

Worcestershire County Council
**Freedom of Information and
Environmental Information
Policy**

Version 1.2
25 September 2014

NOT PROTECTIVELY MARKED
Freedom of Information and Environmental Information Policy

Document Control

Organisation	Worcestershire County Council
Title	Freedom of Information and Environmental Information Policy
Author	Sarah Lewis, Information Access Officer
Filename	FoI-EIR Policy v1-2.docx
Owner	Becki Staite, Corporate Information Manager
Subject	Freedom of Information; Environmental Information Regulations; information legislation; information access;
Classification	NOT PROTECTIVELY MARKED
Review date	Biennial review: next review September 2016
SID Location	http://sid/cms/acs/culture-and-community/cimu/policies-and-strategies.aspx
Equalities Impact Assessment	13 June 2011
Approval (by whom and date):	Corporate IG Board, 25 September 2014

Version History

Revision Date	Reviser	Version	Description of Revision
17/09/2009	Sarah Lewis	v0.1	First draft
30/10/2009	Becki Staite	v0.2	Formatted into corporate template
21/4/2010	Sarah Lewis	v0.3	Adding appendix 1
30/04/2010	Becki Staite	v0.4	Amendments following consultation with IACs
09/08/2010	Becki Staite	v0.5	Added further XDir process map
31/05/2011	Becki Staite	v0.6	Updated SID links
05/07/2011	Becki Staite	v1-0	Approval by COMB
09/01/2012	Becki Staite	v1-1	Additional advice re appropriate limit added to process maps
25/09/2014	Becki Staite	v1-2	Updated hyperlinks and group names; approved by IG Board

Document Distribution

This document will be distributed to:

Name	Job Title	Email Address
All Staff		

NOT PROTECTIVELY MARKED
Freedom of Information and Environmental Information Policy

Contents

1	Introduction	4
2	Scope of the policy	4
3	Responsibilities	4
4	Available guidance	4
5	Publication Scheme	4
6	Requests for information	5
7	Charges	5
8	Complaints	5
9	Policy Compliance	6
10	Policy Governance	6
11	Review and Revision	6
12	Related Corporate Policies	6
	Appendix 1 Glossary	7
	Appendix 2 Information Requests Process Maps v1.5	8

Freedom of Information and Environmental Information Policy

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

Freedom of Information and Environmental Information Policy

- 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.

Freedom of Information and Environmental Information Policy

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.

Responsible	Corporate Information Manager & Information Access Officer
Accountable	Corporate Information Governance Board
Consulted	CIMU, Information Access Co-ordinators, Corporate Information Governance Group
Informed	All employees, elected members, contractors, agents and representatives, and temporary staff working for or on behalf of Worcestershire County Council

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](#)

NOT PROTECTIVELY MARKED

Freedom of Information and Environmental Information Policy

Appendix 1 Glossary

CIMU	Corporate Information Management Unit
DP	Data Protection
Clarification	Further reasonable details can be requested from the applicant in order to identify and locate the information requested
EIR	Environmental Information Regulations 2004
Exceptions	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.
Exemptions	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.
Exemptions - Absolute	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
Exemptions - Qualified	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
FOI	Freedom of Information Act 2000
ICO	Information Commissioner's Office, the regulators for Freedom of Information
IAC	Information Access Coordinator
Personal Data	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.
Publication Scheme	A document which describes the information the Council makes, or intends to make, routinely available. The scheme is divided into 7 classes of information
Public Interest Test	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.
SAR	Subject Access Request

Appendix 2 Information Requests Process Maps v1.5
(Last updated 29 August 2014)

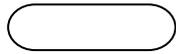
Contents

Figure 1 Receiving a request for information.....	10
Figure 2 Receiving and allocating an Fol request.....	11
Figure 3 Providing information to requestor.....	12
Figure 4 Clarifying request details	13
Figure 5 Applying the "Appropriate Limit" (Section 12 of Fol Act).....	14
Figure 6 Identifying Cross Directorate Requests	15
Figure 7 Processing Cross Directorate Fol Requests.....	16

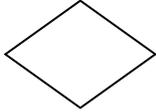
NOT PROTECTIVELY MARKED
Freedom of Information and Environmental Information Policy

Key

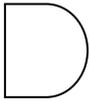
Symbols used in Process Map



Indicates the start or finish of the procedure



Indicates a decision needs to be taken



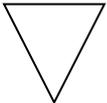
Indicates a delay in the process



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)

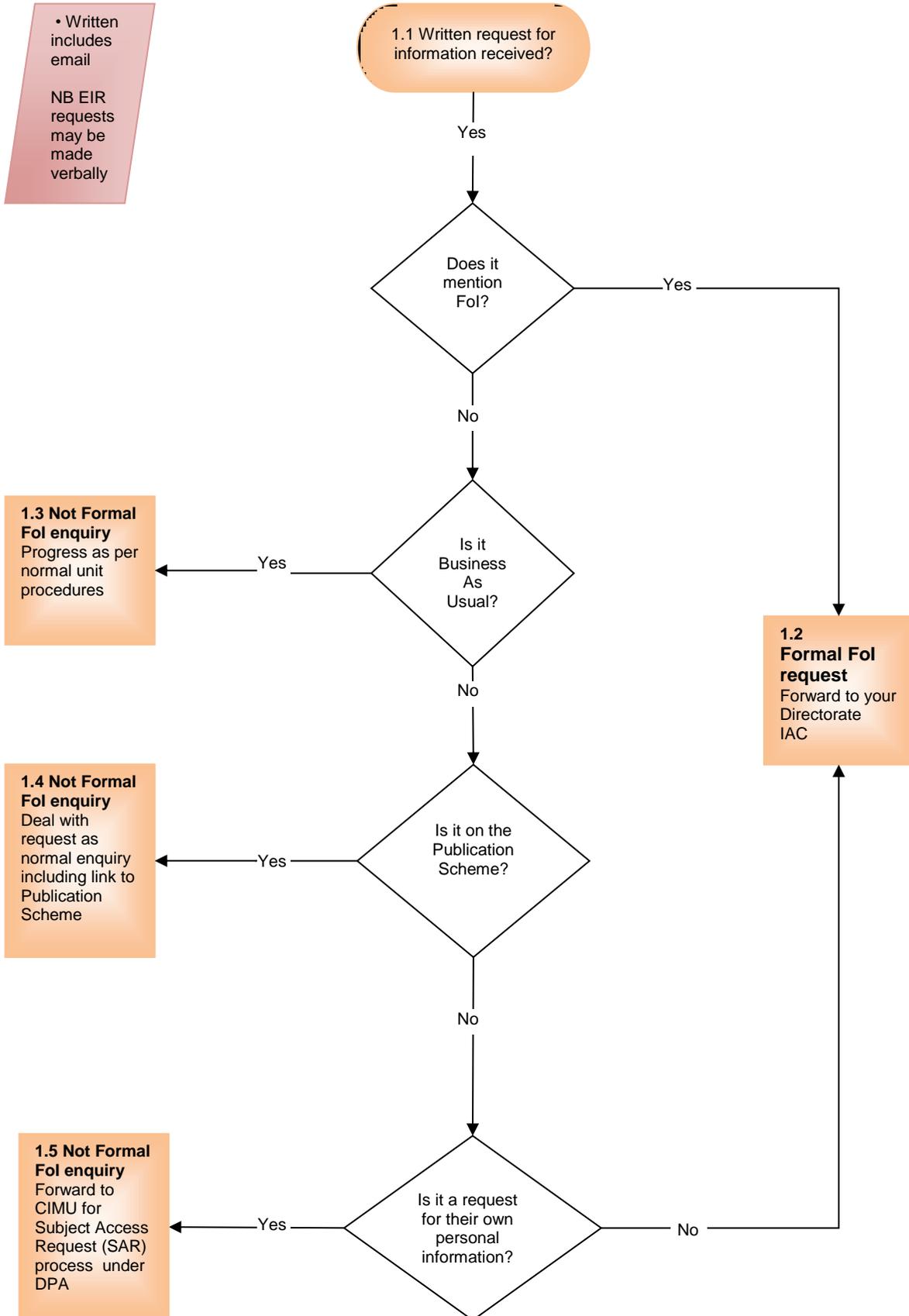


Figure 1 Receiving a request for information

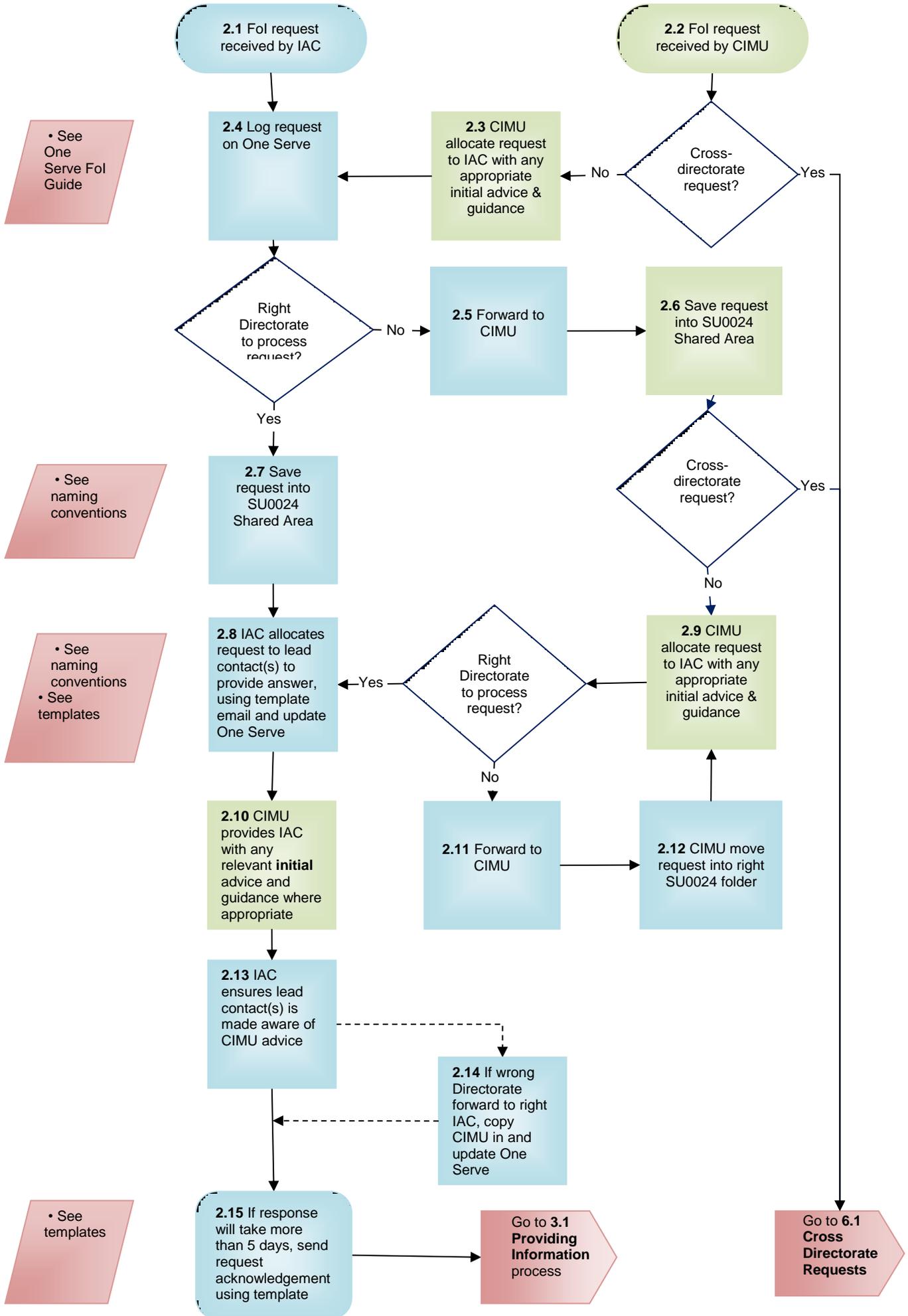


Figure 2 Receiving and allocating an FOI request

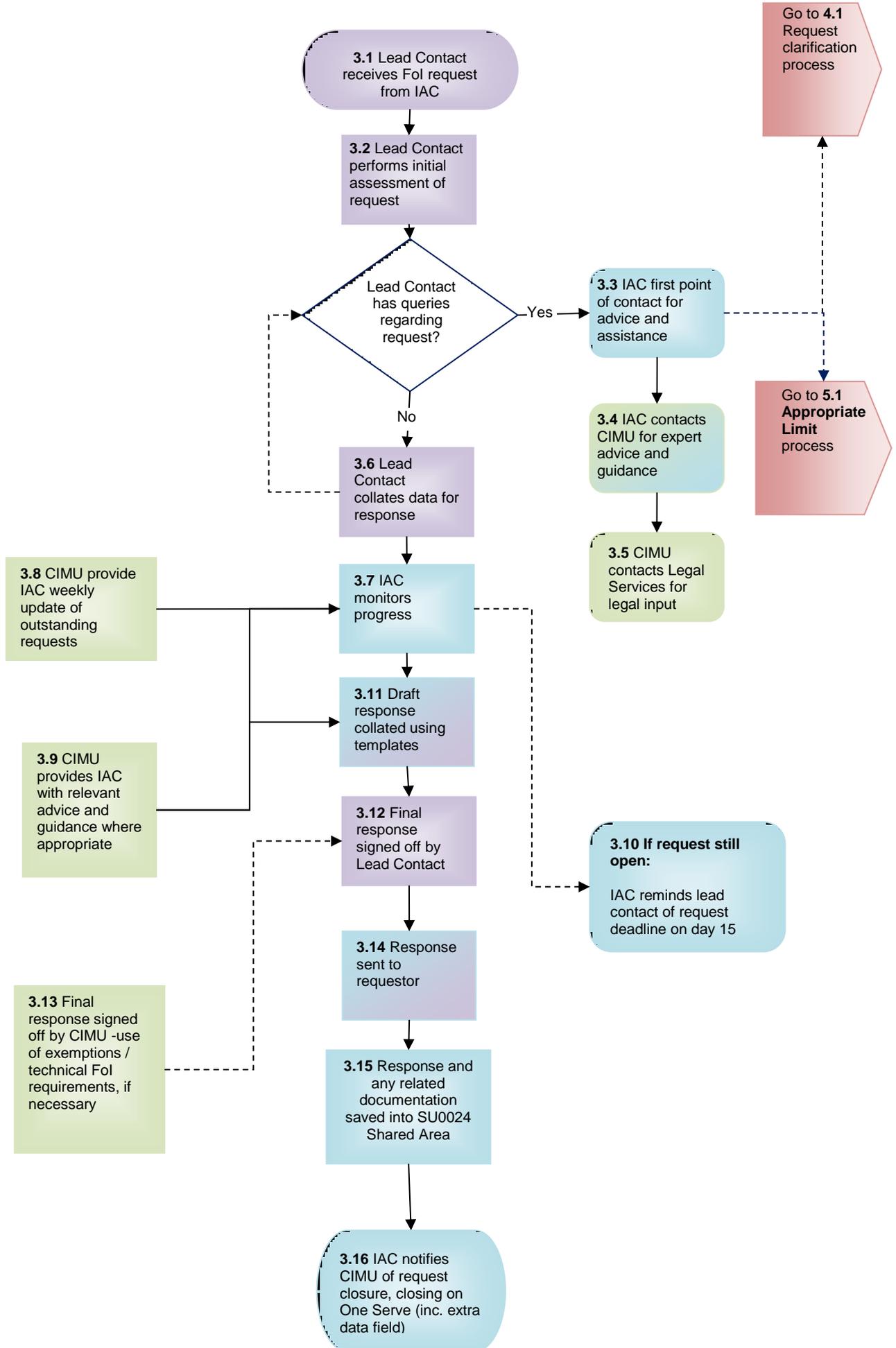


Figure 3 Providing information to requestor

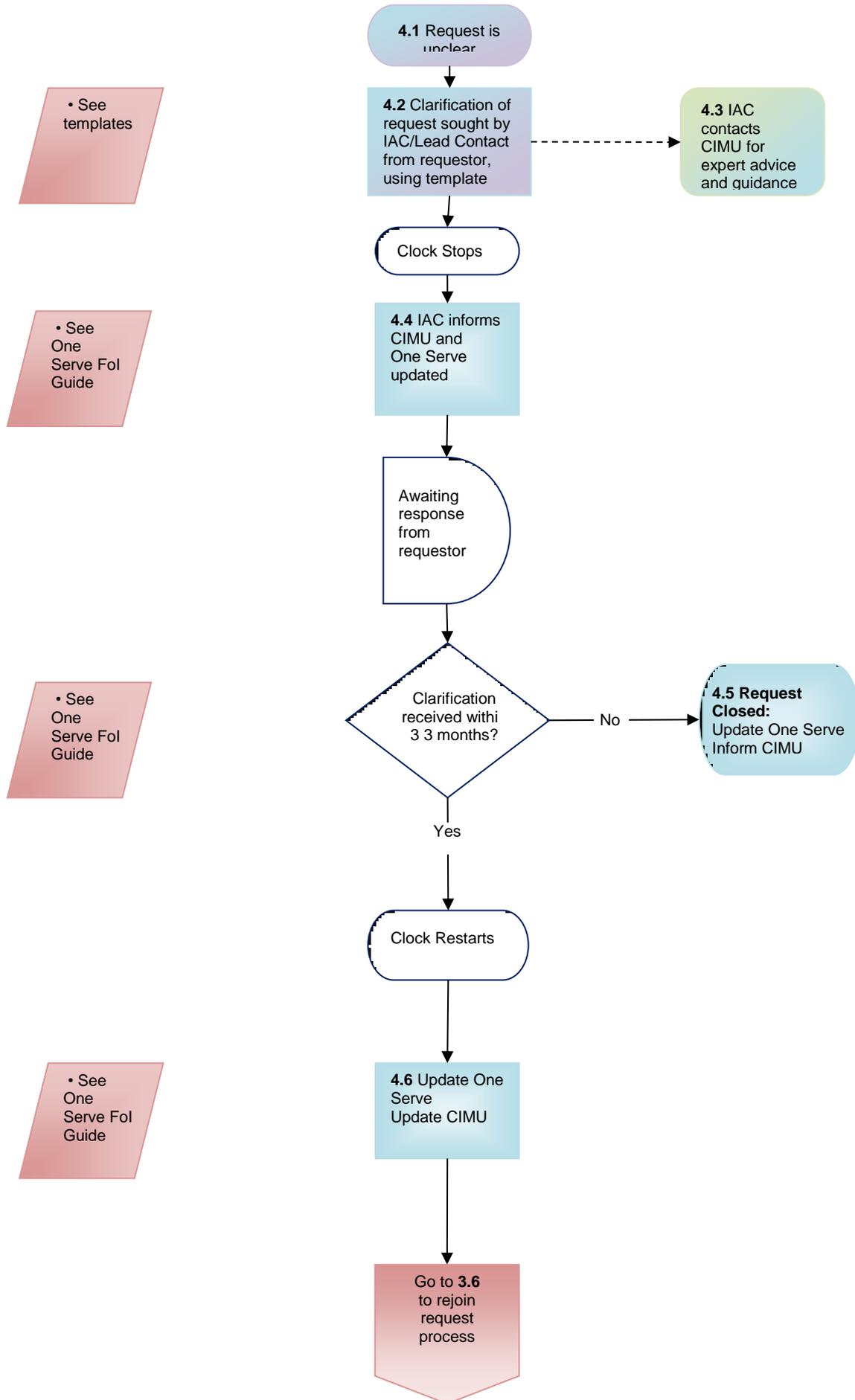


Figure 4 Clarifying request details

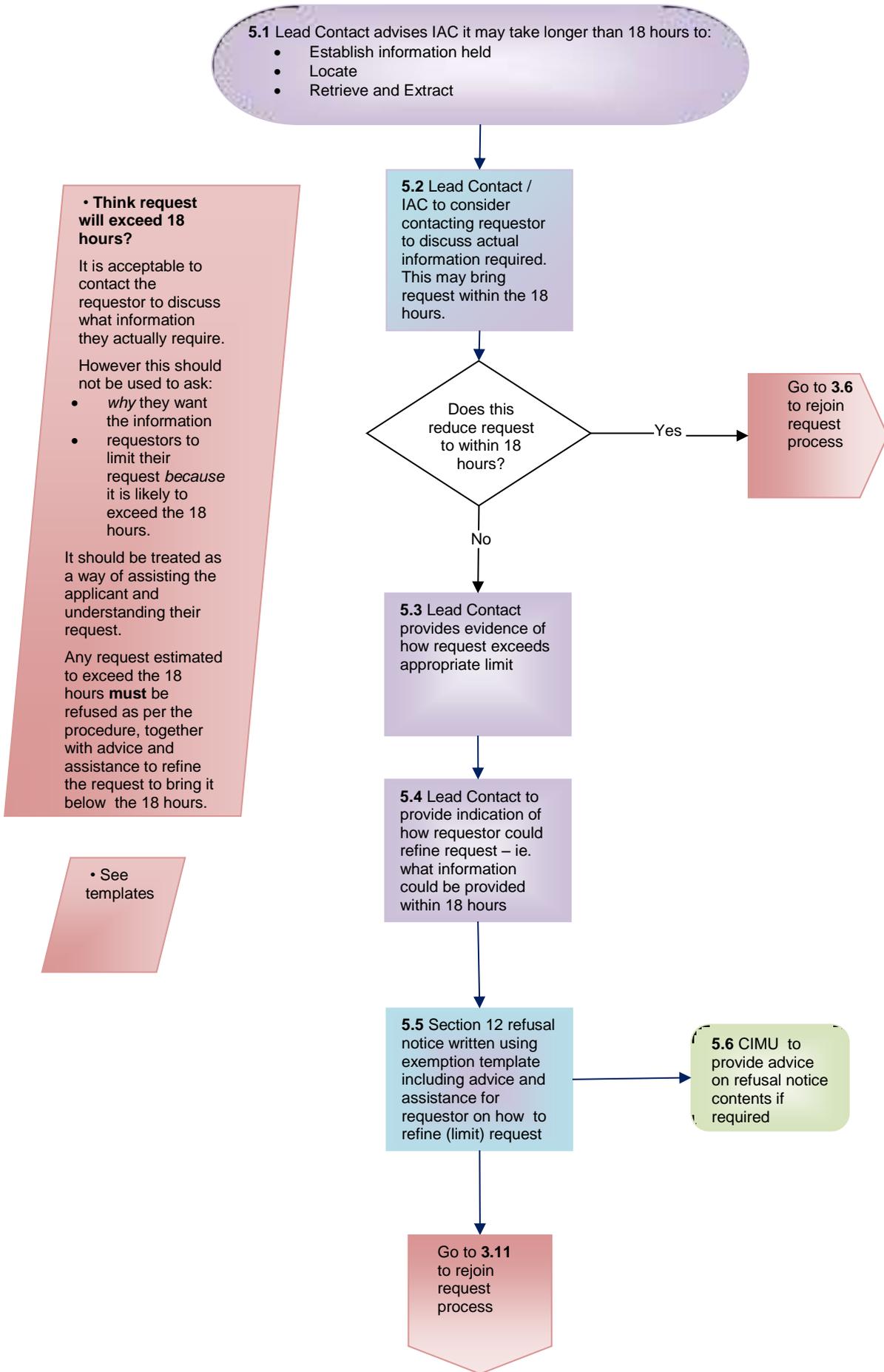


Figure 5 Applying the "Appropriate Limit" (Section 12 of FoI Act) (request will take longer than 18 hours)

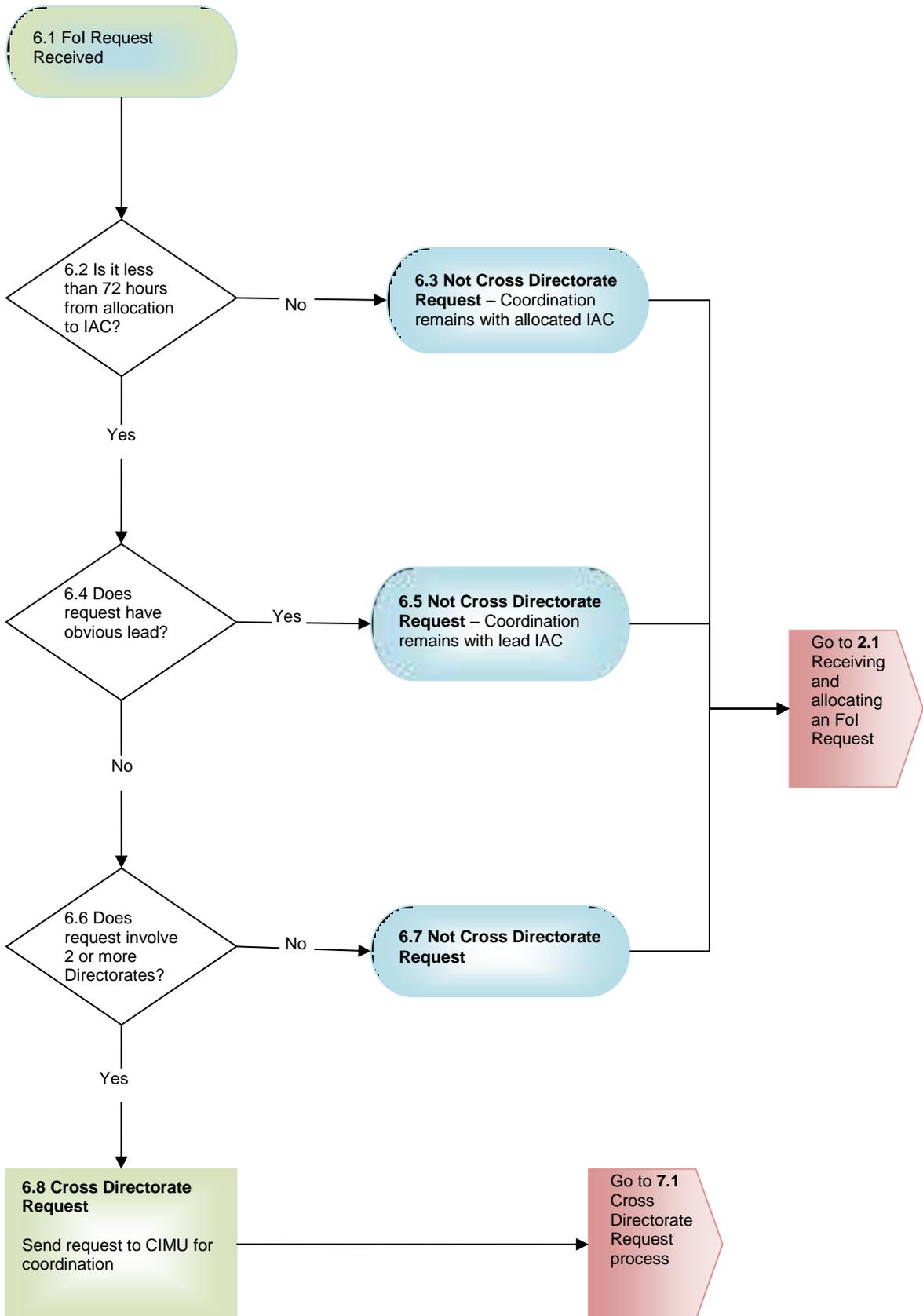


Figure 6 Identifying Cross Directorate Requests

