

# 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.

The guidance notes are not designed to be a detailed training manual on FOIs and EIRs, although Appendix 3 provides links to supporting information which you should refer to. If additional training is required, please identify this need with your manager.

#### 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](#) (see also Appendix 3). 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.

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 (see Appendix 1).

#### 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.

A process map of the procedure is included in Appendix 2.

#### **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. A hyperlink to the request saved on the x drive will be included in the email and the notification will also be sent to a Directorate specific email account. A sample email is available under Appendix 4.

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. – **Standard Letter 1.1 Further Information required**

**b) Is the information held by CDC?**

If we do not hold the information, the Service Information Officer should promptly respond to the customer to explain that the information is not held by the council. If you know who does, for example West Sussex County Council, you may wish to note this in your response. But remember, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it.

**c) Is the information already available on the council's website?**

If the information is already available on our website, the Service Information Officer should promptly respond and include the link to the appropriate web page. **Standard letter 1.2 – information accessible by other means**

**d) 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 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.

**e) 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](#) (see also Appendix 3).

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. The Public Relations Team have produced template letters to help you respond to any FOI enquiries you may have (see Appendix 5).

#### **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 (the Executive Director of Support Services and the Economy). 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.

## **6. Roles and Responsibilities**

### **6.1 Corporate Management Team**

- Will support the implementation of the revised procedure and each Director will raise any issues which relate to their service areas by exception (e.g. 20 working day deadline repeatedly not being met).

### **6.2 Executive Director of Support Services and the Economy**

- Is the Reviewing Officer responsible for dealing with any appeals against the council's decision not to provide information requested unless the appeal relates to a service that falls within the Support Services and the Economy Directorate. Where this is the case, the review must be carried out by a different Director.
- Is the Lead Information Officer who has overall responsibility for the process and will be supported by a nominated officer as required.

### **6.3 Head of Service**

- Has overall responsibility for managing the process within their service areas and ensuring RFI are forwarded to an appropriate and available officer.
- Will provide support and guidance to the Service Information Officer as required.
- Will report any issues by exception to the relevant Director.
- Has access to a Directorate specific email account where all RFI will be sent to via the Customer Service Centre. Head of Service should check this inbox on occasions where both the Service Information Officer and deputy are absent (see Appendix 3).
- Is responsible for ensuring any changes to their nominated Service Information Officer and deputy are reported to the Customer Service Centre to ensure notifications are assigned to the correct officer at all times.

### **6.4 Customer Service Centre**

- Will ensure all RFI are saved electronically on the x drive under X:\FOI\_EIR Requests.
- Assign a Service Information Officer and deputy to each RFI. Where the request covers more than one service, the Customer Service Centre will assign the most appropriate service to collate a response on behalf of all the relevant services.
- Will not coordinate responses on behalf of services or provide advice on how to deal with the RFI.
- Will send a reminder alerts to the Service Information Officer and Head of Service at 15 working days if the FOI/EIR request remains as an open case
- Will contact the relevant Service Information Officer and deputy by email if a requester makes an enquiry about an RFI already submitted.
- Will maintain a record and capture all key actions for RFI
- Will make a report available to all required officers
- Will report FOI's in Covalent.

## **6.5 Service Information Officer**

- Will inform the Customer Service Centre immediately if they are not the correct service to receive the request.
- Will inform the Customer Service Centre if they have asked for clarification of a RFI
- Will manage all RFI assigned by the Customer Service Centre including any enquiries about an RFI already submitted.
- Will maintain records for each RFI and update the excel spread sheet for their Directorate saved on the x drive for each case handled.
- Will obtain information from other Service Information Officers if assigned a multi-service request.
- Will seek advice promptly from the relevant Head of Service, Lead Information Officer (for complex enquiries), Legal Services (for complex enquiries) or Public Relations (for media related enquiries) as required. A work instruction will be required for Legal Services and sufficient time allowed for the work to be undertaken within the 20 working day timescale.
- Will inform the relevant Head of Service if the 20 working day timescale is not met.
- Will inform Customer Service Centre if the 20 working day timescale is not met and the reason why
- Will send a link to the file for final RFI response and inform Customer Services type of response given to the customer
- Advise if the response was sent within the statutory time period.
- If late by how many days
- Why the Response was late
- If there was a charge
- Any additional comments

Also has access to a Directorate specific email account where all RFI will be sent to via the Customer Service Centre.

- Will be supported by a nominated deputy.

## **6.6 Deputy Service Information Officer**

- Will support the Service Information Officer as required.
- Will undertake the role of the Service Information Officer when absent.

## **6.7 Legal Services**

- Will provide Legal advice for complex RFI, particularly in relation to the use of exemptions or exceptions.
- Will require a work instruction from service areas if advice is sought.

## **6.8 Public Relations**

- Will provide advice for RFI that relate to media enquiries or are received from the media

## **7. Procedure Review**

This procedure will be reviewed by the Lead Information Officer three months following implementation. An annual review by SLT will take place thereafter.

## **8. Appendices**

- 8.1** Appendix 1 - List of nominated Service Information Officers and deputies by service area.
- 8.2** Appendix 2 - Process map for Service Information Officers dealing with requests for information.
- 8.3** Appendix 3 - Supporting Information.
- 8.4** Appendix 4 - Making the link between email alert and the case management report.
- 8.5** Appendix 5 - Template letters.

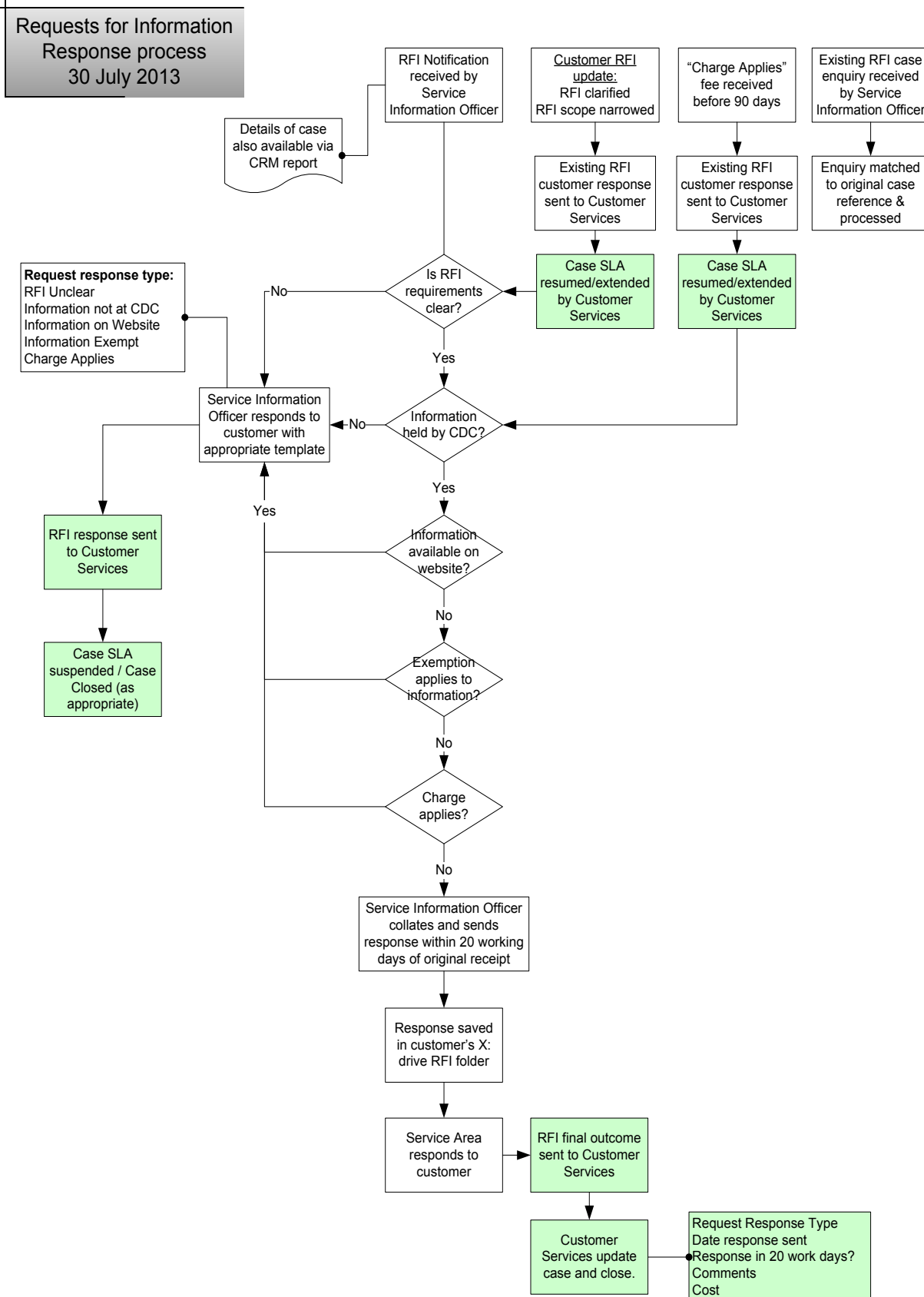
## Service Information Officers and Deputies

Directorate	Service Area	Service Information Officer	Deputy
<b>Chief Executive Office</b>	Chief Executive	Jane Polden	Joe Mildred
	Accountancy Services	Dave Cooper	Helen Belenger
	Audit		
	Health and Safety		
	Legal Services		
	Electoral Services		
	Corporate Policy Advice	Joe Mildred	Amie Huggett
<b>Environment</b>	Health Protection and Environmental Management	Shelley Tanner	Joanne Haskins
	Chichester Contract Services	Libby Cornwall	Lou Hill
	Development Management and Building Control	Sam Carter	Liz Pulley
<b>Home &amp; Community</b>	Community Services	Jenny Jones	Steve Hansford
	Housing	Rob Dunmall	Linda Grange
	Planning Policy		Karen Dower
	The Grange/Westgate/Novium)	Richard Minton Cathy Hakes	Mike Boyce Stuart Mills
	Leisure and Wellbeing, Sports Development and the Foreshores Service.	Sam Miles	Jenny Jones
	Commissioning	Angela Reeve-Hurndall	
<b>Support Services &amp; the Economy</b>	ICT	Karen Parsons	Ray Witham
	Estates	Peter Legood	David Lilley
	Building and Facilities	John Bacon	Sarah Hobbs
	Customer Services	Fiona Delahunty	Louise Kent Mary Forbes
	Economic Development	Kim Pellett	Alison Thompson Anna Heyward-Strange
	Car Parks	Darren Bradfield	Caroline Jardine



	Council Tax and Business rates/NDR	Paula Robinson	Chris Christie Diane Kirkham
	Benefits	Chris Dring	Marlene Wescott Diane Kirkham
	Member Services	Philip Coleman	Graham Thrussell
	Public Relations	Sarah Parker	
	Personnel	Hanna Woods	Cathy Green

# Process Map for Service Information Officers dealing with Requests for Information



## Supporting Information

Useful Documents and Information	Source
<p><b>Information Commissioner's Handbook:</b> Hints for Practitioners handling FOI/EIR requests. Includes:            What information is subject to the FOI Act and EIRs.            Exemptions and Exceptions.            Key Do's and Don'ts.</p>	<p><a href="http://www.ico.org.uk/~media/documents/library/Freedom_of_Information/Practical_application/FOI_HINTS_FOR_PRACTITIONERS_HANDLING_FOI_AND_EIR_REQUESTS_2008_FINAL.ashx">http://www.ico.org.uk/~media/documents/library/Freedom_of_Information/Practical_application/FOI_HINTS_FOR_PRACTITIONERS_HANDLING_FOI_AND_EIR_REQUESTS_2008_FINAL.ashx</a></p>
<p><b>Frequently Asked Questions</b> – includes a related document which explains what information is protected.</p>	<p><a href="http://intranet.chichester.gov.uk/index.cfm?articleid=10868">http://intranet.chichester.gov.uk/index.cfm?articleid=10868</a></p>
<p><b>CDC Publication Scheme</b> – this lists the type of information which the council routinely publishes and where to obtain it from. The information being requested may already be included in the publication scheme.</p>	<p><a href="http://www.chichester.gov.uk/index.cfm?articleid=6472">http://www.chichester.gov.uk/index.cfm?articleid=6472</a></p>
<p><b>CDC's FOI and EIR webpages</b> - includes Eforms.</p>	<p><a href="http://www.chichester.gov.uk/index.cfm?articleid=6472">http://www.chichester.gov.uk/index.cfm?articleid=6472</a></p> <p><a href="http://www.chichester.gov.uk/index.cfm?articleid=14629">http://www.chichester.gov.uk/index.cfm?articleid=14629</a></p>
<p><b>Directorate email accounts for receiving RFI via the Customer Service Centre</b> (access is restricted to assigned users only). Please note that in addition to RFI being sent directly to the nominated Service Information Officer and deputy, the request will also be sent to the relevant Directorate email account. This email account is to act as a safety net for Heads of Service to access when necessary. Any Service Information Officer or deputy from the same Directorate can also access the account.</p>	<p><b>Chief Executive Office:</b>  <a href="mailto:FOIChiefExecutiveOffice@chichester.gov.uk">FOIChiefExecutiveOffice@chichester.gov.uk</a></p> <p><b>Environment:</b>  <a href="mailto:FOIEnvironment@chichester.gov.uk">FOIEnvironment@chichester.gov.uk</a></p> <p><b>Home and Community:</b>  <a href="mailto:FOIHomeandCommunity@chichester.gov.uk">FOIHomeandCommunity@chichester.gov.uk</a></p> <p><b>Support Services and the Economy:</b>  <a href="mailto:FOISupportServicesandEconomy@chichester.gov.uk">FOISupportServicesandEconomy@chichester.gov.uk</a></p> <p>Access is via Microsoft Outlook:            File/Open/Open Other User's Folder/Name            [Search for the appropriate Directorate email account as above]/select ok.</p>

## Appendix 4 Making the link between email alerts and the case management report

As referenced in the procedure notes (see section 4.2), the Customer Service Centre will email the assigned Service Information Officer and deputy once a request for information (RFI) has been received. The email will be generated from the Customer Relationship Management system and will be in a set format. A sample email is included below.

The procedure notes (see section 6.4) also explain that the Customer Service Centre will contact the relevant Service Information Officer and deputy by email if a requester makes an enquiry about an RFI already submitted. A sample email is also included below – please note two case IDs will appear in the enquiry email, the sample highlights which ID to use. This note also makes reference to e-mail alerts which will be sent at 15 days to remind the Service Information Officer, Deputies and Heads of Service of the 20 day target date ( see appendix 4)

### Sample of Customer Service Centre Report

#### Freedom of Information Requests - (01/08/2014 - 31/08/2014)

Cases:

Case Reference	FOI Request Type	SLA	Case Created Date	Request Is EIR	Customer Name	Associated Docs	Date Received	Received By
☐ Support Services & the Economy								
FL-101000750259	New Freedom of Information (FOI) Request - Council Tax and Business rates/NDR	28/08/13	01/08/13	N/A	Fiona Delahunty	X:\FOI_EIR Requests\Support Services and Economy\Council Tax and Business Rates\Requests 2013\Tattersall	30/07/13	Email

### Appendix 4

#### Sample email – request for information:

(Please note this is a sample email based on an FOI request, the same applies for requests made under the EIR).

```

////////////////////////////////////
// New FOI Request
////////////////////////////////////
Subject: New FOI Request received by Customer Services: FL-101000750259

```

Message:

A new Freedom of Information (FOI) request has been received for your Service Area.

The request case details are listed below:

Case Details:

Case ID: FL-101000750259

Classification: Requests for Information>>Support Services & the Economy>>FOI - Customer Services

Title: New Freedom of Information (FOI) Request - Customer Services

Associated With: Delahunty, Fiona (Mrs)

SLA: 07/06/13

Allocation: RFI - Customer Services

Status: Opened

Priority: 0

Severity: 0

Created: 10/05/2013 [dfinch]

Customer Address: East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY

Date Received: 10/05/13

Associated Document(s): X:\FOI\_EIR Requests\Support Services & the Economy\Customer Services\anEmail.txt

Further Description: Any description entered by Customer Services.

Associated Individual's Contact Details:

Delahunty, Fiona (Mrs)

East Pallant House, 1, East Pallant

Phone: 01243 785166 (Work)

Email: fdelahunty@chichester.gov.uk (Work)

**Sample email - enquiry:**

(This is a sample enquiry email based on an original FOI request made. The same applies for requests made under the EIR. Please also note that two case IDs are generated, please refer to the case ID highlighted in red as this refers to the original case received).

////////////////////////////////////  
// Existing FOI Enquiry  
////////////////////////////////////  
Subject: New FOI Enquiry received by Customer Services

Message:

An enquiry regarding the existing Freedom of Information (FOI) case referenced below has been received for your Service Area.

The enquiry case details are listed below:

Case Details:

Case ID: FL-101000750259

Classification: Requests for Information>>Support Services & the Economy>>FOIEnq - Customer Services

Title: New Freedom of Information (FOI) Enquiry - Customer Services

Associated With: Delahunty, Fiona (Mrs)

SLA:

Allocation: RFI - Customer Services

Status: Opened

Priority: 0

Severity: 0

Created: 10/05/2013 [dfinch]

Customer Address: East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY

Regarding FOI/EIR Case Ref: FL-101000750229

Associated document(s) included?: No

Further Description: Any description entered by Customer Services.

Associated Individual's Contact Details:

-----  
Delahunty, Fiona (Mrs)  
East Pallant House, 1, East Pallant  
Phone: 01243 785166 (Work)  
Email: fdelahunty@chichester.gov.uk (Work)

## Sample alert e-mail

**(This is a sample of the e-mail alert that will sent at 15 days to remind Officers of response date for Request for Information)**

Subject: Reminder FOI Response is due in 5 Working Days

-----  
Message:

**The response to this FOI/EIR is due in 5 working days please ensure a link to your reply with other information that is required is sent to Customer Services. If you are unable to meet the target date please discuss this with your Head of Service**

████████████████████

## Freedom of Information – template letters

The Public Relations Team have produced these template letters to help you answer any Freedom of Information enquiries you have.

### 1.1 Standard response – further information required

Name

Address

Ref No:

Date

Dear (applicant's name),

Thank you for your letter / email / fax (delete as appropriate) of (date of correspondence) where you requested information about (subject).

From our preliminary assessment, it is clear that we will not be able to answer your request without further clarification.

The (name of department) requires further information in order to identify and locate the information you have asked for (include an explanation of why this is the case, if this is appropriate). In particular, it would be useful to know (give the applicant an indication of the sort of information you require in order to proceed with the request).

Once you have clarified your request, I will be able to process your request. If I do not receive clarification within three months, your request will be considered to have lapsed. (Under section 1(3) of the Freedom of Information Act (FOIA), a public authority need not comply with a request unless any further information reasonably required to locate the information is supplied).

Please remember to quote the reference number above in any future communications.

Yours sincerely,

Your name

## 1.2 Standard letter – information accessible by other means

Name

Address

Ref No:

Date

Dear (applicant's name),

Thank you for your letter / email / fax (delete as appropriate) of (date of correspondence) where you requested information about (subject).

I can confirm that the (name of department) holds this information. The information is exempt under Section 21 of the Freedom of Information Act (FOIA), because the information is accessible to you, as it is already in the public domain. (Enter the web addresses where the information can be found or other method of obtaining the information, including by payment of a fee).

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to Paul Over, Executive Director of Support Services and the Economy.

Yours sincerely,

Your name



### 1.3 Standard template – information is held because it is personal data

Name

Address

Ref No:

Date

Dear (applicant's name),

Thank you for your letter / email / fax (delete as appropriate) of (date of correspondence) where you requested information about (subject).

I can confirm (there may be instances where you cannot 'either confirm or deny' that the information is held) that the (name of department) holds this information. This information is exempt under section 40 (personal information) of the Freedom of Information Act (FOIA), as the information constitutes third party data. Section 40 (2) provides that personal data about third parties is exempt information if one of the conditions set out in section 40 (3) is satisfied. Under the FOI Act disclosure of this information would breach the fair processing principle contained in the Data Protection Act (DPA), where it would be unfair to that person / is confidential. (There may be other reasons why the DPA would be breached).

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to Paul Over, Executive Director of Support Services and the Economy.

Yours sincerely,

Your name

## **Director of Support Services and the Economy Investigation**

Response to investigation##

Final Paragraph

If you are not content with the outcome of your complaint, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: The Information Commissioner's Officer, Wycliffe House, Water Lane, Wilmslow, Cheshire, SL9 5AF.