

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

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Author	Becki Staite, Information Governance and Compliance Manager
Owner	Becki Staite, Information Governance and Compliance Manager, Corporate Information Governance Team (CIGT)
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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.
- 1.2 The purpose of this policy is to ensure that the council complies with the provisions of the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR).

2. Scope

- 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 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 article 15 of the UK General Data Protection Regulation 2016 (UK GDPR).
- 2.3 This policy applies to all information created or held by, or on behalf of, the Council, in whatever format or however it is stored. A record is any recorded information regardless of medium (including, but not limited to, paper, microform, electronic and audio-visual), which is created, collected, processed, used, stored and / or disposed of in the course of a Council activity, as well as those acting as its agents in the course of a Council activity.
- 2.4 It is the responsibility of all parties accessing the Council information and IT systems to comply with the requirements of this policy.
- 2.5 This policy does not cover schools which are responsible for their own information compliance.

3. Purpose

- 3.1 The Council will use all appropriate and necessary means to ensure that it complies with the EIR, FOIA and associated Codes of Practice issued by the Lord Chancellor's Department pursuant to sections 45(5) and 46(6) of the FOIA.

4. Roles and Responsibilities

- 4.1 The Council recognises there is corporate responsibility to provide the public with a general right of access to all information held by the council.
- 4.2 Each directorate has a nominated 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 in their directorate.
- 4.3 The Corporate Information Governance Team (CIGT) 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.
- 4.4 CIGT is responsible for monitoring and reporting to the Corporate Information Governance Board (CIGB) regarding responses to requests for information.
- 4.5 CIGT will also provide an advisory service to the remainder of the council.
- 4.6 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 in their team and must ensure that the staff member completes the mandatory FOI eLearning (or equivalent).

- 4.7 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.
- 4.8 Relevant training for staff will be facilitated by CIGT. All Staff are required to complete the mandatory Freedom of Information training.

5. Publication Scheme

- 5.1 FOI requires the Council to adopt and maintain a publication scheme. A publication scheme is a commitment to provide information routinely and proactively to the public.
- 5.2 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. General Rights of Access

- 6.1 In addition to information made available in the Council's Publication Scheme, section 1 of FOIA gives people a general right of access to recorded information held by the Council. This right, subject to certain conditions and exemptions contained in FOIA, means any person making a request for information to the council is entitled:
 - To be informed in writing whether the council holds the information of the description specified in the request - "the duty to confirm or deny"; and
 - If the Council holds the information, to have that information communicated to them.
- 6.2 The EIR gives a specific right of access to "environmental information" - recorded information about the activities of public authorities that relate to or affect the environment. The Council has two main obligations under EIR, to:
 - make environmental information available proactively, using easily accessible electronic means whenever possible; and
 - respond to requests for environmental information.
- 6.3 These rights in FOIA and EIR can be exercised by anyone worldwide.

7. Requests for information

- 7.1 Valid FOIA requests must be:
 - Made in writing; EIR requests can however be made verbally
 - Include the name of the requester
 - Include an address for correspondence
 - Provide details of, or describe, the information requested
 - It **does not** need to explicitly state it is an FOIA request
- 7.2 Requests for access to information will be processed through the Council's access to information procedures.

- 7.3 All staff should follow the Freedom of Information Process Maps for dealing with requests – see appendix 2.
- 7.4 When required all staff must assist the Council to respond to any access to information requests received. It is a criminal offence under FOIA section 77 to alter, deface, block, erase, destroy or conceal information held by the Council with the intention of preventing disclosure following a request under the Act for the information.
- 7.5 Requestors will be entitled to receive the information unless one of the statutory exemptions (FOI) or exceptions (EIR) applies. 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.
- 7.6 Only those specific pieces of information to which the exemption applies will be withheld. Further guidance on exemptions and exceptions can be found on Our Space: <https://worcestershirecc.sharepoint.com/whatwedo/informationgovernance/freedomofinformation>.
- 7.7 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.

8. Charges

- 8.1 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.
- 8.2 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.

9. Complaints

- 9.1 Complaints can be made about the procedural aspects of a request or about a decision to withhold some or part of the requested information.
- 9.2 The first stage of the FOI/EIR complaint process is an internal review conducted by the Council's Consumer Relations Department. Any requests for an internal review must be made within 40 working days from the date an initial response to the request has been made.
- 9.3 Following the internal review, the complaint may be referred to the Information Commissioner, if the requestor remains dissatisfied

10. Policy Compliance

- 10.1 A failure to follow the requirements of the policy may result in investigation and management action being taken as considered appropriate. This may include formal action in line with the Council's disciplinary or capability procedures for Council employees; and other action in relation to other workers, which may result in the termination of an assignment, placement, secondment, or other arrangement. Non-compliance may also lead to criminal action being taken.
- 10.2 If any user is found to have breached this policy, they may be subject to the Council's disciplinary procedure.

10.3 If a criminal offence is considered to have been committed further information will be provided.

11. Further Information

- 11.1 For further advice and examples of anonymisation through aggregation, pseudonymisation and other techniques please refer to the Information Commissioner’s code of practice “Anonymisation: managing data protection risk” or contact the Corporate Information Governance Team.
- 11.2 For further advice and information relating to Freedom of Information (FOI) requirements, please the FOI page in the IG section of OurSpace.

12. Policy Governance

12.1 The following table identifies who within the 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.

Role	Person Responsible
Responsible	Assistant Director for IT and Digital
Accountable	Information Governance and Compliance Manager
Consulted	Directorate Information Access Coordinators (IACs) Corporate Information Governance Group (CIGG) Corporate Information Governance Board (CIGB) IT and Digital Leadership Team (TLT)
Informed	All Council Employees

13. Supporting Policies

13.1 Specific policies, guidance and further advice can be found in the following areas of OurSpace:

- [ICT Policies \(sharepoint.com\)](#)
- [Information Governance Policies \(sharepoint.com\)](#)

13.2 If you have any questions, in the first instance you should refer questions about this policy to your line manager. If in any doubt refer questions to the Information Governance and Compliance Manager, who will then advise the appropriate means to escalate the response to the question.

14. Monitoring

- 14.1 The Council will regularly monitor and audit its Information Governance practices for compliance with this and other policies.
- 14.2 Audit services will be responsible for carrying out regular Information Governance Audits of all Directorates service areas. These will be conducted in accordance with the Chief Auditor's Audit Plan.
- 14.3 The results of these audits will be discussed with the Information Governance and Compliance Manager. Areas of High risk will be reported to Audit and Standards Committee, Senior Information Risk Owner and Information Governance Board.

Appendix 1: Definitions

Term	Description
CIGT	Corporate Information Governance Team
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. Most 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
FOIA	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

IT & Digital: Corporate Information Governance Team (CIGT)

FOI / EIR Information Requests Process Maps

v2.0

1 December 2021 2021

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Colour	Role
Green	CIGT
Blue	IAC
Red	Manager / Lead contact
Orange	All staff
	Requester

Figure 1 Identifying an FOI or EIR request for information

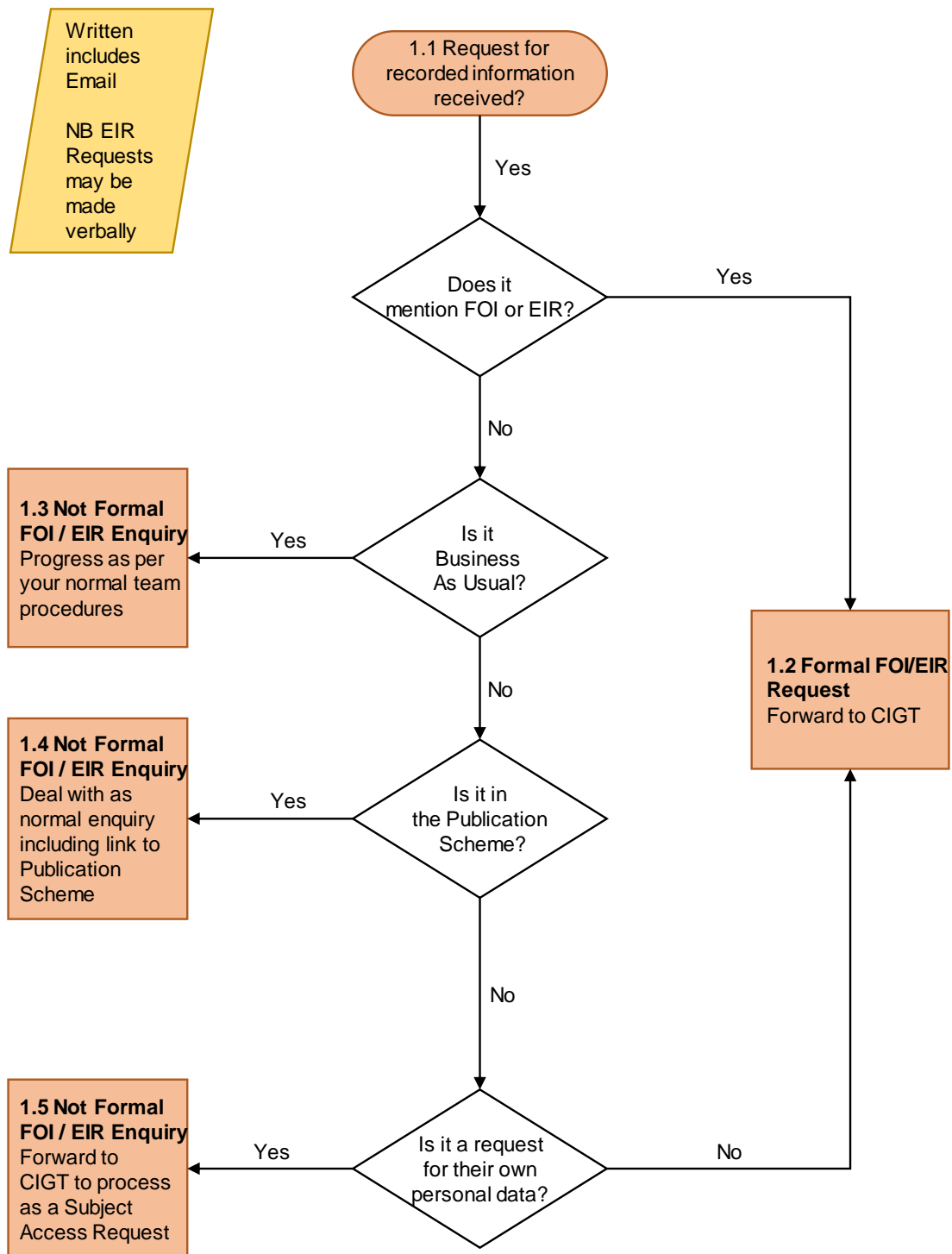


Figure 2 Logging, receiving and allocating an FOI request

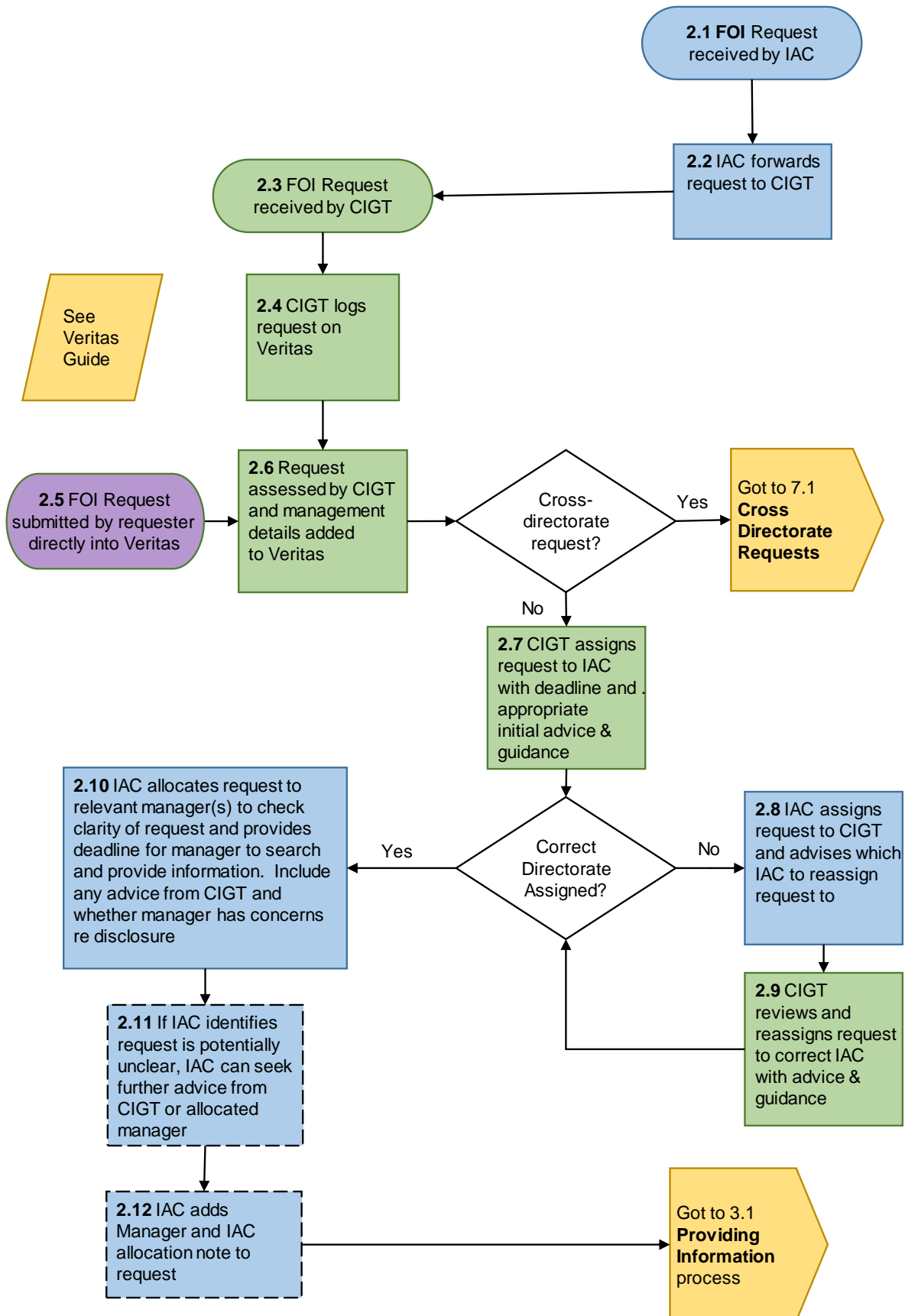


Figure 3 Retrieving information to answer request

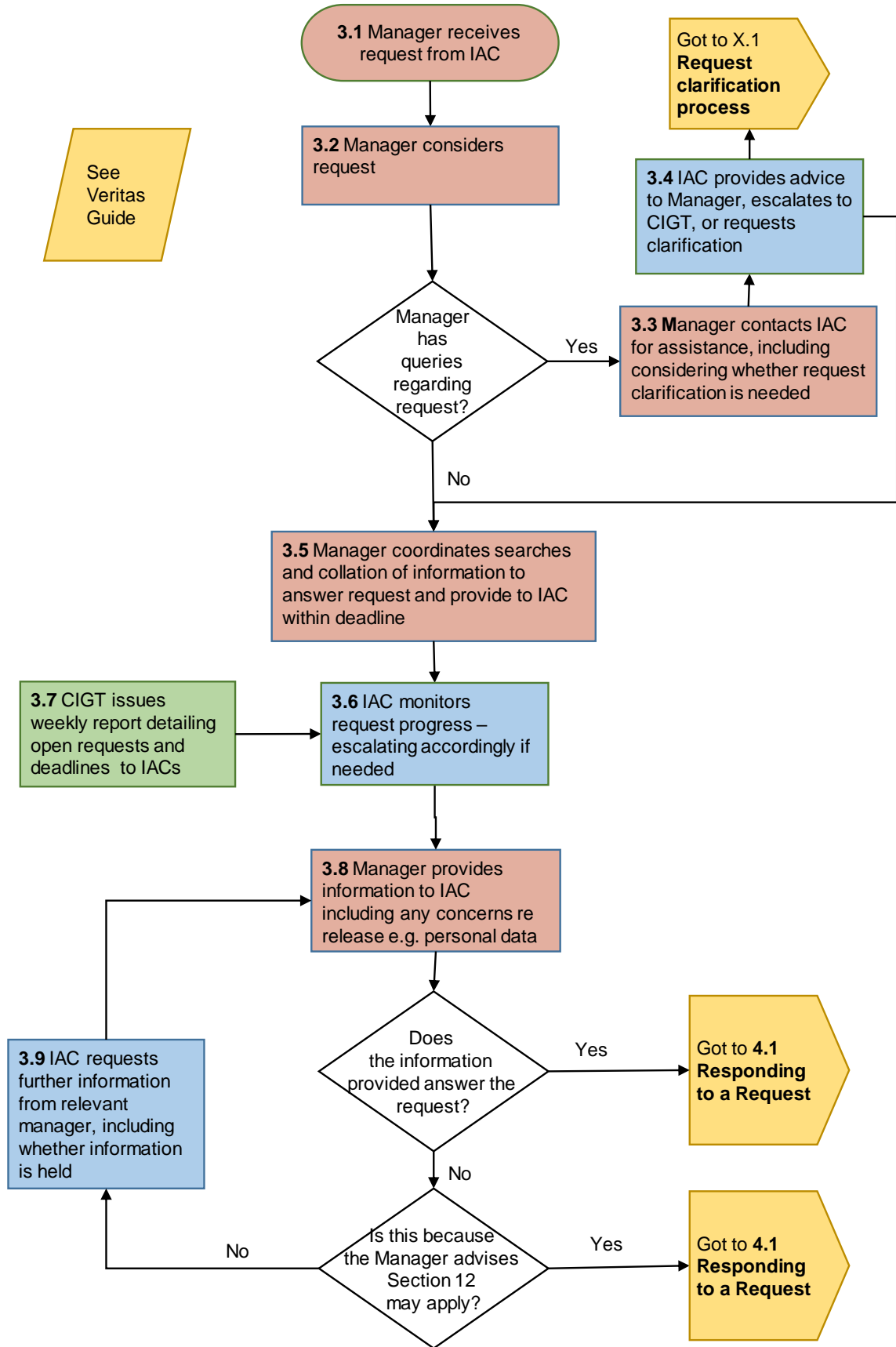


Figure 4 Responding to a Request

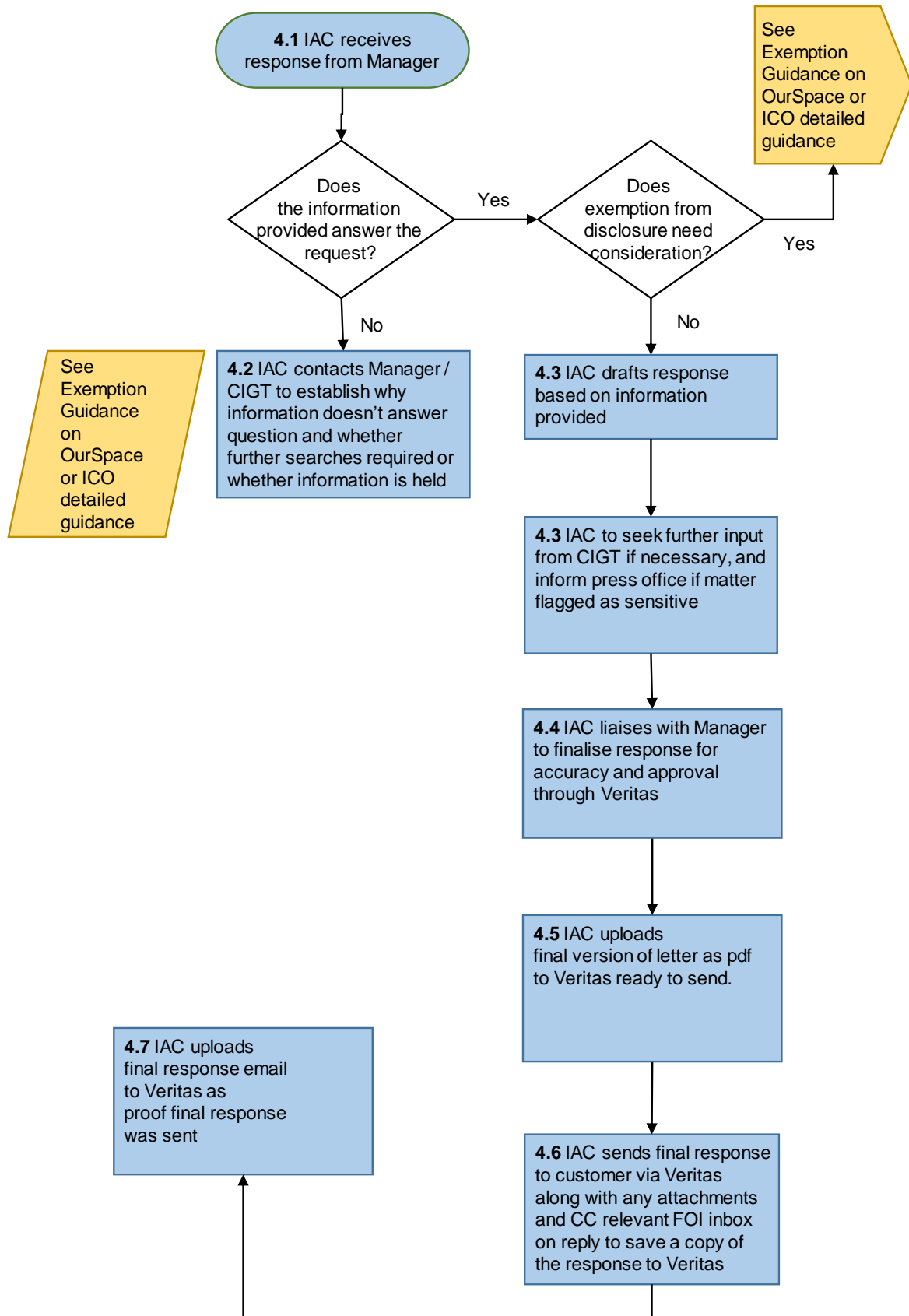


Figure 5 Clarifying request

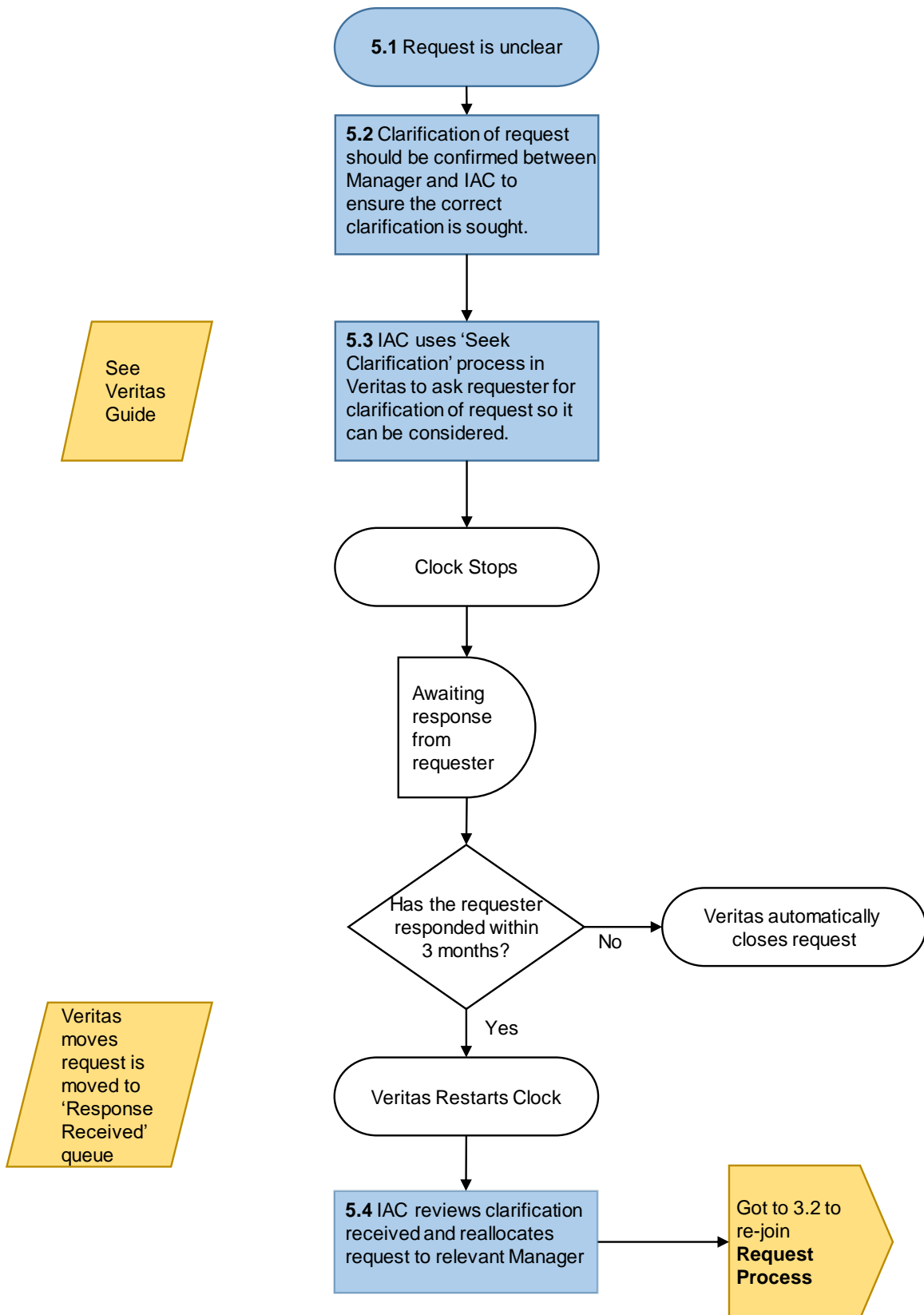


Figure 6 Applying the "Appropriate Limit" (Section 12 of FOI Act) (request will take longer than 18 hours)

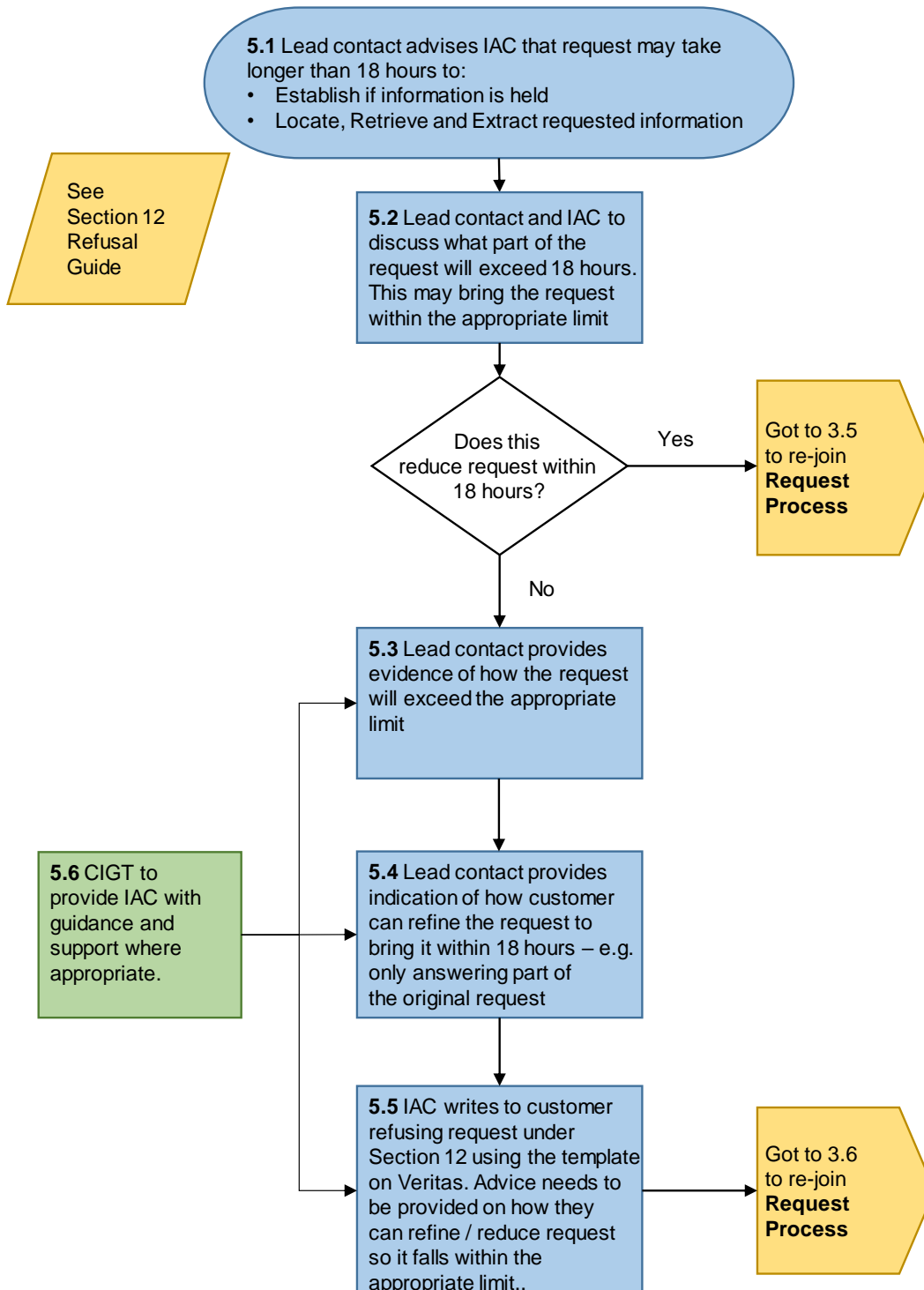


Figure 7 Identifying Cross Directorate Requests

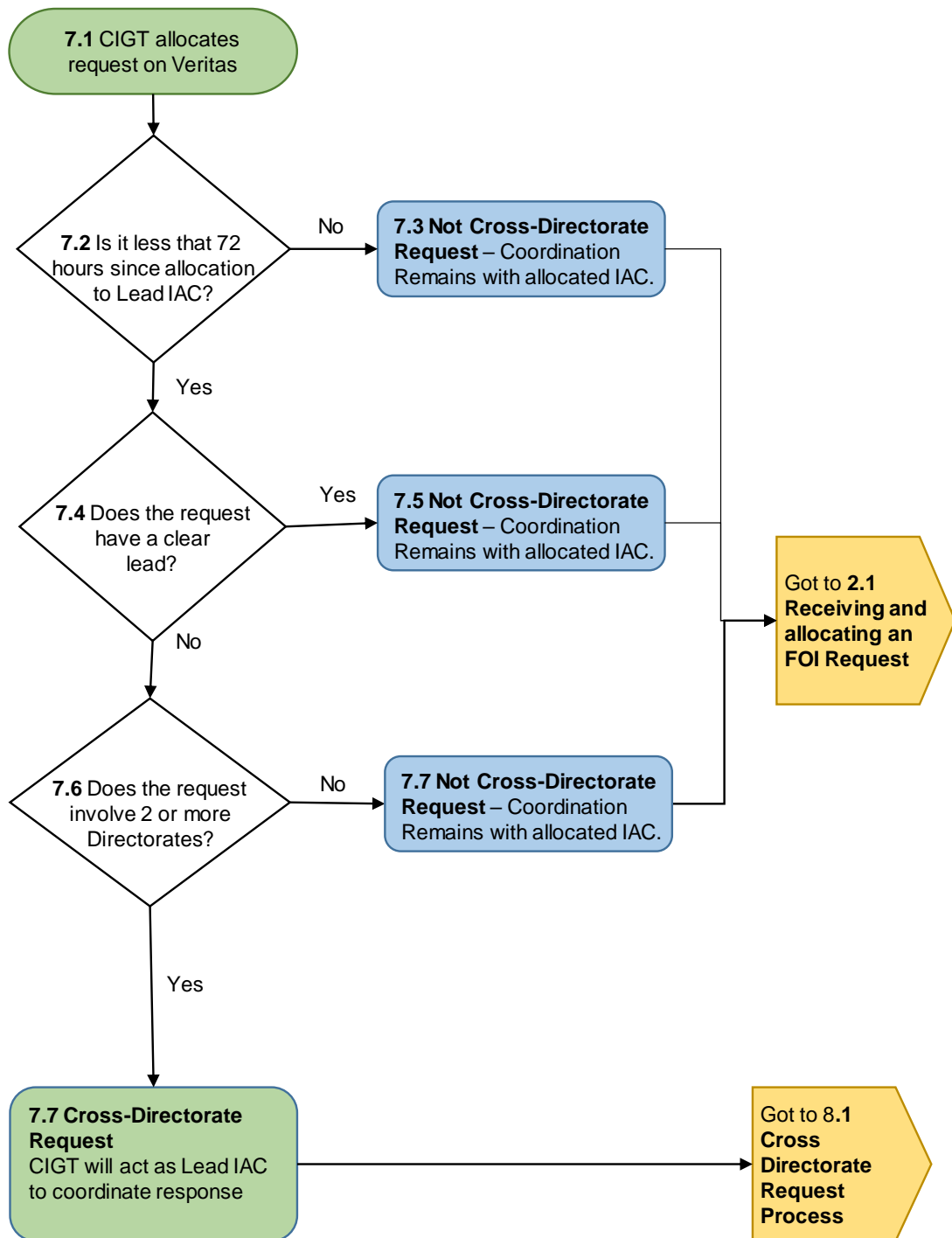


Figure 8 Processing Cross Directorate FOI Requests

