

Three Rivers District Council

Freedom of Information Act and Environmental Information Regulations Policy

2025 - 2028

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1. Introduction

This policy outlines the procedures that Three Rivers District Council (Council) will follow when handling requests under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). The Council is committed to promoting transparency, accountability, and public engagement by ensuring access to information in compliance with both FOIA and EIR requirements.

2. Scope

This policy applies to all employees, councillors, volunteers and contractors working for or on behalf of Three Rivers District Council. It covers all recorded information held by the Council, regardless of format, including;

- Emails.
- Minutes of meetings.
- Agendas.
- Reports.
- Research.
- Any other document or data.

This policy does not cover requests from individuals to receive copies of their personal data (a subject access request). If the Council receives a subject access request, that must be handled in accordance with the Council's Subject Access Request Guidance and the Subject Access Request Policy.

3. Definitions

Applicant: The individual or organisation making the FOIA or EIR request.

EIR Request: A request by an Applicant for access to recorded information held by the Council that specifically relates to the environment under the EIR. This includes information on the state of the environment, such as air, water, land, and biodiversity, as well as activities or policies that may impact these elements, in accordance with the EIR.

FOIA Request: A request by an Applicant for access to recorded information held by the Council under the FOIA.

Information Commissioner's Office (ICO): The UK's independent body set up to uphold information rights.

Request: Either an EIR Request or a FOIA Request.

4. Legal Basis

Under both the FOIA and the EIR, individuals have the right to request access to information held by public authorities. The Council is legally obligated to respond to these Requests within 20 working days. However, if the 'public interest test' applies to the information requested under a FOIA, the Council should respond within a reasonable timeframe, considering the circumstances, and no later than an additional 20 working days.

Additionally, if the Council reasonably believe that an EIR Request is complex and voluminous and therefore it would not be practical to respond within 20 working days, the Council can extend this period up to 40 working days. This should only be done in exceptional circumstances.

Both FOIA and EIR are supported by key Codes of Practice to ensure good handling and management of information:

- Access Code (Section 45): Provides guidelines to public authorities for good practice in handling requests under FOIA, including how to process and respond to them fairly and within legal timeframes.
- Lord Chancellor's Code (Section 46): Outlines best practices for records

management, ensuring information is properly stored, maintained, and retrievable. This Code applies to both FOIA and EIR, emphasising the importance of good record-keeping across all types of Requests.

The Council is committed to adhering to these Codes to ensure compliance, transparency, and effective handling of all Requests.

5. Making a FOIA or EIR Request

FOIA/EIR Requests must be made in writing and can be submitted via post, email, or through the Council's online portal.

Requests should include the Applicant's name and contact details, and a clear description of the information requested.

6. Processing a FOIA or EIR Request

Acknowledgment: The Council will acknowledge receipt of a FOIA or EIR Request within 3 working days.

Clarification: If the Request is unclear, the Council will promptly contact the Applicant for clarification. This applies to both FOIA and EIR Requests, and the response time will pause until clarification is received.

Timeline: The Council will respond to FOIA and EIR Requests within 20 working days from receipt. Under EIR, the response period can be extended to 40 working days for complex and voluminous EIR Requests where it is not practical to respond within 20 working days. For FOIA Requests, this 20-working day period can be extended to a reasonable timeframe, with a maximum extension of an additional 20 working days if the public interest test applies to the information requested.

Search and Retrieval: The Council will make reasonable efforts to locate the requested information for both FOIA and EIR Requests. This includes:

- Searching electronic databases.
- Consulting relevant departments.
- Reviewing physical files and archives.

Reviewing Information: The Council will review the located information to determine if any exemptions (FOIA) or exceptions (EIR) apply. This includes:

- Identifying any personal data that needs to be redacted. Where redactions are made, the Council will ensure that these cannot be technically undone and that there is not hidden data, for example in spreadsheets.
- Assessing any information that may harm public interests or the environment if disclosed.
- Considering any other relevant exemptions (FOIA) or exceptions (EIR) that may justify withholding information.

Response: The response will include:

- confirmation of whether the information is held; and
- the requested information; or
- an explanation of any exemptions (FOIA) or exceptions (EIR) applied, along with reasons for withholding the information; or
- a refusal notice explaining why the information cannot be provided and citing the relevant exemptions (FOIA) or exceptions (EIR); and
- details of the Council's Complaints Procedure if the Applicant is dissatisfied with the outcome.

7. Refusal of Requests

The Council may refuse to process a Request if:

- There is an absolute or qualified exemption.
- It is vexatious or repeated.
- It exceeds the cost limit of £450.
- Is a request for unstructured personal data.
- Is otherwise exempt under the Freedom Of Information Act 2000.

A refusal notice will be issued, outlining the reasons for refusal and the Applicant's right to appeal.

8. Appropriate Limit and Provision of Advice and Assistance

The Council is obligated to assist Applicants in line with the FOIA and EIR by providing advice and assistance where necessary. Under the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the Council can refuse a request if it exceeds the appropriate cost limit of £450 (equivalent to 18 hours of officer time). This limit includes time spent locating, retrieving, and extracting the information.

If a Request is likely to exceed this limit, the Council will issue a refusal notice and provide the Applicant with advice and assistance, as required under Section 16 of the FOIA and Regulation 9 of the EIR. This may include suggesting ways to narrow the scope of the Request to bring it within the cost limit or advising on other sources where the information might be obtained more easily.

The Council will take into account the time required for tasks such as:

- Determining if the information is held.
- Locating the relevant information.
- Retrieving and extracting the information.

The aim is to ensure that Requests can be processed within a reasonable time and at minimal cost to public resources, while still promoting access to information.

9. Single Point of Contact and Vexatious Requests

In certain circumstances, the Council may designate a Single Point of Contact (SPOC) for individuals or organisations submitting multiple or complex requests. This ensures efficient communication and management of Requests.

A SPOC can be used where there is a history of frequent or overlapping Requests, which may place an undue burden on Council resources. This measure helps ensure that the Council can manage Requests in a balanced and resource-efficient manner while maintaining transparency and fairness in providing access to information.

Vexatious Requests

The Council has the right to refuse to process a Request if it is deemed vexatious under the FOIA or EIR. A Request is considered vexatious if it places an unreasonable demand on the Council's resources, is intended to cause disruption or annoyance, or lacks any serious purpose or value. Factors that may lead to a Request being considered vexatious include:

- The burden placed on the Council to respond, especially if the Request is part of a series of Requests that are overly repetitive or unfocused.
- The intent behind the Request, such as if it appears to be aimed at harassing or undermining the Council's functions.
- The frequency of Requests, particularly if the same information is repeatedly Requested, or if Requests are submitted in quick succession without justifiable cause.
- The content of the Request, for example, if it contains abusive or threatening language.
- If a request has previously been addressed and no new substantial information is being sought.

Refusal of Vexatious or Repeated Requests

If a Request is deemed vexatious or repeated, the Council may issue a refusal notice. This notice will clearly outline the reasons for refusal, and it will inform the applicant of their right to appeal the decision, including the option to escalate the matter to the ICO if they are dissatisfied with the Council's response.

[The Council's Vexatious Unreasonably Persistent Complaints policy can be found here.](#)

10. Exemptions and Exceptions

Certain information is exempt from disclosure under the FOIA and the EIR. In FOIA, these are referred to as exemptions, whereas in EIR, they are called exceptions. Exemptions and exceptions are categorised as either absolute or qualified, depending on the need to apply a public interest test.

Absolute Exemptions (FOIA) / Exceptions (EIR)

Exemptions and exceptions where there is no obligation to disclose, including:

- Information accessible by other means
- Court records
- Personal data (covered under the Data Protection Act 2018 and UK GDPR)
- Information provided in confidence
- Environmental information (covered under EIR for specific exemptions)

Qualified Exemptions (FOIA) / Exceptions (EIR)

Qualified exemptions and exceptions require a public interest test to determine whether withholding the information outweighs the public interest in its disclosure. These include:

- Information intended for future publication
- Commercial interests
- Public safety
- Law enforcement
- Health and safety
- Legal professional privilege
- Environmental information under specific EIR exceptions, such as information on endangered species or emissions

For both FOIA and EIR, a public interest test is required to assess whether it is in the public's interest to release the information or to withhold it.

11. Fees and Charges

In most cases, the Council will not charge a fee to respond to FOIA or EIR Requests. However, if responding requires significant resources, the Council may charge a fee based on the cost of locating, retrieving, and extracting the information.

- FOIA: If the cost exceeds the appropriate limit of £450 (equivalent to 18 hours of staff time at £25 per hour), the Council may refuse the Request or ask the Applicant to refine it.
- EIR: While no specific cost limit applies, the Council may charge a reasonable fee for the provision of environmental information if significant staff time is required.

The Applicant will be informed of any fees before the information is provided.

12. Publication Scheme

The Council maintains a publication scheme, detailing information routinely made available to the public, under both FOIA and EIR. This scheme is regularly updated and available on the Council's website, covering categories such as:

Who We Are and What We Do

- Information about the Council's structure, responsibilities, and functions.
- Details of Council members, committees, and departments.

What We Spend and How We Spend It

- Financial statements, budgets, and expenditure reports.
- Information on contracts and procurement.

What Our Priorities Are and How We Are Doing

- Strategic plans, performance indicators, and reports.
- Service standards and annual reviews.

How We Make Decisions

- Records of Council meetings, agendas, and minutes.
- Reports and papers considered by the Council.

Our Policies and Procedures

- Policies and procedures relating to the Council's functions and services.
- Codes of practice and guidelines.

Lists and Registers

- Public registers and lists held by the Council.
- Asset registers and information about public land and buildings.

The Services We Offer

- Information about the services provided by the Council.
- Leaflets, guidance, and newsletters.

13. Record Keeping

The Council will maintain detailed records for all FOIA and EIR Requests, including:

- Date of receipt
- Date of acknowledgment
- Date of response
- Name of Applicant
- Nature of the information provided
- Any communications with the Applicant
- Any exemptions (FOIA) or exceptions (EIR) applied
- Time taken to fulfil

These records will be securely maintained in compliance with data protection principles.

14. Data Protection Considerations

While responding to FOIA and EIR Requests, the Council will ensure compliance with the Data Protection Act 2018 and UK GDPR. Personal data will be protected, and necessary redactions made to prevent unauthorised disclosure of personal information.

15. Training and Awareness

All employees involved in the collation of FOIA and EIR Requests will receive appropriate training, with guidance and final oversight provided by the Freedom of Information Officer.

16. Internal Review

If an Applicant is dissatisfied with the Council's response to their FOIA or EIR Request, they may request an internal review within 40 days of receiving the refusal notice. The internal review will be conducted by a senior officer not involved in the original decision. The Council has 40 working days to complete the review.

17. Complaints and Appeals

If an Applicant is not satisfied with the response to their internal review, they have the right to file a complaint [via the Council's Corporate Compliments & Complaints Policy](#).

A senior member of staff, not involved in the original decision, will review the complaint. The Council will aim to respond to complaints within 20 working days.

If the Applicant remains dissatisfied after the complaint process, they have the right to escalate the matter to the Information Commissioner's Office (ICO) for an independent

review.

Contact Information for the ICO:

- Email: icocasework@ico.org.uk
- Telephone: 0303 123 1113
- Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
- Website: <https://ico.org.uk/>

18. Monitoring and Review

This policy will be formally reviewed every three years or when there are significant changes in the law or Council procedures.

The Council will monitor compliance with this policy and evaluate the effectiveness of its procedures for handling Requests to ensure they meet the required standards.

DOCUMENT INFORMATION

	Name	Position	Date
Prepared by:	Jamie Russell	Resilience and Risk Officer	May 2025
Checked & Reviewed by:	Phil King	DP and Resilience Manager	May 2025
Approved by:	CMT	Corporate Management Team	10/06/2025
	P&R Committee	Policy and Resources Committee	21/07/2025
Next review date:	December 2027		
Version:	1.0		
Reason for document issue:	Revised policy following review of all data management policies		

Distribution List

Quantity & Format	Name	Position	Date
1 x electronic	Website		22/07/2025

Amendment & Revision Record

Version Number	Purpose of issue	Date
1.0	Revised policy following review of all data management policies	22/07/2025

