

Freedom of Information Act and Environmental Information Regulations Policy

Document Control

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SIRO signature			

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Associated Documentation

Policies

Wiltshire Council Controlled documents

- Information Governance Policy
- Information Security Policy
- Records Management Policy
- Data Protection Policy
- Information Governance Training Strategy
- Freedom of Information Operating Procedures

Legal framework

- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Data Protection Act 1998
- The Re-use of Public Sector Information Regulations 2015
- INSPIRE Regulations 2009
- The Local Government Transparency Code 2015

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1. Introduction

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (collectively 'the legislation') place obligations on public authorities to both publish and provide information on request.

Every person has a statutory right to request any recorded information held by the council, regardless of when, or by whom it was created or the form in which it is held.

2. Policy statement

The council is committed to being open and transparent in the conduct of its operations and to complying fully with the legislation. To this end the council will:

- Publish as much information about its activities as is practicable and, subject to the provisions of the legislation, will make all other information available on request.
- Establish records management practices to be able to more easily determine whether requested information is held and where it is held make its retrieval as straightforward as possible.
- Deal with all requests for information in accordance with the legislation.
- Have regard for the guidance published by the Information Commissioner's Office (ICO).
- Information provided under the legislation is made available under the [Open Government Licence](#)

3. Scope of Policy

The Policy applies to:

- All recorded information held by the council in any format including information in the possession of third parties which is held on behalf of the council.
- All council employees and elected representatives.

4. Roles and Responsibilities

Senior Information Risk Owner (SIRO)

Ultimate responsibility for compliance with the legislation rests with the SIRO.

Information Asset Owners (IAO)

IAO are Heads of Service within the Council. Each IAO is responsible for the risk management and accreditation of the information assets under their control. Accountability rests with the IAO to ensure protection of the information assets within their service.

Information Governance Manager

The IG Manager is responsible for the management of the IG Team, including the performance, training and development of the team.

FoI Lead

The FoI Lead is the technical subject matter expert, providing advice to the organization on the application of the legislation. The FoI Lead is to monitor the quality and quantity of responses to requests for information, provide advice, guidance and support to the IG team and colleagues to ensure the access to information regime is operated in an appropriate manner.

Employees and Elected Members

Employees and elected members have a responsibility to process information in accordance with council IG policies and procedures.

5. Training

The legislation requires that everyone working in a public authority is sufficiently familiar with the legislation that they can recognize a request under the legislation and take the appropriate action. Subject specific training will be delivered to all employees and elected members as set out in the IG Staff Training Plan 2017-2019 published in the IG Training Strategy.

6. Publication of Information

The council will make information available on its website through a Publication Scheme in accordance with the ICO definition document for Local Authorities. Further information will be published as required by the Local Government Transparency Code 2015. Environmental information will also be made available through the website as required by the legislation.

7. Requests for Information

Requests for information will be processed in accordance with the legislation, the associated statutory Codes of Practice and the ICO guidance on the handling of requests for information.

8. Copyright and Re-Use of Information

Much of the information held by the council is protected by the Copyrights Designs and Patents Act 1988, however, this does not prevent disclosure of information under the legislation. Most the information provided under the legislation is made available for re-use under the [Open Government Licence \(OGL\)](#). The OGL is a simple set of terms and conditions that facilitates the re-use of a wide range of public sector information free of charge. There are also provisions in the legislation relating to the publication and re-use of datasets. When publishing or providing a dataset in response to a request it must be made available in a re-usable format with a licence permitting its re-use unless it is not appropriate to do so.

9. Complaints Process

The council has in place a process for requestors to express their dissatisfaction about a response to a request for information they have made. The complaints process is to be provided to every requestor as part of the response to their request.

10.ICO Appeals

On receipt of notice of an appeal by the ICO the FoI Lead is to take responsibility for the processing of the appeal.

Details concerning the processing of requests, complaints and ICO appeals can be found in the Freedom of Information Operating Procedures document.

11. Policy Review

This policy will be reviewed annually or as a consequence of changes to the legislation which effects this policy.