



# FREEDOM OF INFORMATION POLICY & ENVIRONMENTAL INFORMATION REGULATIONS POLICY

Providing the right to information – our commitment

## [Freedom of Information Act<sup>1</sup>](#)

Boston Borough Council recognises that the Freedom of Information Act (FOIA) provides the public with access to information that would otherwise be unavailable and is the route to providing and enabling more open and transparent public services.

We recognise, respect and value this right and our responsibility to enable transparency in appropriate circumstances.

In promoting a sense of openness and transparency, we aim to build a strong sense of trust in all those who interact with the council.

Boston Borough Council is committed to providing the right of access to information held. We recognise the need to effectively communicate with requesters whether the information is held, exempt or subject to a fee, support requesters to receive the information that is requested.

Providing the right services and ensuring that we are transparent with our information allows us to build and grow trust with the public and support the District to thrive.

Under the Freedom of Information Act 2000, we have a duty to:

- Inform the requester in writing whether information is held
- communicate that information
- Comply with “the duty to confirm or deny”
- Provide advice and assistance for FOI requests as required by the Act.

## [Environmental Information Regulations<sup>2</sup>](#)

The Environmental Information Regulations 2004 (EIR) came into force on 1st January 2005. Information requests relating to environmental information are dealt with under the EIR. The definition of information captured by the EIR is ‘any information in written, visual, aural, electronic or any other material form on –

- a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape, and natural sites including wetlands, coastal and marine areas, biological diversity, and its components, including genetically modified organisms, and the interaction among these elements;
- b) factors, such as substances, energy, noise, radiation, or waste, including radioactive waste, emissions, discharges, and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
- c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
- d) reports on the implementation of environmental legislation;
- e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
- f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c)

The Council treats EIR requests in the same way as FOI requests, except in two specific circumstances:

- Where an EIR request is complex and voluminous, we may extend the response deadline by 20 working days;
- The EIR uses exceptions (rather than exemptions) in relation to withholding information.

The EIR applies to all information held by the Council including information held on behalf of another person or organisation. The EIR also applies to information held by another person or organisation on our behalf, including contractors and partner organisations.

## How do I ask for information under the Freedom of Information Act / Environmental Information Regulations?

Requests for information can be made verbally or in writing for EIR but must be in writing for an FOI request. Requestors have a right to be informed whether the information requested is held by the Authority, and if so, to be provided with that information subject to certain exceptions.

You can submit your information request in writing (email or letter) to [FOI@boston.gov.uk](mailto:FOI@boston.gov.uk)

A valid request for information will contain:

- Your name
- Your contact details (email address is acceptable)
- A detailed description of the data you require with timeframe (if known)

You do not have to refer to either of the Acts or give a reason for wanting to see the information. However, it may make it easier for us to find exactly what you want if you mention the Act and tell us why you want the data. You can say which format you would like to receive the data in, such as electronically, paper, or you can ask to inspect a record.

## Do I have to pay for the information?

Not usually, although the Council may charge a 'reasonable amount' for supplying any information where it is deemed appropriate. Any charges will be made in line with ICO Guidance. The way any potential charges are worked out can be found here for FOI [fees cost of compliance exceeds appropriate limit.pdf \(ico.org.uk\)](#)<sup>3</sup> and here for EIR [Charging for information under the Environmental Information Regulations \(EIR\) | ICO](#)<sup>4</sup>.

## How long will it take to receive the information?

Upon receipt of your request, you will receive an automatic acknowledgement that will confirm your request has been received. You will receive a response within the statutory timeframe of 20 working days (starting the day after your request was submitted).

## Requests for clarification

If we ask you to provide clarification of your request, your request will be put on hold and the clock stops until we receive that clarification. The clock also stops between us asking for any applicable fee and the fee being paid. Please check the [Publication Scheme](#)<sup>5</sup> first to see whether the data you want is already available. This will provide links to much of the publicly available information we hold as a Council and may negate the need for an FOI/EIR request to be submitted.

If we do not receive clarification within 60 working days of the request being put on hold, the file will be closed.

## Is there any information that cannot be released?

Yes, if an exemption/exception applies. You will be notified if an exemption/exception has been applied.

## Other considerations

- In line with the requirement for a publication scheme, we will publish certain information proactively. Details of this information is available in the [Publication Scheme](#)<sup>5</sup> ;
- We will consider any use of the exemptions available via [the Act Part II Exempt Information](#)<sup>6</sup> and apply these appropriately, including where the cost of compliance exceeds the appropriate limit;
- We will address any requests that are manifestly unreasonable in line with the ICO guidelines and as defined in the FOIA/EIR;
- We will comply with [section 45 code of practice](#)<sup>7</sup> which gives recommendations for public authorities about their handling of requests;
- We will, wherever possible, consider any request in line with the 'requester blind' principle, and consider the response to be a 'publication'
- We will consider the [Duty to provide advice and assistance \(section 16\)](#)<sup>8</sup>

## Where can I find out more information on the FOIA and EIR?

For more information, please visit the [Information Commissioner's Office](#)<sup>9</sup> website.

## What can I do if I am not satisfied with the response?

Firstly, contact the Information Governance Team within 40 days of receiving the initial response to ask for an internal review if you are unhappy with the way your request was handled, or if you want to appeal against a decision regarding the non-disclosure of data. Internal reviews will be undertaken by a different person than the one who initially assessed your request.

If you are still dissatisfied after an internal review has been conducted, you can escalate your request to the [Information Commissioner's Office](#)<sup>9</sup>

## Roles and responsibilities

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 this 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 .

## How we ensure compliance with the FOIA and EIR

We will monitor, where relevant and proportionate, the requests that are received in order to:

- Ensure we are meeting the statutory timescale of 20 working days;
- Continue to proactively publish relevant and appropriate information.

In line with the code of practice requirements, we will publish:

- information about the numbers of requests received;
- the timeliness of our responses;
- the number of requests where the information was granted;
- the number of requests where the information was withheld;
- the number of internal reviews.

1 - <https://www.legislation.gov.uk/ukpga/2000/36/contents>

2 - <https://www.legislation.gov.uk/uksi/2004/3391/contents/made>

3 - [https://ico.org.uk/media/1635/fees\\_cost\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/1635/fees_cost_of_compliance_exceeds_appropriate_limit.pdf)

4 - <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/charging-for-information-under-the-eir/>

5 - <https://www.boston.gov.uk/article/21119/Who-we-are-and-what-we-do>

6 - <https://www.legislation.gov.uk/ukpga/2000/36/contents>

7 - <https://www.gov.uk/government/publications/code-of-practice-on-the-discharge-of-public-authorities-functions-under-part-1-of-the-freedom-of-information-act-2000>

8 - <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/section-16-advice-and-assistance/#:~:text=Section%2016%20of%20FOIA%20states,requests%20for%20information%20to%20it.>

9 - <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/guide-to-freedom-of-information/receiving-a-request/>