

Freedom of Information Act and Environmental Information Regulations Policy

London Borough of Barnet

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Document control

POLICY NAME	Freedom of Information Act and Environmental Information Regulations Policy		
Document Description	Document which sets out the principles the council will follow when complying with its duties under Freedom of Information Act and Environmental Information Regulations.		
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Version control

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V 1.1	April 2012	Temi Akindele	Creation of Guidance
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V 2	December 2013	Sarah Laws	Revision and updating
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1 Introduction

The council has a commitment to openness and transparency as this increases involvement and engagement by residents and allows scrutiny of the council's actions and decisions. Access to council information enables residents and other stakeholders to better understand and participate in the council's decision making process. It also increases public scrutiny of services delivered by the council and contributes to strong, accountable local government. Disclosure of information will provide increased transparency of decision making and build public trust and confidence in the council and its actions.

The council has a Publication Scheme whereby much information is proactively put into the public domain via our website and also has an Open Data Portal which contains many data sets.

As a public authority, the council is subject to the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIRs) which establish a right of access to council information. The council receives approximately 1600 formal requests each year and has a statutory duty to respond correctly under this legislation.

This policy provides a framework for access to information that ensures the council meets its obligations under FOIA and EIRs. The policy should be read in conjunction with the FOI Toolkit which provides practical help on dealing with FOI and EIRs and is available ([here](#)).

2 Purpose

The purpose of this policy is to assist staff to understand the council's approach to meeting its statutory duties under the FOIA and EIRs. Whilst there is a presumption in favour of disclosure of information there is also a need to ensure the confidentiality of some information relating to such areas as personal privacy, commercial sensitivity, security issues, and other instances where disclosure would not be in the public interest.

The policy is intended to provide a framework of principles and approaches which are underpinned by the detailed practical guidance contained in the FOI Toolkit ([here](#)).

3 Scope

This policy and the related FOI Toolkit ([here](#)) apply to all requests for information under the FOIA or EIRs and so to all information held by or on behalf of the council, in whatever form, irrespective of its origin or ownership.

This policy covers all requests for information under FOIA and EIRs. It does not cover subject access requests (requests by an individual for their own personal data) and disclosure requests (requests made by law enforcement agencies). The council's Data Protection policy ([here](#)) sets out how to handle such requests.

4 Responsibilities

This policy applies to all council employees, contractors, agency workers, consultants, interims and temporary staff. It applies to information held by councillors when acting on behalf of the council. It also applies to employees of partners for example employees of CSG and Re when involving council information. The Toolkit has more information on who is covered and when, and there is more information on councillors in the Members' Information Management Policy ([here](#).) This policy refers to 'Everyone' which covers all the categories listed above.

Everyone needs to be aware of the provisions of the FOIA/EIRs and of their own obligations with regard to the use and disclosure of council information.

A breach of the legislation and/or policy is a breach of the council procedures and council employees may be subject to disciplinary action for failing to abide by the council's policy.

5 Policy Statements and Principles

- 5.1 The council recognises that information is an important council asset regardless of its type or the number of people who access or use it. Council information must be treated as a council asset and not as being personally owned by the individual officer/s that create or use it.
- 5.2 The council takes a positive view of its FOI/EIR duties, and approaches all requests from the presumption in favour of disclosure. Information must be disclosed except where it can be withheld under a relevant exemption/exception.
- 5.3 Requests for recorded information must be dealt with under FOIA and/or EIR except where they are business as usual requests. The FOI Toolkit explains how to tell whether a request is business as usual or a FOI/EIRs request.
- 5.4 Requests for information MUST immediately be forwarded to the Information Management Officers in the council's Information Management Team at FOI@barnet.gov.uk
- 5.5 Everyone is expected to read and follow the FOI policy, and to consult the FOI Toolkit as and when required, and to follow its guidance.
- 5.6 Requests MUST be responded to promptly, and no later than 20 working days after receipt.
- 5.7 Anyone asked to provide information to respond to a FOI/EIRs request must cooperate with their Link Officer/ IMT member, confirm whether the information requested is held, provide the information requested promptly and within the timescales provided (or discuss whether an extension to the timescale is possible). Where an exemption or exception may apply, colleagues are also required to provide assistance in identifying reasons why an exemption/exception may apply and arguments for the public interest test. The FOI Toolkit has full details.

- 5.8 Information MUST NOT be deleted after an information request for it has been received: this is a criminal offence. Information should only be deleted and disposed of in line with the council's records retention policy.
- 5.9 Exemptions/exceptions must be correctly applied. The FOI Toolkit outlines all the relevant exceptions/ exemptions for the council; and provides specialist guidance on some more common exceptions/exemptions.
- 5.10 The council acknowledges that where exemptions/exceptions are qualified and thus subject to the public interest test, that this test is to be applied by the council alone, and the council's decision on where the public interest test lies will be final.
- 5.11 Council officers should be proactive in offering advice and assistance to requesters at all times. For example this could be by helping them in framing or wording their requests or telling them how to access information not held by the council.
- 5.12 The council will not always refuse a FOI request just because the costs of doing so would exceed the costs limit. It retains the discretion to answer requests which will exceed the limit and which it will apply on a considered case by case basis.
- 5.13 Redactions will be made in accordance with the council's Redaction Policy

6 Review

This Policy and related Guidance will be reviewed annually and more frequently as appropriate to take into account changes in legislation and to ensure that the policy remains timely and relevant.

7 Contact Information/ Further Guidance

Further advice and guidance is available from the Information Management Team

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