

# Chichester District Council

## Guidance Notes

### Procedure for dealing with requests for information made under the Freedom of Information Act 2000 & Environmental Information Regulations 2004

#### 1. Introduction

The way in which the council deals with requests for information made under the Freedom of Information Act (FOIA) and the Environmental Information Regulations (EIR) has been reviewed. The aim of these guidance notes is to set out the new procedures for services to follow to ensure the council complies with its statutory obligations.

#### 2. Scope

The council has a statutory obligation for dealing with requests for information (RFI). If the information requested is held by the council and is not already publically available, it must be provided **within 20 working days** unless a statutory FOI exemption or EIR exception applies. These provisions are governed by the FOIA and EIR and further information is available in the [Information Commissioner's Handbook](#) (Please note the 20 days excludes the day we receive the request and bank holidays)

#### 3. Responsibility for dealing with Requests for Information

The responsibility for administering and responding to RFI has been devolved to services. The Customer Service Centre is the central point for receiving RFI and will direct each request received to the appropriate service. If the CSC establishes this information is not held by CDC, they will respond to the customer advising we do not hold the information and the appropriate authority or organisation to redirect their request to. The CSC will also send a response if the information is published on our website.

Each service has a nominated Service Information Officer who will act on behalf of each Head of Service and will be responsible for making an initial assessment against the RFI; responding as appropriate. Each Service Information Officer will be supported by a deputy.

#### 4. Procedure for dealing with Requests for Information

RFI are frequently made to the council by, for example, individual members of the public, companies, MPs, students and journalists.

RFI can be submitted via letter, fax, email, eform, text or twitter. The email address is [foi@chichester.gov.uk](mailto:foi@chichester.gov.uk). We encourage RFI to be made via email, preferably using the online Eform. However, EIR requests do not have to be in writing and it is advised that a written record is kept of any verbal EIR requests received.

#### **4.1 Receiving and logging the request**

The Customer Service Centre will receive the RFI; make an assessment as to which service the request should be assigned to; and save the request in the relevant service folder on the x drive under FOI\_EIR Requests. The case details will be logged on the Customer Relationship Management System (CRM). The following information will be recorded:

- The requester's contact details.
- The date the request was received.
- The date that the request must be responded to.
- A brief summary of the request
- The Service Team assigned the request

#### **4.2 Contact the Service Information Officer**

Once the request has been logged, the Customer Service Centre will contact the assigned Service Information Officer and deputy by email advising them of the request.

The Customer Service Centre will send the notification as soon as possible, but in any event, within 2 working days of it having been received.

#### **4.3 Assess the request and obtain the information**

The Service Information Officer should make an immediate assessment of the RFI and raise any initial concerns with their Head of Service. Most importantly, the Service Information Officer must establish whether the RFI is a request under the FOIA or the EIR because the two differ. Further information can be found below and in the [Information Commissioner's Handbook](#) (see also Appendix 3).

If required, advice from Head of Business Improvement or the Customer Contact Centre Manager (for complex enquiries) or Public Relations (for media related enquiries) should be sought immediately to ensure that a response can be provided within 20 working days. Please note support from these services cannot be guaranteed if they are contacted at the last minute. Additional points to consider are:

##### **a) Is it clear – do you understand what is being requested and what it relates to?**

If the request is unclear, the Service Information Officer should promptly respond to the customer and ask for clarification. Once clarification of the request is received the 20 working day period will commence. When seeking clarification it is often helpful to explain what information is readily available.

**b) Do any exemptions apply?**

Careful consideration should be given as to whether any exemptions or exceptions apply to withhold the information. Full details of what circumstances allow for the request to be refused are provided in the [Information Commissioner's Handbook](#) (see also Appendix 3). One key exemption to remember is that the FOI Act does not give people access to personal or sensitive data. If a member of the public wants to see information that the council holds about them, they should make a request under the Data Protection Act 1998.

The Service Information Officer should discuss any exemptions or exceptions with their Head of Service to approve. Advice from the Head of Business Improvement Services, Customer Contact Centre Manager or Legal may also be required for complex cases. A clear explanation of why the information is being withheld must be sent to the customer within 20 working days.

**c) Does a charge apply?**

We cannot charge for an FOI until the time taken to respond amounts to over £450. This is the equivalent of 18 hours of time based on a charge of £25 per hour. The Service Information Officer should estimate whether the time taken to identify, retrieve and search for the information requested is likely to exceed this limit. The time taken to extract the information from the document containing it can also be included, but not the time associated with deciding whether the information should be released or not. If the request falls under this limit, you can charge for disbursements (photocopying, printing or posting) if the information requested is voluminous.

If a charge applies, the Service Information Officer should discuss this with their Head of Service and give the applicant notice in writing, referred to as a fees notice. The customer should also be encouraged and assisted to narrow the scope of the request. The FOI budget code is held by the Finance Team.

Under EIRs there is no cost limit for dealing with requests but requests that cost a disproportionate amount can be refused on the basis that they are unreasonable, subject to a public interest test.

**4.4 Compile the reply and send to the requester**

The Service Information Officer should collate the relevant information required and check to see if any sections of a document are exempt and therefore need to be redacted (removed by cutting out). Service Information Officers should take care when information has to be redacted and more information can be found in the [Information Commissioner's Handbook](#)

It is up to the individual service area to decide whether a senior officer needs to undertake a second review of the information before it is released.

Either way, the Service Information Officer must respond to the customer within **20 working days**. For EIRs this can be extended to 40 working days for complex and voluminous requests once the customer has been informed.

#### **4.5 Case management**

Each service area is responsible for keeping records of what was released; all correspondence with the customer; and the full and redacted versions of any information disclosed. This will provide an audit trail of the decision making process

Customer Services will record all key actions for each RFI. They will provide a report for FOI Officers Managers, Heads of Service, and Directors to assess whether RFI are being handled within 20 working days.

This report will also allow the Service Information Officers to establish trends for the types of requests received. If there are trends, it is worth considering whether the information should be placed on the council's website.

#### **5. Complaints**

If the council refuses a request under the Freedom of Information Act or Environmental Information Regulations, the requester can ask for an internal review of the decision. EIR requests for internal reviews must be made within 40 working days of the date of the refusal letter. Reviews will be carried out by the Reviewing Officer (Head of Business Support Services). All requesters will receive an acknowledgement to their request within 3 working days and a full response within 20 working days of their request.

If the person requesting the information is still unhappy with the response they receive, then they can appeal to the Information Commissioner. If the Information Commissioner agrees with the person requesting the information, then the council can be ordered to disclose the information.