejoin request process

• Think request will exceed 18 hours?
  It is acceptable to contact the requestor to discuss what information they actually require. However this should not be used to ask:
  • why they want the information
  • requestors to limit their request because it is likely to exceed the 18 hours.
  It should be treated as a way of assisting the applicant and understanding their request.
  Any request estimated to exceed the 18 hours must be refused as per the procedure, together with advice and assistance to refine the request to bring it below the 18 hours.

• See templates

Figure 5 Applying the "Appropriate Limit" (Section 12 of FoI Act) (request will take longer than 18 hours)
6.1 FOI Request Received

6.2 Is it less than 72 hours from allocation to IAC?
- No
  - 6.3 Not Cross Directorate Request – Coordination remains with allocated IAC
- Yes
  - Go to 2.1 Receiving and allocating an FOI Request

6.4 Does request have obvious lead?
- Yes
  - 6.5 Not Cross Directorate Request – Coordination remains with lead IAC
- No
  - 6.7 Not Cross Directorate Request

6.6 Does request involve 2 or more Directorates?
- No
  - 6.8 Cross Directorate Request
    - Send request to CIMU for coordination
- Yes
  - Go to 7.1 Cross Directorate Request process

Figure 6 Identifying Cross Directorate Requests
Figure 7 Processing Cross Directorate FoI Requests