

REPORT TO:	Overview Committee
DATE:	28 th November 2023
SUBJECT:	Freedom of Information and Environmental Information Regulations Policy
PURPOSE:	To present a draft updated FOI /EIR policy at SHDC for the Council and seek feedback from the Committee
KEY DECISION:	No
PORTFOLIO HOLDER:	Councillor Craig Leyland, Portfolio Holder for Corporate Affairs
REPORT OF:	John Medler, Assistant Director Governance and Monitoring Officer
REPORT AUTHOR:	Rebecca James, Scrutiny & Policy Officer
WARD(S) AFFECTED:	None
EXEMPT REPORT?	No

SUMMARY

The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) require Councils to follow certain procedures in relation to public access to information. The current policy was last updated in 2018 and did not incorporate the EIR.

This draft document has been fully reviewed, updated, and aligned across the partnership. Reviewing the policy ensures any updates are captured in the new aligned policy, as well as ensuring the policy is still fit for purpose and complies with all current statutory requirements.

RECOMMENDATIONS

- That the Committee considers the draft FOI/EIR Policy and recommends it to Executive Board for approval.

REASONS FOR RECOMMENDATIONS

To ensure the Council is meeting its statutory requirements in relation to FOI and EIR.

OTHER OPTIONS CONSIDERED

None

1. BACKGROUND

- 1.1 East Lindsey District Council is responsible for ensuring it meets statutory requirements in relation to Freedom of Information (FOI) and Environmental Information Regulations (EIR). Reviewing and updating this policy, found at **Appendix A**, ensures that this Council is meeting its statutory obligations with regard to Freedom of Information and Environmental Information Regulation requests.
- 1.2 There are policy links to FOIA and EIR webpages throughout the FOI/EIR policy document, which means that Council policy does not need updating every time FOIA/EIR is amended, as the policy will automatically link people to latest version of the FOI and EIR.

2. REPORT

- 2.1 The Freedom of Information Act and Environmental Information Regulations are the legislation under which information is generally requested from the Council. Anyone can request access to general information held by the Council using the Freedom of Information Act. The Environmental Information Regulations provide the same right but for environmental information.
- 2.2 The Freedom of Information Act also requires the Council to produce a Publication Scheme which lists information that is made available without the need to request it. The Council also includes environmental information in its Publication Scheme.
- 2.3 The updated and aligned policy outlines how the Council will meet its obligations under the FOI and EIR. The policy is being aligned across all 3 Councils in the South and East Lincolnshire Councils Partnership to provide consistency for staff when dealing with requests and enquiries.
- 2.4 The Information Governance Manager is the person who has specific responsibility for the Council's compliance under the FOIA / EIR, and the implementation, compliance, and maintenance of the policy. However, it is the responsibility of all employees to ensure that all requests for Information are forwarded to the Information Governance Team without delay, whether they specifically say it is a request under the FOIA / EIR or not, and that any requests from the Information Governance Team for information are complied with in an expeditious manner, and by no later than the deadline dates given.

3. CONCLUSION

- 3.1 The FOI/EIR policy has been fully reviewed and updated, to ensure all statutory requirements are complied with and the information within is easily accessible to officers and members of the public alike, clearly setting out the processes to follow when requesting information.

EXPECTED BENEFITS TO THE PARTNERSHIP

An updated and aligned policy will provide an opportunity to promote the policy and confirm procedures to ensure services are aware of their statutory requirements in relation to requests for information from members of the public.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

This will be an aligned policy, so officers are working to a single policy and set of procedures, ensuring consistency for officers and residents alike.

CORPORATE PRIORITIES

None

STAFFING

None

CONSTITUTIONAL AND LEGAL IMPLICATIONS

It is a statutory requirement to answer FOI and EIR requests. This policy provides assurance that our duties under the FOIA and EIR are clearly set out for Officers and requesters of information.

DATA PROTECTION

UK GDPR will be complied with at all times when dealing with and answering FOI requests.

FINANCIAL

None

RISK MANAGEMENT

None

STAKEHOLDER / CONSULTATION / TIMESCALES

None

REPUTATION

There could be a potential reputational impact for failing to comply with FOI/EIR, should the ICO take any enforcement action for non-compliance with the legislation.

CONTRACTS

None

CRIME AND DISORDER

None

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

None

HEALTH AND WELL BEING

None

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None

LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

None

ACRONYMS

FOIA – Freedom of Information Act

FOI – Freedom of Information

EIR – Environmental Information Regulations

ICO – Information Commissioners Office

APPENDICES

Appendices are listed below and attached to the back of the report: -

APPENDIX A	Draft updated FOI and EIR Policy
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BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Freedom of Information Act 2000	Freedom of Information Act 2000 (legislation.gov.uk)
Environmental Information Regulations 2004	https://www.legislation.gov.uk/uksi/2004/3391/contents/made

CHRONOLOGICAL HISTORY OF THIS REPORT

Name of body	Date
Executive Board Briefing	8 th November 2023

REPORT APPROVAL

Report author:	Rebecca James, Scrutiny & Policy Officer
Signed off by:	John Medler, Assistant Director – Governance & Monitoring Officer
Approved for publication:	Councillor Craig Leyland, Portfolio Holder for Corporate Affairs