

CABINET
30 AUGUST 2018

FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION REGULATIONS POLICY

Cabinet Member: Cllr Clive Eginton
Responsible Officer: Catherine Yandle, Group Manager for Performance, Governance and Data Security

Reason for Report: To update the existing policy to reflect current best practice and an increase in scope of the EIR.

RECOMMENDATION(S): that the revised Freedom of Information and Environmental Information Regulations Policy be approved.

Relationship to Corporate Plan: This policy supports good governance arrangements enabling confidence in delivery of the Corporate Plan.

Financial Implications: The Freedom of Information and Environmental Information Regulations Policy does not itself have any financial implications but the Council incurs significant costs meeting the requirements of the legislation. The direct cost of the Information Management Team in responding to FOI/EIR requests is in the region of £30,000 and there is also an indirect cost for the time of many other staff in replying to requests for information. The Council reserves the right to make permitted charges for particularly large or complicated requests on a case by case basis.

Legal Implications: Not complying with the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) would expose MDDC to enforcement action by the Information Commissioner's Office (ICO).

Risk Assessment: Approving the Freedom of Information and Environmental Information Regulations Policy reduces the risk of enforcement action by the ICO.

Equality Impact Assessment: No equality issues identified for this report.

1.0 Introduction

1.1 Since the FOIA and EIR were passed, and this policy was last reviewed, the scope of the EIR and definition of environmental information has been recognised as being extended in the courts and ICO guidance.

2.0 The Policy

2.1 The existing policy was already based on best practice which has meant the revised policy is not a complete re-write but recognition of the fact that the scope of the EIR have been extended by case law and ICO guidance.

2.2 There were minor changes to staff job titles and responsibilities, throughout.

2.3 It is expected that this revision of the policy will result in more requests for information being treated as requests under the EIR which are not subject to the same time limitations as FOIs.

3.0 **Conclusion**

3.1 That the revised Freedom of Information and Environmental Regulations Policy be approved.

Contact for more Information: Catherine Yandle, Group Manager for Performance, Governance and Data Security

Circulation of the Report: Cabinet Members, Cllr Eginton, Leadership Team