

CABINET
27 JUNE 2019

FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION REGULATIONS POLICY

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

Reason for Report: To review the existing policy after the first year since the Data Protection Act (DPA) 2018 and GDPR became law.

RECOMMENDATION(S): That the revised Freedom of Information and Environmental Information Regulations Policy be approved and the next review date set for 3 years hence.

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 the potential for 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; there are only 2 minor changes on pages 8 and 10 identified as being necessary after the first year of operation of the policy.

2.2 It was expected that this revision of the policy would result in more requests for information being treated as requests under the EIR which are not subject to the same time limitations as FOIs. This has proven to be the case with 15% of requests being dealt with as EIR over the last year.

3.0 **Conclusion**

3.1 That the revised Freedom of Information and Environmental Regulations Policy be approved and the next review date set for 3 years hence.

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

Circulation of the Report: Cabinet Members and Leadership Team