

Information Request Policy

(Freedom of Information and
Environmental Information Regulations)

March 2023

Table of Contents

Introduction	2
Our responsibilities	2
Publication Scheme	3
Freedom of Information requests (making a request).....	3
Reasonable adjustments and alternative formats.....	3
How we deal with FOI/EIR requests	4
fees	4
Reviews	5
Contacting the ICO for escalation	5
Contacts.....	5
Appendix – Exemptions	6

Introduction

- As a Local Authority we are committed to complying with the requirements of the Freedom of Information Act 2000 (FoIA) and the Environmental Information Regulations 2004 (EIR).

FoIA and EIR provide a framework to enable individuals to request information from Public Authorities such as the Council, to request any recorded information that we hold. Recorded information is information that is held in any format, emails, letters, notes, financial information, policy documents, images etc.

- The applicant does not have to explain their reasons for the request.
- Requests made under FoIA MUST be made in writing and include the name and address (or email address) of the person applying and the information they are requesting.
- Requests made under EIR DO NOT need to be made in writing, although it is the Councils practice to confirm the request in writing with requestor.

We will provide the information if we hold it, unless one or more of the exemptions listed in the FoIA or EIR the exceptions listed in EIR applies (See the Appendix to this Policy). We do not have to provide information that is exempt.

If you want to know more about FoIA and EIR, Please visit the IMT page where you can access the training material and/or visit the Information Commissioner's (ICO) website <https://ico.org.uk>

Our responsibilities

Our Corporate Management Team has overall responsibility for this policy. Our directors and corporate directors are responsible for making sure that it is implemented and followed.

The Chief Information Officer (CIO) is the director accountable to our Corporate /Management Team, and Board, for understanding the risks involved with processing of information.

The Information Management Internal Control Board supports the CIO to develop and improve how we manage our information and data protection.

The Information Management Team advises us on GDPR 2018/DPA 2018 and the application of FoIA and EIR. All our staff are responsible for identifying and forwarding information requests to the Information Management team and for responding to requests/updates from the team within the statutory timeframe.

Publication scheme

We publish a lot of information about the work we do as a public authority.

We routinely make certain information available. This information, which can be [found on our website, https://www.croydon.gov.uk/council-and-elections/privacy-and-data-protection/publication-scheme](https://www.croydon.gov.uk/council-and-elections/privacy-and-data-protection/publication-scheme) includes:

- Who we are and what we do
- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and registers, and
- The services we offer.

The Councils Publication Scheme also includes those items required to be made available under the Local Government [Transparency Code](#).

If you don't find what you are looking for, you can write to us to ask for information that we hold.

Freedom of Information/Environmental Information Regulation Requests

Making a request

Freedom of Information Requests are raised via the link below.

<https://www.croydon.gov.uk/council-and-elections/privacy-and-data-protection/freedom-information-foi-act/make-information-request>

Additionally, requests can be made by email to FOI@croydon.gov.uk

The following information should be included in the request:

- Name and address (or email address)
- The information being requested as clearly defined as possible
- how the information should be sent (for example, by post or by email)

When you ask us for information please try to be as clear as possible. This will help us to understand your request and respond to you promptly. If your request is unclear, we might ask you for more information to help us understand what you are looking for.

Requests seeking the Council's views, opinions or seeking to enter into a 'debate' on an issue will generally be refused as the purpose of FoIA and EIR is to seek and provide access to 'recorded information' that is held by the Council.

Reasonable adjustments and alternative formats

For anyone who is unable to contact us in writing and needs a reasonable adjustment for any requests to provide responses in other formats and/or because of a disability, please call us on: 0208 726 6000.

How we deal with requests

If you write to us about our work as a public authority, we will deal with these requests under the FoIA/ EIR.

We aim to respond to your request promptly and within 20 working days. If we are not able to meet this deadline, we will tell you and let you know when we are likely to be able to respond to your request.

We will respond via the method the request is made unless requested otherwise.

After you've made your request, we will either:

- Give you the information you've asked for
- Let you know where you can find the information
- Confirm that we don't hold the information, or
- Explain why we cannot give you the information.

However, there are some exemptions that allow us to withhold certain types of information, such as personal data or sensitive commercial information, because releasing that information is likely to cause harm or prejudice. These are set out in the Appendix to this Policy.

If we cannot give you the information you are looking for, we will write to you and explain why. We will also let you know what to do next if you disagree with our decision.

Fees

Under Section 12 of the FOI Act, the Local Authority does not have to comply with a request for information if the cost of compliance exceeds the appropriate limit, this is the limit for the estimated or calculated prescribed costs. The regulations define an 'Appropriate Limit' for non-central Government is £450

We must still confirm or deny whether we hold the information requested unless the cost of this alone would exceed the appropriate limit.

The Local Authority can only take into account the costs it reasonable expects to incur in:

- Determining whether it holds the information requested
- Locating the information, or document containing the information
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it

The cost will be calculated at £25 per hour per person, regardless of the actual cost. The calculation of the appropriate limit of £450 is equivalent to about 2.5 days of one person's (18 hours) time charged at the £25 per hour rate.

Where a reasonable estimate is made that the appropriate limit of £450 for the costs of preparation would be exceeded the Council can refuse to comply with the request.

Where appropriate the requestor may be asked whether they would like to reframe their request, in these circumstances the requestor will have the choice of amending request.

Internal Reviews

If you are not happy with the response you receive following an information request, you have the right to request an Internal Review. You can do this in writing asking the Council to reconsider the response provided to you.

When requesting an Internal Review, please state why you consider the response, was deficient and which issues were not appropriately considered.

Normally we will aim to respond to requests for reviews within 20 working days, or 40 working days for EIR reviews.

Re-use of Public Sector Information Regulations 2015 (RPSI)

Do you want to include RPSI in this policy?

Contact the ICO for escalation

If you still remain dissatisfied after receiving our response, you can complain to the Information Commissioner at:

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

The Information Commissioner will not usually deal with a complaint unless our internal review process has been exhausted.

Contacts

Information.management@croydon.gov.uk **FOI@croydon.gov.uk**

Exemptions Appendix – Simple list of exemptions/exceptions, split into Class and Public Interest.

FoIA Exemptions and EIR Exceptions

FoIA Exemptions

There are 23 exemptions with FoIA; Qualified and Absolute.

Qualified Exemptions: These require the Council to undertake a Public Interest Test, as part of the considerations as to whether the information is released.

The Public Interest Test for a qualified exemption will consider whether, in all circumstances, the need to withhold information outweighs the public interest in it being disclosed. This balancing is in favour of the requester as the balancing of the public interest test can be challenged via an Internal Review.

Absolute Exemptions: If requested falls information within the scope of an absolute exemption the Council does not have to disclose it. Again, this assessment can be challenged via an Internal Review.

For further advise on the limits and application of these Exemptions please visit the ICO website. <https://ico.org.uk/>

Absolute Exemptions	
Section	Description
Section 21	Information accessible by other means; information already within the Public Doman.
Section 23	National Security; Information supplied by, or relating to, bodies dealing with security matters.
Section 32	Court Records
Section 34	Parliamentary Privilege; certificate signed by the Speaker of the House, in respect of the House of Commons, or by the Clerk of the Parliament, in respect of the House of Lords is conclusive proof that the exemption is justified.
Section 36	Effective Conduct of Public Affairs; so far as relating to information held by the House of Commons or the House of Lords.
Section 40	Personal Information; the requestors own information, the General Data Protection Regulations and Data Protection Act 2018 apply.
Section 41	Information provided 'In Confidence'
Section 44	Prohibitions on disclosure; where a disclosure is prohibited by an enactment or would constitute contempt of court.

Qualified Exemptions	
Section	Description
Section 22	Information Intended for Future Publication
Section 24	National security (other than information supplied by or relating to named security organisations, where the duty to consider disclosure in the public interest does not apply)
Section 2:	Defence
Section 27	International relations
Section 28	Relations within the United Kingdom
Section 29	UK Economic Interests
Section 30	Investigations and Proceedings Conducted by Public Authorities
Section 31	Law Enforcement
Section 33	Audit Functions
Section 35	Formulation of government policy and Ministerial Communications

Section 36	Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
Section 37	Communications with Her Majesty, the Royal Family or concerning honours
Section 38	Health and Safety
Section 39	Environmental Information
Section 40	Personal information relating to a third party access request; the General Data Protection Regulations and Data Protection Act 2018 apply.
Section 42	Legal Professional Privilege
Section 43	Commercial Interests

EIR Exceptions

Unlike the Act the presumption is on disclose. There are no equivalents of the absolute exemptions which exist in FoIA. Under EIR the Council must release environmental information unless there are compelling and substantive reasons to withhold it.

If information relates to emissions, the information must be released regardless of any grounds for refusal because of confidentiality of proceedings, commercial confidentiality, personal/ voluntary information or environmental protection.

All EIR exceptions, are subject to the public interest test. The public interest test means that we should only withhold information if the public interest in not disclosing outweighs the public interest in disclosing the information.

For further advice on the limits and application of these Exceptions please visit the [ICO website](#).

EIR Exemptions	
Regulation	Description
12 (4) (a)	The information is not held when the request is received.
12 (4) (b)	The request is manifestly unreasonable; this exception applies when the amount of information sought is so large as to be unreasonable e.g a request for all information held on the Environment would be manifestly unreasonable.
12 (4) (c)	The request is formulated in too general a manner; this exception applies when a request is not specific enough.
12 (4) (d)	The information is intended for future publication.
12 (4) (e)	The request involves the disclosure of internal communications.
12 (5) (a)	Disclosure would affect international relations, defence, national security or public safety.
12 (5) (b)	Disclosure would affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature.
12 (5) (c)	Disclosure would adversely affect intellectual property rights of a third party.
12 (5) (d)	Disclosure would adversely affect confidentiality of proceedings where the confidentiality is protected by law.
12 (5) (e)	Disclosure would adversely affect commercial or industrial confidentiality of the Council or a third party.
12 (5) (f)	Disclosure would adversely affect the interests of the person or organisation who provided the information. voluntarily by third party who will not have given consent to its disclosure.
12 (5) (g)	Disclosure would adversely affect the protection of the environment.

13	Personal Data; requested includes personal information, of which the requestor is not the subject and whether the disclosure of the personal information would be fair and lawful under the Data Protection Principles within the General Data Protection Regulations and the Data Protection Act 2018.
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