



<b>REPORT TO:</b>	Cabinet
<b>DATE:</b>	13 <sup>th</sup> December 2023
<b>SUBJECT:</b>	Freedom of Information and Environmental Information Regulations Policy
<b>PURPOSE:</b>	To present a draft updated FOI /EIR policy for the Council
<b>KEY DECISION:</b>	No
<b>PORTFOLIO HOLDER:</b>	Councillor Sandeep Ghosh, Portfolio Holder for Finance
<b>REPORT OF:</b>	John Medler, Assistant Director Governance and Monitoring Officer
<b>REPORT AUTHOR:</b>	Rebecca James, Scrutiny & Policy Officer
<b>WARD(S) AFFECTED:</b>	None
<b>EXEMPT REPORT?</b>	No

#### **SUMMARY**

The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) require Councils to follow certain procedures in relation to public access to information. This will be the first time Boston Borough Council has chosen to adopt an FOI/EIR Policy, previously the information was in the form of a statement on the Council website.

This draft document has been fully reviewed, updated, and aligned across the partnership. Reviewing the policy ensures any updates are captured in the new aligned policy, as well as ensuring the policy is still fit for purpose and complies with all current statutory requirements.

#### **RECOMMENDATIONS**

- That the Cabinet approves the draft FOI/EIR Policy.

#### **REASONS FOR RECOMMENDATIONS**

To ensure the Council is meeting its statutory requirements in relation to FOI and EIR.

## OTHER OPTIONS CONSIDERED

None

### 1. BACKGROUND

- 1.1 Boston Borough Council is responsible for ensuring it meets statutory requirements in relation to Freedom of Information (FOI) and Environmental Information Regulations (EIR). Reviewing and updating this policy, found at **Appendix A**, ensures that this Council is meeting its statutory obligations with regard to Freedom of Information and Environmental Information Regulation requests.
- 1.2 There are policy links to FOIA and EIR webpages throughout the FOI/EIR policy document, which means that Council policy does not need updating every time FOIA/EIR is amended, as the policy will automatically link people to latest version of the FOI and EIR. The full web address has now been added at the end of the policy for each relevant link to ensure those reading offline can access the webpages mentioned throughout the document.

### 2. REPORT

- 2.1 The Freedom of Information Act and Environmental Information Regulations are the legislation under which information is generally requested from the Council. Anyone can request access to general information held by the Council using the Freedom of Information Act. The Environmental Information Regulations provide the same right but for environmental information.
- 2.2 The Freedom of Information Act also requires the Council to produce a Publication Scheme which lists information that is made available without the need to request it. The Council also includes environmental information in its Publication Scheme.
- 2.3 The updated and aligned policy outlines how the Council will meet its obligations under the FOIA and EIR. The policy is being aligned across all 3 Councils in the South and East Lincolnshire Councils Partnership to provide consistency for staff when dealing with requests and enquiries.
- 2.4 The Information Governance Manager is the person who has specific responsibility for the Council's compliance under the FOIA / EIR, and the implementation, compliance, and maintenance of the policy. However, it is the responsibility of all employees to ensure that all requests for information are forwarded to the Information Governance Team without delay, whether they specifically say it is a request under the FOIA / EIR or not, and that any requests from the Information Governance Team for information are complied with in an expeditious manner, and by no later than the deadline dates given.

### 3. CONCLUSION

- 3.1 The FOI/EIR policy has been fully reviewed and updated, to ensure all statutory requirements are complied with and the information within is easily accessible to officers and members of the public alike, clearly setting out the processes to follow when requesting information.

## **EXPECTED BENEFITS TO THE PARTNERSHIP**

An updated and aligned policy will provide an opportunity to promote the policy and confirm procedures to ensure services are aware of their statutory requirements in relation to requests for information from members of the public.

## **IMPLICATIONS**

### **SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP**

This will be an aligned policy, so officers are working to a single policy and set of procedures, ensuring consistency for officers and residents alike.

## **CORPORATE PRIORITIES**

None

## **STAFFING**

None

## **CONSTITUTIONAL AND LEGAL IMPLICATIONS**

It is a statutory requirement to answer FOI and EIR requests. This policy provides assurance that our duties under the FOIA and EIR are clearly set out for Officers and requesters of information.

## **DATA PROTECTION**

UK GDPR will be complied with at all times when dealing with and answering FOI requests.

## **FINANCIAL**

None

## **RISK MANAGEMENT**

None

## **STAKEHOLDER / CONSULTATION / TIMESCALES**

None

## **REPUTATION**

There could be a potential reputational impact for failing to comply with FOI/EIR, should the ICO take any enforcement action for non-compliance with the legislation.

## **CONTRACTS**

None

## **CRIME AND DISORDER**

None

## **EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING**

None

## HEALTH AND WELL BEING

None

## CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None

## LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

None

## ACRONYMS

FOIA – Freedom of Information Act

FOI – Freedom of Information

EIR – Environmental Information Regulations

ICO – Information Commissioner’s Office

### APPENDICES

Appendices are listed below and attached to the back of the report: -

APPENDIX A	Draft updated FOI and EIR Policy
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### BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Freedom of Information Act 2000	<a href="https://www.legislation.gov.uk/ukpga/2000/36/contents">Freedom of Information Act 2000 (legislation.gov.uk)</a>
Environmental Information Regulations 2004	<a href="https://www.legislation.gov.uk/uksi/2004/3391/contents/made">https://www.legislation.gov.uk/uksi/2004/3391/contents/made</a>

### CHRONOLOGICAL HISTORY OF THIS REPORT

Name of body	Date
Cabinet Briefing	4 <sup>th</sup> October 2023
Corporate & Community	9 <sup>th</sup> November 2023

### REPORT APPROVAL

Report author:	Rebecca James, Scrutiny & Policy Officer
Signed off by:	John Medler, Assistant Director – Governance & Monitoring Officer
Approved for publication:	Councillor Sandeep Ghosh, Portfolio Holder for Finance