

# **Title – Freedom of Information/Environmental Information Regulations Policy**

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# Policy overview

Our mission at the West Yorkshire Combined Authority is simple. We are committed to ensuring we have the right people with the right skills in the right place, making the right choice to efficiently and effectively deliver inclusive growth.

Our vision is simple, to create a one organisation culture which embeds our values and behaviours in everything we do and to be world class in what we do, and how we treat our employees.

## Policy scope and objectives

This policy applies to all Combined Authority employees. It outlines the Combined Authority's approach to dealing with information requests it receives under the Freedom of Information Act 2000 ('the Act'), and under the Environmental Information Regulations 2004 ('the Regulations'). It also sets out responsibilities in relation to the positive duty under the Regulations to make certain types of environmental information available to the public electronically, and to organise such information so that it can be actively and systematically disseminated to the public.

This policy takes account relevant related legislation for example: the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

### 1. Scope

This policy applies to everyone who has access to the CA's information, information assets or IT equipment. These people are referred to 'users' in this policy. This may include, but is not limited to employees of the CA, temporary workers, secondees, partners and contractual third parties. The CA is the accountable body for Leeds City Region Enterprise Partnership (LEP) which is also covered by this policy. All those who use or have access to the CA information must understand and adopt this policy and are responsible for ensuring the security of the CA's information systems and the information that they use or handle.

### 2. Freedom of Information

The Combined Authority believes that open government is best. The Combined Authority believes that accountability and transparency help to build public trust, and then bring real benefits to citizens and businesses in its area.

The Combined Authority will continue to review and develop its publication scheme, so that an increasing amount of information is made accessible in this way, rather than in response to individual information requests.

In applying the public interest test, the Combined Authority will give significant weight to the promotion of transparency and accountability as assumptions built into the Freedom of Information Act.

The Combined Authority will also give significant weight to the promotion of public debate, better public understanding of the Combined Authority decisions, and the informed and meaningful participation by the public in the democratic process.

The Combined Authority acknowledges there is a “default setting” in favour of disclosure, and will adopt this as its starting point for every information request.

The Combined Authority acknowledges that in applying the public interest test it must take into account all the circumstances of the case, and the Combined Authority will not seek to apply “blanket” exemptions.

The Combined Authority will consider information requests in a way which is “applicant blind” and “motive blind”, unless exceptionally it considers that a request is vexatious.

The Combined Authority will seek to limit the use of confidentiality clauses by its contractors where appropriate.

The Combined Authority will have proper regard to the privacy and integrity of individuals, and where they conflict, the Combined Authority will seek to strike an appropriate balance between the values of transparency and accountability on the one hand, and the individual’s right to privacy on the other.

In applying the public interest test, the Combined Authority will generally consult with relevant third parties, and will consider any representations made by third parties.

If the Combined Authority estimates that the cost of retrieving, locating and collating information will exceed £450, it will ask the applicant to reduce the scope of their request, and will strive always to provide some information which is relevant to a request.

The Combined Authority will provide general information to the public on their rights under the Act, and how these rights can be exercised.

The Combined Authority will provide advice to the public on how to request an internal review if anyone is unhappy with the response they have received. The Combined Authority will also make clear how to complain to the Information Commissioner’s Office (ICO). Should the Combined Authority receive a request for an internal review, this will be completed (in most cases) within 20 working days and opinion will be sought from a member of staff who did not deal with the original request and where possible, of a higher seniority.

The Combined Authority will not accept requests ‘transferred’ to the Combined Authority by a third-party organisation. The Combined Authority will advise the third-party organisation to issue a response directing the requester to submit a separate request to the Combined Authority. This is to ensure the Combined Authority has the full statutory timescale in which to respond.

### **3. Environmental Information Regulations**

The Combined Authority will interpret broadly the definition of “environmental information” in the Regulations

The Combined Authority will progressively make certain types of environmental information available to the public by electronic means which are easily accessible, and will take reasonable steps to organise such information relevant to its functions with a view to the active and systematic dissemination to the public of such information, as required by the Regulations. The specified types of environmental information are set out in Appendix 1.

The Combined Authority will give a strict interpretation to the exceptions to the duty to disclose environmental information.

The Combined Authority will accept requests for environmental information whether or not they are in writing.

The Combined Authority will apply a presumption in favour of disclosure, subject to an exception in the case of any environmental information which is held by the Combined Authority subject to a legal duty of confidentiality.

In considering the public interest in disclosure, the Combined Authority will give significant weight to relevant considerations derived from the Directive, in particular a greater awareness of environmental matters, free exchange of views, and more effective participation by the public in environmental decision-making. Where environmental information is held by the Combined Authority subject to a legal duty of confidentiality, the Combined Authority will take into account the "strong public interest" in the maintenance of valuable, commercially confidential information.

Where the Combined Authority is permitted to charge for making information available, such charges will not exceed a reasonable amount.

The Combined Authority acknowledges that in applying the public interest test it must take into account all the circumstances of the case, and the Combined Authority will not seek to apply "blanket" exceptions.

If the Combined Authority considers a request is formulated in too general a manner, it will ask the applicant to provide more particulars, and will assist the applicant in providing those particulars, in accordance with the Regulations.

The Combined Authority will have proper regard to the privacy and integrity of individuals, and where they conflict, The Combined Authority will seek to strike an appropriate balance between the objectives of the Regulations/Directive on the one hand, and the individual's right to privacy on the other.

In applying the public interest test, The Combined Authority will generally consult with relevant third parties, and will consider any representations made by third parties.

The Combined Authority will provide general information to the public about their rights under the Regulations, and how these rights can be exercised.

The Combined Authority will provide advice to the public on how to request an internal review if anyone is unhappy with the response they have received. The Combined Authority will also make clear how to complain to the Information Commissioner's Office (ICO).

The Combined Authority will not accept requests ‘transferred’ to the Combined Authority by a third-party organisation. The Combined Authority will advise the third-party organisation to issue a response directing the requester to submit a separate request to the Combined Authority. This is to ensure the Combined Authority has the full statutory timescale in which to respond.

## 4. Procedure

### 4.1 Roles & Responsibilities

It is important that all users (as defined in the scope of this policy) understand what is required of them and comply with this policy.

In the event that a member of staff gets a request for information that is not a “business as usual” request, and they think the rules in the Act or the Regulations might apply, then they must send the request to [freedom.info@westyorks-ca.gov.uk](mailto:freedom.info@westyorks-ca.gov.uk), or post it to Legal and Governance Services, Wellington House, Wellington Street, Leeds, LS1 2DE straight away. The request will then be logged into the corporate requests database, and sent to the point of contact for the relevant service, to deal with.

All members of staff must assist the point of contact for their service by providing them with all relevant information in a timely manner, so as to enable the Combined Authority to respond to information requests as soon as possible, and no later than twenty working days after receipt of such requests.

A member of staff who holds information which is subject to an information request made under the Act or the Regulations, must not alter, deface, block, erase, destroy or conceal any such information with the intention of preventing its disclosure.

### 4.2 Training

Appropriate training will be made available for existing staff that have responsibility for information governance duties.

All staff will be made aware of their obligations for information governance through effective communication programmes.

Each new employee will be made aware of their obligations for information governance during an induction-training programme.

Training requirements will be reviewed on a regular basis to take account of the needs of the individual, and to ensure that staff are adequately trained.

### 4.3 Policy Compliance & Audit

Failure to observe the standards set out in this policy may be regarded as serious and any breach may render an employee liable to action under the Combined Authority's Disciplinary procedure, which may include dismissal.

Non-compliance with this policy could have a significant effect on the efficient operation of the Combined Authority and may result in financial loss and an inability to provide necessary services to our customers. The Combined Authority will undertake audits as required to monitor compliance with its information governance policies.

Any user who does not understand the implications of this policy or how it may apply to them, should seek advice from their immediate line manager and/or the Legal and Governance Services Team.

## 5. Policy Approval

This policy has been produced by the HR Team in consultation with our recognised Trade Unions, UNISON and Unite and authorised by the Leadership Team.

This policy will be reviewed on an annual basis, to ensure that it continues to meet the needs of the Combined Authority and ensure compliance with relevant legislation. Where appropriate, this policy will be updated, in consultation with our recognised trade unions and other relevant parties.

## 6. Equality impact assessment (EIA)

In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

## 7. General data protection regulations (GDPR)

This policy has been considered in line with the latest GDPR principles and all paperwork kept in strict accordance of timelines, the right to rectify errors, the right for information to be forgotten (after the designated timelines) and the right to privacy throughout the process.

Personal data provided to the Combined Authority as part of the FOI/EIR request process (e.g. name, address, email address, telephone number) is processed under our statutory obligation to respond to FOI and EIR requests. The data is not processed for any other purpose or shared with any third parties. The data will be retained for a period of 1 year following the completion of requests and then securely destroyed. Our full privacy notice can be viewed on our website at <https://www.westyorks-ca.gov.uk/privacy-policy/>

<b>POLICY APPROVAL</b>
Authorised on behalf of the West Yorkshire Combined Authority by:

Name:

Signature:

Authorised on behalf of UNISON and Unite by:

Name: \_\_\_\_\_

Signature:

This policy is issued and managed by the Legal and Governance Services  
Department

# Appendix 1

## **Dissemination of Environmental Information - type of information**

Items in Article 7.2 of the Directive,

- (a) Texts of....regional or local legislation on the environment, or relating to it.
- (b) Policies, plans and programmes relating to the environment.
- (c) Progress reports on the implementation of the items referred to in (a) and (b) when prepared or held in electronic form by public authorities.
- (d) Where appropriate regional or local reports on the state of the environment at “regular intervals not exceeding four years”, including information on the quality of, and pressures on, the environment.
- (e) Data or summaries of data derived from the monitoring of activities affecting, or likely to affect, the environment.
- (f) Authorisations with a significant impact on the environment and environmental agreements or a reference to the place where such information can be requested or found.
- (g) Environmental impact studies and risk assessments concerning the environmental elements or a reference to the place where the information can be requested or found.

And facts and analyses of facts which the Combined Authority considers relevant and important in framing major environmental policy proposals