

ACCESS TO INFORMATION POLICY

Presented by the Deputy Chief Executive

SUMMARY

This report seeks Member approval for the revised policy relating to access to information that has been updated as part of the ongoing review of all the Authority's existing policies. The policy, which was previously titled the Freedom of Information Policy, has been updated to incorporate the Authority's obligations under the Environmental Information Regulations 2004 and to reflect changes to responsibilities for managing requests.

The Executive Committee considered the updated policy at its meeting on 17 November 2022 (Paper E/784/22) and recommended it to the Authority.

RECOMMENDATION

Members approve: (1) the draft Access to Information Policy attached as Appendix A to this report.

BACKGROUND

- 1 The Authority has a register of policies that ensure the organisation works efficiently and consistently towards delivering its Business Strategy. These policies are reviewed to ensure that they are relevant and up to date with legislation and best practice.
- 2 One of these policies is the Freedom of Information Policy. The Authority is not subject to the Freedom of Information Act (FOIA), but is currently adopting the processes set out in FOIA when considering requests for information. The Authority is subject to the Environmental Information Regulations 2004 (EIR) in respect of environmental information.
- 3 It should be noted that the Authority implements legislative changes from the date that they are introduced and there may be a time lag between this and the relevant policies being updated.

ACCESS TO INFORMATION POLICY

- 4 A draft of the Access to Information Policy is attached as Appendix A to this

report for Members' consideration and approval.

- 5 The Access to Information Policy sets out a framework for ensuring the Authority complies with the requirements of the EIR in respect of environmental information and meets its commitment to adopt the processes of the Act in respect of other information.
- 6 The Access to Information Policy is an update of the current Freedom of Information Policy. The key changes to the previous policy are highlighted in the draft attached at Appendix A to this report. They are:
 - to incorporate the Authority's obligations under EIR;
 - make clear the policy applies to information held on behalf of the Authority; and
 - update responsibilities for responding to requests.
- 7 The Executive Committee considered the updated policy at its meeting on 17 November 2022 (Paper E/784/22) and recommended it to the Authority. The Executive Committee noted that the draft policy does not currently incorporate any references to the Authority's adoption of the local authority provisions in respect of the publication of meeting documentation and key decisions. It should be noted that these provisions are set out in the Authority's Standing Orders which will be reviewed in the next revision of the Authority's Standing Orders.

ENVIRONMENTAL IMPLICATIONS

- 8 The Policy ensures that members of the public are able to access environmental information held by the Authority.

FINANCIAL IMPLICATIONS

- 9 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

- 10 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 11 The Policy supports the Authority in meeting its obligations under the EIR.

RISK MANAGEMENT IMPLICATIONS

- 12 The Authority's Corporate Risk Register includes the risk of failure to comply with the Lee Valley Regional Park Act 1966 and other statutory requirements (SR1.1). The Access to Information Policy aims to mitigate the risk that the Authority fails to comply with its legal obligations under EIR.

EQUALITY IMPLICATIONS

- 13 There are no equality implications arising directly from the recommendations in this report.

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APPENDIX ATTACHED

Appendix A Draft Access to Information Policy

ABBREVIATIONS

EIR Environmental Information Regulations 2004
FOIA Freedom of Information Act 2000

PREVIOUS COMMITTEE REPORT

Executive E/784/22 Access to Information Policy 17 Nov 2022

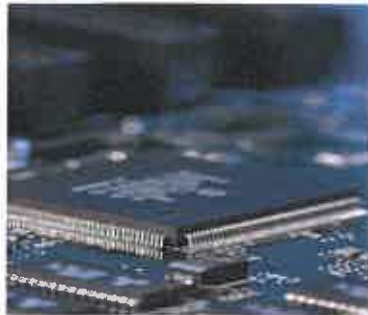
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Access to Information Policy

[January 2023]

Reference: [Version 3]



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Document Information

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Consulted	<p>Senior Management Team Policy & Procedure Review Group</p>
Approved	<p>Approved by: Authority Approval Date: [January 2023] Review Frequency: Every 3 years or earlier if there is a change in legislation. Next review: [January 2026]</p>

DOCUMENT HISTORY

Version	Date	Comments
1	23 April 2009	Authority meeting approved.
2	September 2013	

3	[January 2023]	The name of the policy has been amended to Access to Information Policy. It has been updated to include the Authority's obligations under the Environmental Information Regulations 2004. Its scope has been clarified as including information held on behalf of the Authority. Sections relating to responsibilities and procedures have been updated to reflect the role of the Legal & Information Officer.
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1. Background

- 1.1. The Lee Valley Regional Park Authority (the Authority) is committed to the principles of freedom of information legislation, namely that people should be able to know about the activities of public authorities such as the Authority unless there is a good reason for them not to.
- 1.2. Freedom of information legislation includes the Freedom of Information Act 2000 (the Act), which concerns any information held by a public authority and the Environmental Information Regulations 2004 (the EIR), which specifically concerns environmental information.
- 1.3. The Authority is not subject to the Act but is currently adopting the processes set out in the Act when considering requests for information.
- 1.4. The Authority is, however, subject to the EIR. The definition of environmental information in the EIR is very broad and given the nature of the Lee Valley Regional Park and the duties of the Authority under the Lee Valley Regional Park Act 1966, many of the requests that it receives will be for environmental information.
- 1.5. The requirements of the Act and the EIR are broadly similar; any important differences are identified in the relevant sections of this policy.

2. Purpose

- 2.1. The aim of this policy is to:
 - Provide a framework that ensures compliance with the requirements of the EIR and meets the Authority's commitment to adopt the processes of the Act.
 - Promote transparency of decision-making by the Authority.
 - Build public trust and confidence in the Authority.

3. Scope

- 3.1. This policy covers all records and information (regardless of the medium in which they are stored or held) which belong to or are in the custody of the Authority or any of its officers and members. This policy applies to all Authority officers and Members who have access to the Authority's records.
- 3.2. It also covers information that is held on behalf of the Authority, for example information that is held by contractors providing services to the Authority may be information held on behalf of the Authority if the Authority has a right to view or receive it under the services contract.
- 3.3. This policy does not extend to requests by individuals to receive a copy of their personal data, commonly referred to as a subject access requests. These are covered by the Authority's Data Protection Policy.

4. Publication Scheme

- 4.1. The Authority will adopt and maintain a publication scheme as a guide to information it holds which is routinely available. The Publication Scheme will be made available on the Authority's website and will be reviewed on a regular basis.

5. Requests for Information

- 5.1. Any request for environmental information will be responded to in accordance with the EIR. Any other request for recorded information held by the Authority in any format will be treated as if it were an information request under the Act.
- 5.2. Requests will be accepted from any individual or organisation. Requesters are not required to mention the Act or the EIR when requesting information. Requests for environmental information may be made verbally. All other requests must state the name and address of the requestor and be made in writing to Myddelton House, by e-mailing the e-mail address provided on our website or completing a contact us form. Requestors do not have to explain the purpose of their request although it may be necessary to obtain further information to fully process their request.
- 5.3. The Legal & Information Officer will coordinate responses to requests for information in accordance with the information requests procedure.

6. Provision of Information

- 6.1. The Authority will provide information whenever possible. It will only refuse to provide environmental information where it is permitted to withhold information under the EIR and will only refuse to provide other information where it would be permitted to do so under the Act.
- 6.2. The Authority will, wherever possible, provide information to any individual who requests it in the format requested by the applicant. The Authority may deem it unreasonable to supply information in the format requested by the applicant for practical or financial reasons. In such cases the applicant will be informed of the reason for the decision. The Authority will still supply the information by another reasonable means.
- 6.3. The Authority will respond to requests for information as soon as possible and no later than 20 working days following receipt of the request unless it is able to extend the time period under the EIR or the Act and needs to do so.
- 6.4. The Authority will keep the requester informed of any delay to responding to their request, the reason for the delay and when a response will be provided.

7. Transfer of Requests

- 7.1. Where a request for information is received and the Authority does not hold all or any of the requested information, the Authority will deal with the areas it is

responsible for and advise the applicant that the other information is held by another organisation and will provide relevant contact details where possible.

8. Fees and Charges

- 8.1. Wherever possible the Authority will provide information free of charge. In some circumstances, we may consider charging for information. Any charge will be reasonable, having regard to the costs incurred in providing that information and will be consistent with the charges we are allowed to make under the EIR or the Act as applicable. Any charge for information will be in accordance with a published schedule of fees and charges.

9. Refusal of requests

- 9.1. The Authority will release environmental information unless an exception under the EIR applies and the public interest of maintaining the exception outweighs the public interest of disclosing the information.
- 9.2. The Authority will release other information unless an exemption in the Act can be reasonably applied.
- 9.3. It is possible that an exception or exemption may apply to only some of the information requested by an applicant. In such cases the Authority will redact or black out the exempt information.

10. Vexatious and Manifestly Unreasonable Requests

- 10.1. The Authority may refuse to respond to requests that would be considered vexatious under the Act, for example where there is a strong likelihood that such requests are being made to intentionally cause harassment, divert resources and/or waste the Authority's time. Where this is the case, the Authority will write to the requester to advise them of this.
- 10.2. The provisions relating to vexatious requests do not apply to environmental information. There is, however, an exception in respect of manifestly unreasonable requests, which applies in similar circumstances and the Authority may consider whether to refuse to respond to a request on this basis.
- 10.3. The Authority will not comply with a request where it has received an identical or similar request from the same individual unless a reasonable period of time has elapsed.

11. Training

- 11.1. All Authority staff will receive regular and appropriate training to ensure that they are fully aware of the Authority's obligations under the EIR and the requirements of this Policy. Advice and assistance from the Legal & Information Officer and the Head of Legal Services will also be available.

12. Responsibilities

- 12.1. Overall responsibility for the efficient administration of this policy lies with the Legal & Information Officer, under the direction of the Head of Legal Services. The Legal & Information Officer's duties include:
- Determining whether a request should be considered under the EIR or should be treated as a request under the Act
 - Ensuring that the Authority complies with its obligations under EIR and the requirements of this policy.
 - Co-ordinating and monitoring requests
 - Offering guidance and advice to staff on issues relating to access to information.
 - Periodically reviewing the Publication Scheme
 - Recording requests on the CRM system
 - Liaising with the Information Commissioner's Office in the event of a complaint.
- 12.2. The Head of Legal Services will provide support and direction to the Legal & Information Officer and will carry out internal reviews in the event of a complaint.
- 12.3. All employees must ensure that requests for information are referred to the Legal & Information Officer. They must also provide assistance to the Legal & Information Officer in collating responses in accordance with the information requests procedure.

13. Complaints

- 13.1. If a requester is dissatisfied with a response to their request they should in the first instance ask for an internal review of the handling of their request.
- 13.2. If a requester remains dissatisfied with the response to a request for environmental information following the internal review they may refer it to the Information Commissioner's Office (ICO). The Authority recognises that a requester has a right to refer a response to the ICO without first requesting an internal review although the ICO.
- 13.3. If a requester remains dissatisfied with the response to a request for other information following the internal review then their complaint will be considered under the Authority's complaints procedure.

14. Relevant Policies and Procedures

- 14.1. This policy is supported by a procedure for responding to information requests.
- 14.2. The Data Protection Policy covers requests by individuals to receive a copy of their personal data, which are outside the scope of this policy.
- 14.3. The Complaints Procedure applies where a requester remains dissatisfied with the response to a request for information that is not environmental information following an internal review.