

**CABINET**  
**1 DECEMBER 2016**

## **Review of Freedom of Information and Environmental Information Regulations Policy**

**Cabinet Member** Cllr Margaret Squires  
**Responsible Officer** Liz Reeves, Head of Customer Services

**Reason for Report:** To review and update the Freedom of Information Policy (FOI) and Environmental Information Regulations (EIR).

**RECOMMENDATION:** That Cabinet approve the updated policy.

**Relationship to Corporate Plan:** The Council has a duty to record and respond to FOI and EIR requests, to ensure that Mid Devon District Council is open and transparent.

**Financial Implications:** By undertaking a regular review of our FOI and EIR Policy, it will remain up-to-date and ensure we do not incur financial penalties for any breeches of the Data Protection Act.

**Legal Implications:** Failure to deal with FOI and EIR requests could lead to intervention from the Information Commissioner. Working practices must ensure that the Data Protection Act is followed and personal data is not included in responses.

**Risk Assessment:** The FOI and EIR Policy ensures good practice is maintained, reducing the risk of financial penalties or damage to our reputation, taking account of the most up-to-date professional advice that is available from the Information Commissioner.

### **1.0 Introduction**

- 1.1 The Freedom of Information (FOI) Act 2000 has been in operation since 2005. Its purpose is to promote transparency and openness in public bodies.
- 1.2 This is done in two ways:
  - 1.2.1 Any person may make a written request for information held by Mid Devon District Council and should receive a response within 20 working days.
  - 1.2.2 The Council must make some standard information about themselves available through a [Publication Scheme](#).
  - 1.2.3 Details of our publication scheme and disclosure log can be found on our website:<https://www.middevon.gov.uk/your-council/access-to-information/freedom-of-information/publication-scheme>

- 1.3 Requests for personal data cannot be provided under FOI/EIR. Personal data can be requested as a Subject Access Request (SAR).

## **2.0 Dealing with an FOI request**

- 2.1 All FOI requests are acknowledged and responded to within 20 working days. The FOI request is checked to ensure the data can be provided. If the data is already available in one of our “open data” sets the applicant will be pointed to the data already available. All other requests are either provided as requested or refused if there is a relevant exemption.
- 2.2 It is important the FOI request only provides relevant data and does not break any Data Protection requirements on personal data.
- 2.3 At the end of each month a summary of all the FOI requests is published on our website in a disclosure log.
- 2.4 An internal review can be requested if the response took over 20 working days, if the exemption applied does not appear correct, the calculation of costs contravenes the Fees Regulations, the FOI/EIR requests has been mishandled.

## **3.0 Future Issues**

- 3.1 The FOI and EIR Policy sets out what our citizens can expect from us and provides staff with the details they need to ensure they comply with this legislation.
- 3.2 Each service area has a member of staff who has been given the responsibility of co-ordinating FOI and EIR responses. Training and guidance is provided and an annual calendar of events for FOI, EIR, Data Protection and Information Security training is put together for staff and Members.
- 3.3 Good record management is key to responding to FOI, EIR and SAR requests and over the next 12 months the Information Management Officer and the Senior Information Risk Owner (SIRO) will be working with staff and Members in preparation for the introduction of the new General Data Protection Regulation (GDPR).

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**Circulation of the Report:** **Management Team, Members and relevant Service Managers**