

Report for: CABINET

Date of Meeting:	02 September 2025
Subject:	Freedom of Information and Environmental Information Regulations Policy
Cabinet Member:	Cllr David Wulff, Cabinet member for Quality of Living, Equalities and Public Health
Responsible Officer:	Head of Digital Transformation & Customer Engagement
Exempt:	n/a
Wards Affected:	n/a
Enclosures:	Freedom of Information and Environmental Information Regulations Policy

Section 1 – Summary and Recommendation(s)

To review the Freedom of Information (FOI) and Environmental Information Regulations (EIR) policy to ensure compliance with legislation and regulations.

Recommendation(s):

Recommendation 1 – That the revised Freedom of Information and Environmental Information Regulations Policy be approved.

Recommendation 2 - That Cabinet approve the delegation of the FOI/EIR Policy to the Head of Digital Transformation & Customer Engagement, in consultation with the IT & Information Governance (ITIG) board to ensure that the policy remains current and reflects any changes legislative or regulatory guidance.

1.0 Introduction

- 1.1 The policy was last reviewed in 2022 and as agreed at the adoption of the policy should be reviewed every three years or if legislation changes determine a change in policy or practice.

2.0 The Policy

- 2.1 The existing policy is based on best practice. There have been no legislative or guidance amendments identified as being necessary since the review of the policy in 2022.
- 2.2 There have been a small number of additions or amendments to the policy itself to provide further clarity around related legislation, review panel practices and the requirements around Open Government Licensing (OGL) under the Re-Use of Public Sector Regulations (RPSI) 2015. These changes have been highlighted in yellow on the attached policy draft.

3.0 Staff Changes

The small team is made up of the Senior Information Officer (DPO) and the Information Management Officer. At the time of writing the report the latter post will soon be vacant and a recruitment process has been commenced.

4.0 Conclusion

- 4.1 That the revised FOI/EIR Policy be approved and the next review date set for 3 years hence, unless legislative or guidance changes instigate a review.

Financial Implications: The FOI/EIR Policy does not itself have any financial implications but the Council incurs significant costs meeting the requirements of the legislation. There is a direct cost of the Information Management Team in responding to FOI/EIR requests and 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.

Impact on Climate Change - There are no implications relating to Climate Change with this policy.

Equalities Impact Assessment - No equality issues identified for this report.

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

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Deputy Chief Executive Section 151 Officer

Date: 22.08.2025

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 22.08.2025

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 21/08/2025

Cabinet member notified: yes

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Section 4 - Contact Details and Background Papers

Contact: Lisa Lewis, Head of Digital Transformation and Customer Engagement

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Background papers: FOI & EIR Policy