

# Freedom of Information (FOI) and Environmental Information Regulations (EIR) Policy

Owner: Legal Services: Information Assurance

Date: April 2025

Review by: April 2028

## Document Information

Fields	Description
Document Title	Freedom of Information and Environmental Information Policy.
Document Description	This policy outlines the responsibilities and procedures of Chesterfield Borough Council in processing and responding to information requests under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. It defines the framework for ensuring transparency, accountability, and compliance with legal obligations while safeguarding the public's right to access both general and environmental information.
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Document Version	2.0.C
Approval Date	Cabinet 22.04.25
Document Classification	Official
Next Review Date	April 2028

## Version Control

Version	Date	Author	Changes
1.0.0	April 2012	Donna Reddish	Initial Version.
1.0.1	May 2015	Donna Reddish	Minor Updates.
1.0.2	March 2019	Gerard Rodgers	Minor Updates.
2.0.A	February 2025	Philip Tsang	Major Update <ul style="list-style-type: none"> <li>Revised the document format</li> <li>The Council's commitment and staff duties to assist</li> <li>Legal requirements</li> <li>Operations overview</li> <li>Officer guidance</li> <li>The complaint process</li> <li>Definition of a working day</li> <li>Close down procedures.</li> </ul>
2.0.B	March 2025	Philip Tsang	Minor Update <ul style="list-style-type: none"> <li>Document updated following feedback to include senior leadership team oversight on all Information requests</li> <li>Further clarification on information request assistance.</li> </ul>
2.0C	April 2025	Donna Reddish	Minor update <ul style="list-style-type: none"> <li>Document updated following feedback to include portfolio holder</li> <li>Clarified fees limit including disbursements</li> </ul>

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## Introduction

The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) provide the public with the right to access recorded information held by public authorities, including Chesterfield Borough Council. These laws ensure transparency and accountability by providing the public with access to information about the Council's activities, policies, and decision making processes.

Under FOIA, members of the public can request any recorded information, except for personal data or information covered by exemptions. The EIR applies specifically to environmental information, including air, water, land, and biodiversity data, as well as policies and activities affecting them.

The purpose of this policy is to promote a culture of transparency and will proactively publish information through its Publication Scheme, in line with the Information Commissioner's Office (ICO) guidance.

## Scope

This policy applies to all employees, contractors, Elected Members, consultants, and any individuals acting on behalf of Chesterfield Borough Council. All relevant parties must ensure that any information requests received are handled in compliance with the FOIA and the EIR, by following the procedures set out in this policy.

The governance of FOIA and EIR compliance falls under the oversight of the Cabinet Member for Governance, with operational responsibilities across the following roles:

## Governance & Responsibilities

- The **Senior Information Risk Owner** (SIRO) provides high level oversight and ensures that FOIA and EIR compliance aligns with the Council's broader risk management and information governance framework. The SIRO will work closely with the Service Directors and the Portfolio Holder Governance to allocate resources effectively and ensure statutory obligations are met.
- The **Data Protection Officer** (DPO) provide risk assessments and determine whether exemptions or exceptions can be applied. The DPO is also responsible for maintaining this policy, overseeing its implementation, offering advice and training to staff, and reporting compliance levels to the Corporate Leadership Team (CLT).
- The **Information Assurance Officer** (IAO) is responsible for managing and coordinating all Freedom of Information (FOI) and EIR requests, ensuring

compliance with legal standards and ICO deadlines. Any received requests must be promptly logged via the FOI Portal or emailed to [foi@chesterfield.gov.uk](mailto:foi@chesterfield.gov.uk) for processing by the Information Response Team. The IAO will work closely with Service Managers and the Compliance Team to ensure responses meet legal standards.

- The **Information Response Team** handles day-to-day processing of FOI and EIR requests. This includes formally acknowledging requests, assigning them to the appropriate service area and Knowledge Champions, liaising with requesters for clarification or extensions, and chasing overdue responses. If responses are late, they escalate issues to the Information Assurance Officer and Service Managers (Tier 4). Once the collated information is approved by the Compliance Team or Information Assurance Officer, they coordinate and prepare the final disclosure of information.
- The **Compliance Team** reviews FOI and EIR responses to ensure that exemptions and redactions are applied lawfully. They work in consultation with the Information Assurance Officer to determine whether the requested information should be disclosed, redacted, or refused under relevant exemptions.
- The **Corporate Leadership Team (CLT)** provides strategic oversight to ensure FOI and EIR compliance across all departments. While routine requests are managed within service areas, CLT offers guidance on complex or high-risk cases where senior input is required. As senior stakeholders responsible for information governance within their departments, they support the consistent application of policies and ensure statutory obligations are met, while enabling services to process requests effectively.
- The **Service Managers (Tier 4)** are responsible for ensuring that their teams are trained and aware of their responsibilities under this policy. They provide oversight to ensure FOI and EIR requests within their service area are processed efficiently and identify and address FOI and EIR-related issues in day-to-day service delivery.
- The **Knowledge Champions** serve as the first point of contact within service areas for FOI and EIR requests. They collate the requested information on behalf of their service area and submit provisional responses to the Compliance Team for review and approval before disclosure.
- The **Information Requesters** Include members of the public, journalists, academics, and businesses, who have the right to request a FOI or EIR request via email, letter, online forms, or verbally. The Council is committed to handling all requests in a fair and transparent manner.

## **Information as a Council Asset**

Chesterfield Borough Council recognises that the information it holds is a vital asset that must be managed responsibly. Information belongs to the Council, not to individuals or departments, and should be handled in accordance with legal and regulatory requirements, including the FOIA and the EIR.

The Council is committed to transparency and takes a positive approach to disclosure. There is a presumption in favour of making information publicly available unless a valid exemption or exception applies under FOIA or EIR.

### **1. Routine Service Requests vs. FOI/EIR Requests**

Not all information requests need to be processed under FOIA or EIR. Routine “business as usual” requests include the following -

- Requests for commonly available or publicly accessible information (e.g., published reports)
- Requests related to routine Council services, such as updates on housing repairs or waste collection schedules, should be treated as business as usual inquiries. For example, if a resident asks for details about their council tax payment, these types of requests are typically processed through the relevant service areas and should not be handled as formal FOI or EIR requests to avoid unnecessary delays.

### **2. Information Management and Retention**

All information must be managed in line with the Corporate Retention Schedule

- Information relevant to Council operations must be retained for the required period and stored appropriately.
- Duplicate, outdated, or irrelevant information should be securely deleted when no longer needed.
- No information must be deleted once an FOI or EIR request has been received, as this is a criminal offense under Section 77 of FOIA.

Efficient information management ensures compliance with Data Protection Act 2018 requirements and helps streamline FOI/EIR responses by reducing unnecessary searches.

## **Handling Requests for Information**

## OFFICIAL

The Council aims to respond to all valid requests as quickly as possible, and no later than 20 working days from receipt of a valid request.

A working day is Monday to Friday, excluding weekends and public holidays (in England). If a request is received on a Saturday, Sunday, or public holiday, it will be processed from the next working day.

For example, if a request is submitted on a Saturday, it will be treated as received on the following Monday (or Tuesday, if Monday is a public holiday).

In certain cases, the response deadline may be extended under the following examples:

- Under the FOIA - If the request requires a public interest test, the Council may need additional time. The requester will be informed within the initial 20 working days if an extension is required, making the total response time 40 working days. The requester will be notified of any extension.
- Under the EIR - If the request is complex or involves a large volume of information, the deadline can be extended by up to an additional 20 working days, making the total response time 40 working days. The requester will be notified of any extension.

If clarification is needed, the response time will be paused until the requester provides the required details. If no response is received within 30 calendar days, the request will be closed, and the requester will be notified via email unless they have requested an alternative method of communication.

The Council aims to proactively publish as much information as possible to reduce the need for formal requests. However, some information may be withheld under FOIA exemptions or EIR exceptions if it is not suitable for disclosure.

Requests must be made in writing through the My Chesterfield Portal. They can also be submitted via post, email, or other formats, such as through the My Chesterfield Portal, and will be processed under FOIA or EIR as appropriate. All requests will be managed through the Council's online FOI system, either directly by the requester or internally by Council employees.

While verbal requests can be accepted under both FOIA and EIR, they may be interpreted and logged by the Council on behalf of the requester. For clarity, the Council may seek confirmation of the details from the requester. Assistance will be provided to those who may have difficulty submitting a written request, although it is

encouraged that requests be submitted in writing to ensure accuracy and proper record-keeping. Reasonable adjustments will be considered for any requesters requiring information in an alternative format.

Requests for personal data (Subject Access Requests) are handled separately under the Data Protection Act 2018 and the Council's Data Protection Policy.

Information Requesters do not need to explicitly state whether their request is being made under FOIA or EIR, but they must provide their real name and a valid postal or email address.

- If the name provided is not accurate or if a request is unclear, the Council will ask for clarification as soon as possible to avoid delays.
- If a request is deemed to be vexatious, repetitive, or not made in good faith, or if the requester's name is found to be inaccurate, the Council has the right to refuse the request under the FOIA and EIR Acts.

## **FOIA and EIR Request Processing**

### **1. Submission and Logging of Requests**

Members of the public or staff can submit FOI or EIR requests through the My Chesterfield Portal, via email, letter, or verbally. Requests submitted through the portal will be automatically logged in the Council's information management system, while requests submitted through other channels (email, letter, or verbal) will be logged by the Information Response Team. Once logged, the request will be reviewed by the Compliance Team to access whether:

- The request falls within the scope of FOIA or EIR.
- The requested information is held by the Council.
- Any clarification is required from the requester before proceeding.
- A case ID will automatically be assigned by the FOI Portal, and the Information Requester will receive confirmation that their request has been received and is under review.

### **2. Acknowledgment and Assignment**

Once the information request is reviewed and approved by the Compliance Team or Information Assurance Officer, the Information Response Team will assign and allocate it to the relevant Knowledge Champion within the appropriate service area. If further clarification is required from the requester, the Information Response



Team will seek additional details. If no response is received from the requester within 30 calendar days, the request will be closed, and the requester will be notified via email or their preferred method of contact.

The Knowledge Champion is responsible for gathering the requested information and submitting a provisional response to the Compliance Team for review. The Compliance Team will assess the response to ensure compliance with FOIA/EIR and apply any necessary redactions before approving it for disclosure. The Information Response Team manages communication between the requester and internal teams, follows up on outstanding responses, and escalates delays or issues to the Information Assurance Officer.

### **3. Internal Reviews and Complaints**

If a requester disputes the response, challenges an exemption, or raises a complaint regarding late disclosure, they can request an Internal Review. The Data Protection Officer (DPO) will review the case and determine whether the response was handled appropriately, ensuring compliance with legal requirements.

### **Guidance on Handling FOI and EIR Requests**

To ensure compliance and efficiency, all FOI and EIR requests must be handled in accordance with the Council's policies and legal obligations.

#### **1. Logging and Processing Requests**

- All FOI and EIR requests must be immediately forwarded to the Information Response Team via the FOI Portal or [foi@chesterfield.gov.uk](mailto:foi@chesterfield.gov.uk)
- Requests are automatically logged in the FOI Portal system and reviewed by the Compliance Team or Information Assurance Officer for approval.
- The Information Response Team will then assign the request to the relevant Knowledge Champion within the appropriate service area.
- All information Requests must be responded to within 20 working days from receipt.
- The Knowledge Champion must confirm whether the requested information is held and provide it within the required timeframe.
- If clarification is needed, the Information Response Team will contact the requester. The response time is paused until clarification is received. If the

requester does not respond within 30 calendar days, the request will be closed, and they will be notified via email or their preferred contact method.

## **2. Handling Requests Fairly and Impartially**

- FOI and EIR requests must be applicant- and motive blind, council employees should not consider who is asking or why.
- Requester identities should only be shared on a need-to-know basis.
- If a response involves sensitive, high-profile, or politically relevant information, the SIRO, relevant Director, and DPO should be informed. The Portfolio Holder for Governance may be updated on key issues, but the requester's identity must never be disclosed.
- If the information is frequently requested, Knowledge Champions should seek to get this information published and work with the Information Assurance Officer to ensure it can be published in a compliant manner.
- The Knowledge Champion should ensure that only the specific questions raised in the FOI request are answered, without providing any additional information. Over-disclosure should be avoided, and if needed, clarification can be obtained from the Information Assurance Officer.
- If the Knowledge Champion is uncertain about responding to an information request, they should alert the Corporate Leadership Director of the service area for clarification and approval.
- All responses must be accurate and legally compliant.

## **3. Approval and Response Timescales**

- The Compliance Team oversees the assessment and approval of FOI responses, ensuring accuracy and legal compliance.
- To prevent delays, Knowledge Champions should provide the requested information within 15 working days, allowing time for exemptions and approvals before the 20-day statutory deadline.
- All Council employees handling FOI requests must complete mandatory training, including "Information Assurance Essentials" and annual "FOI" e-learning.

## **4. Request For Extension of Time**

If a knowledge Champions needs more time, they must notify the Information Response Team before the deadline and provide a reason for the extension. These reasons may include:

- The need to gather additional information
- The volume of information to be processed

- External factors beyond the Council's control

The Information Response Team will forward the request for an extension to the Information Assurance Officer, who will assess whether the request can be completed within the original time frame or if an extension is necessary. Extensions may be granted in the following cases

- Under the FOIA - If the request requires a public interest test, the Council may need additional time. The requester will be informed within the initial 20 working days if an extension is required, making the total response time 40 working days. The requester will be notified of any extension.
- Under the EIR - If the request is complex or involves a large volume of information, the deadline can be extended by up to an additional 20 working days, making the total response time 40 working days. The requester will be notified of any extension.

## **5. Exemptions, Exceptions, and Redactions**

- Exemptions are applied when information cannot be disclosed, for example, due to commercial sensitivity or other legal reasons. Exception applies when information may be disclosed under specific conditions. Redaction are used to remove sensitive or unnecessary information before disclosure. All requests for exemptions, exceptions, or redactions must be approved by the Information Assurance Officer or Compliance Team.
- The Information Assurance Officer with assistance from the Compliance Team will assess whether exemptions or redactions are appropriate,
- For EIR requests, a public interest test must be conducted by the Compliance Team, before applying an Exception.

## **6. Ensuring Legal Compliance**

- Once an FOI or EIR request has been received, information must not be deleted, altered, or withheld, as this is a criminal offense under Section 77 of FOIA. All council employees must preserve relevant information in line with the Council's Corporate Retention Policy.
- Knowledge Champions must not contact the requester directly; all responses must be sent via the Information Response Team.
- The Information Assurance Officer will provide quarterly compliance updates to the Corporate Leadership Team.

## **7. Managing Large or Complex Requests**

- If an information request is likely to exceed £450 (around 18.5 hours), Knowledge Champions must notify the Compliance Team immediately.
- Requests exceeding cost/time limits may be refused or require modification, but this must be assessed against section 12 of the Freedom of Information Act and Information Commissioner guidance before the deadline by the Compliance Team.

## **8. Commitment to Transparency**

The Council aims to make as much information as possible freely available through its Publication Scheme. Charges for FOI/EIR requests will only be applied in exceptional circumstances. By following this guidance, all council employees must ensure information is managed responsibly, FOI requests are handled efficiently, and the Council meets its statutory obligations under FOIA and EIR.

### **Fees and Limits**

Council can charge for disbursements (communication costs, such as for photocopying, printing and postage) regardless of the £450 limit referred to above and will exercise its discretion in this regard on a case-by-case basis dependent on whether the administrative costs of levying such charges would outweigh any income generated. VAT will be charged on any appropriate fees connected with an information access request, calculated at the standard rate applicable at the time.

Where a book or booklet is provided in response to an information request, the VAT charged on the publication will be zero rated in accordance with the Government's standard VAT policy.

In certain circumstances, if the Council receives two or more related requests, the costs of answering them may be added together (or 'aggregated') to determine whether the limit has been exceeded. These circumstances are as follows:

- The requests must be from the same person or from "different persons who appear to the public authority to be acting in concert or in pursuance of a campaign"
- The requests must relate to the same or similar information
- They must have been received by the Council within a period of 60 consecutive working days

Once the Council has calculated any relevant fees which may be payable in connection with an information access request, enquirers will be issued with a letter called a 'fees notice' and will be required to pay the costs specified therein before the Council will respond to the request in full.

After a period of three months, any such request for which the fees have not been received will be deemed to have been withdrawn.

## **Complaints Procedure**

### **Internal Review**

If a requester is dissatisfied with the Council's response to their information request, they may request an internal review. Requests for internal reviews must be submitted within two months from the date the initial response was issued. This deadline will be clearly communicated in the Council's response. The Council is not required to consider review requests submitted after this period.

The Council will inform the requester of the outcome of the internal review as promptly as possible, and no later than 20 working days from the receipt of the request for review. To request an Internal review, it must be submitted to:

FOI team  
Chesterfield Borough Council  
Town Hall  
Rose Hill  
Chesterfield  
S40 1LP

[FOI@Chesterfield.gov.uk](mailto:FOI@Chesterfield.gov.uk)

If the requester is not content with the outcome following the internal review, they have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Website: [www.ico.org.uk](http://www.ico.org.uk)  
Tel: 0303 123 1113

The Council will maintain a record of all complaints and their outcomes

## **Compliance & Monitoring**

The Council aims for 100% compliance with FOIA/EIR, maintaining at least a 90% response rate per ICO standards. Failure to meet this could result in ICO compliance action. The Corporate Leadership Team receive regular compliance reports to ensure transparency and accountability. By adhering to this policy, the Council ensures legal compliance, public trust, and effective information governance.