

East Lindsey District Council  
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**East Lindsey**  
DISTRICT COUNCIL

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# **Freedom of Information Policy**

## Document Control

Organisation	East Lindsey District Council
Title	Freedom of Information Policy
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## Revision History

Revision Date	Reviser	Previous Version	Description of Revision
16 <sup>th</sup> July 2014	Samantha Stocks	1.0	The Officer responsible for Internal Reviews has changed
19 <sup>th</sup> March 2015	Samantha Stocks	1.1	The Officer responsible for Internal Reviews has changed
19th June 2019	Alison Sparks	1.2	Legislation change

## **Introduction**

The Freedom of Information Act 2000 (FOIA) came in to force for all public bodies on 1<sup>st</sup> January 2005. The FOIA provides individuals and organisations with the right to request information held by public authorities. Requests must be made in writing and the information must be provided to the requestor within 20 working days, subject to any exemptions applying.

The FOIA provides a disclosure regime for accountability and transparency in decision making. The FOIA covers all recorded information held by the Council.

This document provides the policy framework through which effective compliance with the FOIA can be achieved. This policy aims to facilitate and ensure access to information to promote greater openness and to build public trust.

Requests for third party personal information are exempt under section 40 of the FOIA and will be dealt with under the Data Protection Legislation which is covered by our Data Protection Policy.

Requests for environmental information are exempt under section 39 of the FOIA and will be dealt with under the Environmental Information Regulations 2004 which is covered by our Environmental Information Regulations Policy.

## **Roles and Responsibilities**

The Information Governance Officer (IGO) is the person who has specific responsibility for our compliance under the FOIA, and in respect of the implementation, compliance and maintenance of this policy.

However, it is the responsibility of all employees to ensure that all requests for Information are forwarded to the IGO without delay, whether they specifically say it is a request under the FOIA or not, and that any requests from the IGO for information are complied with in an expeditious manner, and by no later than the deadline date given.

The IGO is also responsible for the Council's Publication Scheme.

The Council's 'Qualified Person' appointed by the Ministry of Justice is the Monitoring Officer.

## **Purpose**

The purpose of this policy is to ensure that the provisions of the FOIA are adhered to and in particular that:

- A significant amount of routinely published information held by the Council is made available to the public as a matter of course through the Publication Scheme
- Other information not included in the Publication Scheme is readily available on request and such requests are dealt with in a timely manner
- In cases where information is covered by an exemption or other legislation, consideration is given as to whether or not information should be released.
- As a Council we recognise our corporate responsibility under the FOIA to provide a general right of access to information held by us.

### **Specific requests for information**

Information not already made available in our Publication Scheme will be accessible through a specific request for information. The FOIA establishes two related rights:

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

Any person or organisation worldwide can exercise these rights. We will provide advice and assistance to help people make requests under the FOIA.

Any requests must be made in a permanent form (in writing including by email). Requests do not have to state that the information being sought is requested under the FOIA. The requestor must provide their real name and address for correspondence (email or postal is acceptable)

In respect to any request for information we reserve the right to:

- Withhold request results until any fee has been paid, that we are lawfully allowed to charge in connection with supplying the information
- Refuse requests which exceed the statutory cost limit (£450 or 18 hours at £25 per hour for Local Government)
- Refuse any vexatious or repetitious requests
- Direct requestors to any public resource where information is already reasonable accessible

- Obscure or suppress information that relates to other third party's personal information under the Data Protection Legislation.
- Withhold information if it is subject to an exemption under the FOIA. The application of exemptions and the public interest test will be undertaken by the IGO with the exception of the application of section 36 which can only be applied by the Qualified Person.

## **Publication Scheme**

As a Council we have adopted the Information Commissioner's model Publication Scheme and will maintain it to ensure the information it refers to is kept up to date

We are committed to a policy of open access to information under the Scheme. All of the information referred to in the Scheme is readily available to the public either via our website at [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk), in hard copy on request or by inspection at our offices (whichever is deemed to be the most appropriate by us). Provision of some information may only be made upon payment of a fee.

We log all requests under the FOIA and can thereby identify information to add to the Publication Scheme at.

We also publish a Disclosure Log which is updated monthly and also publish quarterly reports as to the timeliness of our FOIA responses

## **Internal Reviews and Appeals**

Anyone who has made a request for information and who is not satisfied with the information disclosed, or the way the request has been handled is entitled to request an Internal Review.

Internal Reviews will be carried out by the Council's Senior Information Risk Owner (SIRO), Alison Penn, who will consider whether or not the request was handled appropriately and in line with the FOIA.

Request for an Internal Review must be made within 40 working days of the date the information was supplied. We will respond to all Internal Reviews within 20 workings days.

If a Requestor is dissatisfied with the outcome of the Internal Review they are entitled to appeal to the Information Commissioner.