

Freedom of Information and Environmental Information Policy

Version: 1

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Responsible Officer: Executive Director Customers and Change

1. Policy statement

- 1.1 This document sets out West Sussex County Council's Freedom of Information Policy and how it complies with the Council's duties under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR)
- 1.2 FOIA and EIR promote openness and transparency. The legislation applies to all recorded information held by the Council or by a third party on the Council's behalf. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings
- 1.3 The Council considers it important to disclose information lawfully and correctly in accordance with the FOIA and EIR. Failure to comply with the legislation exposes the Council to complaint to the Information Commissioner's Office.
- 1.4 Information is provided in two ways:
It is mandatory to publish certain information (publication scheme);
and
Any person is entitled to request information which subject to the application of any exemptions must be provided free of charge.
- 1.5 FOIA and EIR do not give people access to their own personal data. Subject Access Requests are dealt with in accordance with the Data Protection Policy.
- 1.6 This policy applies to all elected members and staff and the Council expects all of its staff and members to comply fully with this Policy.
- 1.7 Every Director and Executive Director shall be responsible for ensuring compliance with this policy for the area of the Council's business for which they are responsible.
- 1.8 Third parties or contractors with whom the Council shares information or who hold data on the Council's behalf will be expected to enter into and adhere to contractual obligations with the Council incorporating the principles of this Policy and the requirements of FOIA and EIR.

2. Allocation of responsibilities under the FOIA and EIR

- 2.1 All Directors and Heads of Service are responsible for ensuring good records management within their services and compliance with the FOIA and EIR and should have regard to this Policy.
- 2.2 The Council will ensure through the Director of Law and Assurance that a named individual within legal services has specific responsibility for FOIA and EIR compliance and for advising and training Information Liaison Officers (ILOs).
- 2.3 Responsibility for FOI /EIR request handling will be dealt with by a network of Information Liaison Officers (ILO's) within the Council.
- 2.4 ILOs must be appointed by and shall be retained to each Directorate or Service Unit.
- 2.5 All staff will be responsible for recognising a valid request for information and will be able to respond appropriately with assistance and guidance from their Information Liaison Officer. Requests should be forward to: FOI@westsussex.gov.uk

3. Ensuring compliance

The Council will ensure that:

- 3.1 The Council has in place a publication scheme and a system which will ensure the proactive and timely publication of all information identified within the scheme and which is available.
- 3.2 There is a central requests management system which tracks requests made in relation to FOI and EIR and monitors compliance with legal requirements.
- 3.3 There is an appropriately trained member of staff (the ILO) in each Directorate or business unit to deal with compliance issues in that area. Details of all the ILOs are available on the Council's intranet.
- 3.4 Legal advice, training and guidance are available to all ILO's. Core guidance, practice, procedures and policies shall be held on the County Council's intranet.

4. Requests handling

The Council will ensure that:

- 4.1 Advice and assistance is provided to the requestor if required to enable requests to be processed promptly and fully.
- 4.2 Responses will be provided promptly and within the statutory time limits.
- 4.3 Information will only be withheld in accordance with the exemptions specified by legislation. The reasons for applying the exemption will be provided to the requester.
- 4.4 Care will be taken to ensure that personal data is not unlawfully disclosed in response to a request for information made under FOIA or EIR.
- 4.5 Information provided to the Council from third parties may be the subject of a request for information. In considering whether exemptions apply, the Council will seek to consult with the third party but the legal responsibility for deciding whether or not the information should be released rests with the Council.
- 4.6 Any requests for internal reviews of the Council's response to requests will be dealt with in accordance with the Council's Complaints Policy and will be responded to within twenty days or as recommended by the Information Commissioner.
- 4.7 If the Council's original decision is upheld, then the Council shall inform the complainant of their right to appeal to the Information Commissioner's Office and provide information about how to contact that Office.

Appeals should be made in writing to the Information Commissioner and addressed to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

- 4.8 The Council shall ensure that officers cooperate fully with the Information Commissioner's Office and any requests made by that Office.

This is version 1.0

This policy was approved by Tony Kershaw Director of Law and Assurance
on 26th January 2018

It will be reviewed no later than 26th January 2019.