

## Gloucestershire County Council Freedom of Information and Environmental Information Policy

### 1. Policy Statement

Gloucestershire County Council (the Council) takes its responsibilities with regard to the management of the requirements of the Freedom of Information Act 2000 (FoIA) and Environmental Information Regulations 2004 (EIR) seriously.

### 2. Scope

The purpose of this policy is to ensure that the Council complies with the provisions of the FoIA and the EIR.

This policy applies to all employees, elected members, contractors, agents and representatives and temporary staff working for or on behalf of the Council.

This policy does not cover Subject Access Requests (requests for access to information about a living individual that could identify them). These requests are exempt from the FoIA under section 40, and should be processed in accordance with the General Data Protection Regulation.

This policy does not cover schools, as they are responsible for their own information compliance.

### 3. Responsibilities

- The Council recognises the corporate responsibility to provide the public with a general right of access to all information held by the Council.
- The Chief Executive is the senior officer with overall responsibility for the legislation, and therefore this policy.
- The Chief Information Officer will arbitrate in circumstances where agreement between the Information Management Service and the business on the release or withholding of information cannot be achieved.
- The Corporate Management Team (CoMT) is responsible for ensuring compliance with this policy and for nominating appropriate Information Champions to promote openness and accountability.
- Senior Managers are responsible for ensuring that the business areas they have responsibility for have processes and procedures in place that support this policy. "Senior Managers" are Directors, Lead Commissioners, Operational Leads and Heads of Service.
- The Information Management Service is responsible for drawing up guidance on freedom of information and promoting compliance with this policy, to ensure the easy, appropriate and timely retrieval of information.
- The Information Management Service is responsible for monitoring and reporting to Audit & Governance Committee on responses to requests for information.
- The Information Management Service will provide an advisory service for the Council.

- Line managers must ensure that all staff who report to them are aware of the requirements of the legislation, and that all new staff receive an introductory briefing on the access to information procedures.
- All staff must recognise that all recorded information may be provided to the public, and that the law requires that there will be full and unconditional disclosure in every case unless one or more of the statutory exemptions / exceptions applies.

## 4. Related policies

This policy has been formulated within the context of the following Council documents:

- Information Management Strategy
- Data Protection Policy
- Information Security Policy
- Information Compliance Complaints Procedure
- Information and Records Management Policy
- Access to Deceased Person's Records Policy

These can all be found on the Council's website at [Information Management and Security Policies](#)

The [Council's Complaints Policy](#) does not generally apply to requests made under the Freedom of Information Act, General Data Protection Regulation or Environmental Information Regulations.

## 5. Available guidance

Guidance on the procedures necessary to comply with this policy is available from the Information Management Service or on the Information Management, Security and Governance Staffnet pages at <https://staffnet.goucestershire.gov.uk/internal-services/information-management-service/records-centre/>.

## 6. The Council's Publication Scheme

The Council's Publication Scheme is on the website at

<http://www.goucestershire.gov.uk/council-and-democracy/freedom-of-information/publication-scheme/>. The Publication Scheme specifies:

- what information the Council will make routinely available to the public
- how it will do so
- whether information will be made available free of charge, or on payment of a fee

## 7. Specific requests for information

Information not already made available in the Council's Publication Scheme is accessible by request under the Freedom of Information Act. This Act establishes two related rights:

- the right to be told whether that information exists
- the right to receive the information (subject to exemptions / exceptions)

Anyone worldwide has these rights.

Requests for access to information not listed in the publication scheme will be processed through the Council's [Access to Information procedures](#).

Requestors will be entitled to all the information they ask for, unless one or more of the statutory exemptions / exceptions applies. Only the specific piece of information which the exemption / exception applies to will be withheld.

Where the Council has determined that exemption(s) /exception(s) apply, the Council will consider the prejudice test and / or the public interest test (where appropriate), and may withhold in part or in full the requested information in some circumstances. Decisions and relevant approvals will be recorded and maintained by the Information Management Service.

The Council aims to respond to all requests within 20 working days, although the requester can be asked for further (reasonable) details to help identify where the information may be held.

The Council will issue a fees notice if a fee is required, and the requester has 3 months to pay before their request will be considered to have been withdrawn.

## **8. Charges**

Information made available through the Council's Publication Scheme will be free of charge, unless otherwise specified.

The Council reserves the right to charge an appropriate fee for dealing with a specific request for information not listed in the publication scheme, in accordance with legislation.

## **9. Complaints**

The requester can make a complaint about either the procedural aspects of their request or the decision to withhold some or part of the information they requested. The Information Management Service will ensure there is an appropriate process to provide them with an internal review. The procedure is available on the Council's website at <http://www.goucestershire.gov.uk/council-and-democracy/strategies-plans-policies/information-management-and-security-policies/>

## **10. Review of policy**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 3 years.

## **11. Document information**

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<b>Version</b>	<b>Version date</b>	<b>Summary of Changes</b>
1-0	January 2005	
2-0	January 2006	
3-0	July 2009	Removed procedural information. Introduced role of Information Compliance Champions
4-0	March 2012	Clarified record keeping requirements and reformatted.
4-1	November 2012	Added link to complaints policy and procedure should arbitration be required. Reformatted.
5-0	February 2015	Minor wording changes. Updated name of Committee that oversees request management performance.
5-1	June 2016	Updated weblinks and contact details
5-2	January 2018	Updated weblinks
6	May 2018	Changes relating to GDPR
6.1	February 2019	Review of generic content