

Environmental Information Regulations Policy

Status/Version: 2.0

Information Classification: Unclassified

Effective: June 2010

Review Date: June 2012

1 Policy Statement Objective

- 1.1 To ensure that all requests for information received by Coventry City Council ("The Council") are processed in accordance with the provisions of the Environmental Information Regulations 2004 ("EIR").

2 Purpose

- 2.1 Coventry City Council will comply with the requirements of the EIR, and in particular will:

- i) Promote a culture of openness and accountability in providing people with rights of access to environmental information (As defined at Appendix A);
- ii) Make as much information as practicable available via the Publication Scheme, or electronically;
- iii) Respond to written and verbal requests for information as quickly as possible, and in any event within the statutory timescales of 20 working days;
- iv) Apply exceptions and the public interest test appropriately and consistently;
- v) Ensure that any fees charged are calculated appropriately and consistently;
- vi) Ensure appropriate training is provided.

3 Scope

- 3.1 This policy and associated guidance applies to the following:

- i) Employees, including permanent, temporary, contractual and agency;
- ii) Members;
- iii) People, partner agencies, 3rd party suppliers and organisations contracted to work or process any information on behalf of the Council;
- iv) Volunteers, students or any other authorised people working with or for the Council.

- 3.2 For the avoidance of doubt, the term "users" will be used throughout this policy to refer to all above categories.

4 Other Relevant Documents

- 4.1 The following documents have specific relevance to this policy, familiarisation with other policies and associated documents supporting the Council's information security management framework, may also need to be taken into account;

- i) Freedom of Information Act Policy
- ii) Data Protection Act Policy;
- iii) Records Management Policy Statement
- iv) Freedom of Information/Environmental Information Regulations - Requests, Appeals and Complaints
- v) Freedom of Information/Environmental Information Regulations Exemption and Exceptions List
- vi) Corporate Records and Retention and Disposal Schedules;

- vii) Standard for Information Classification
- viii) ICT & Information Governance Jargon Buster

4.2 The above is not an exhaustive list and it is the user's responsibility to ensure they are aware of the Council's requirements.

5 Definitions

5.1 The Council's ICT Information Governance Jargon Buster contains a full list of technical and non-technical terms and their meanings and is available on the Intranet.

6 Rights of Access

6.1 Rights of access will apply to all types of environmental information held by Coventry City Council regardless of the date of the information. The EIR does, however, set out some exceptions to this right.

6.2 Where requests are refused, the applicant will be advised of the decision and has a right to ask for that decision to be reviewed. The Council maintains a formal internal review/appeals process and related procedures.

6.3 If the information is still not released, the applicant will be advised of their right to ask the Information Commissioner (ICO) to review the decision.

7 Risks

7.1 The Council recognises that there are risks associated with non-compliance with the law. This policy aims to mitigate risks such as:

- i) Significant risk to the Council, its customers, partner agencies and stakeholders;
 - ii) Inappropriate disclosure of information, leading to major incidents;
 - iii) Legislative or financial penalties;
 - iv) Damage to the environment;
 - v) Loss of reputation and damage to the Council's corporate image
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8 Charging

8.1 There is no upper limit set on fees charged in respect of EIR requests. However, the Council has discretion to make a reasonable charge in line with the Fees Regulations (SI 2004/3244 Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations).

8.2 The Council will not charge a fee for EIR requests where the information retrieval costs are estimated to cost less than £450. However, a charge can be made for disbursements, e.g. postage, printing, computer disks, audio or videotapes and photocopying (approximately 10p per sheet of A4).

8.3 If the estimated fee exceeds £450, applicants are asked to refine their request to bring it within the appropriate limit set by the regulations. Where no refinement are made or is judged possible, the estimated reasonable charge will be reported to the applicant in the form of a fees notice and the information will be provided once the fee has been received and processed by the Council.

- 8.4 Requests in relation to information that is made available by the Council via other routes will be handled and charged for under those existing arrangements, and not under the request provisions of EIR.
- 8.5 In line with the Re-Use of Public Sector Information (RoPSI) regulations, the Council can choose to impose conditions for re-use of its environmental information. It can also choose to charge for re-use, unless existing charging arrangements exist;
- 8.6 In exceptional circumstances, where it is not going to be possible to respond fully within the statutory timescale (for example for complex and voluminous requests, the time period may be extended from the statutory 20 working days to 40 working days);
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9 Roles and Responsibilities

- 9.1 The Chief Executive has overall responsibility for EIR within the Council. The Corporate Information Governance team ("IG") have delegated responsibility for the corporate implementation, coordination and monitoring of compliance with the legislation. This will be achieved by
- i) Maintaining policy, procedures, and developing training and awareness material
 - ii) Providing support to Workforce Development for the delivery of training and awareness
 - iii) Supporting Directorate Information Governance Lead Officers (DIGLO - the first point of contact who has day-day responsibility for the management and co-ordination of EIR requests received or allocated to their Directorates)
 - iv) Providing specialist legal advice from a dedicated resource within Finance & Legal Services Directorate
 - v) Directorates will ensure their areas pro-actively support compliance with the legislation.
- 9.2 While all users are required to comply with the legislation, all managers (including any one in a supervisory capacity) are responsible for ensuring:
- i) Compliance with policy within their operational areas;
 - ii) Users are trained with regard to their responsibilities for compliance with the EIR
- 9.3 All users will:
- i) Understand and adhere to their responsibilities for handling requests for information in line with policy and procedures;
 - ii) To respond to both written and verbal requests in line with Council procedures and guidelines;
 - iii) To notify their appropriate DIGLO of requests received.
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10 Promoting Compliance

- 10.1 To enable users to comply with this policy, the Council will:
- i) Establish and maintain an EIR framework and promote compliance with the legislation
 - ii) Provide adequate and appropriate training and guidance to all users
 - iii) Maintain a register of requests
 - iv) Ensure that audit trails of all written correspondence in relation to a request for information are maintained

- v) Monitor application of policy and guidance
 - vi) Revise guidance and training as appropriate
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11 Consequences of Not Following Policy

11.1 The Council takes its responsibilities for managing EIR seriously. Compliance with this policy is monitored and reported on. The nature of non-compliance may require an internal investigation and/or referral to the Information Commissioner's Office, as the official regulator for compliance with EIR. The circumstances of any perceived non-compliance may result in action being taken via: the Council's disciplinary process (for employees); referral to the Assistant Director, Democratic Services and the Council's Monitoring Officer (for members); via contractual arrangements (for third party users).

12 Policy Statement Review

12.1 The Information Governance Team has direct responsibility for coordinating the maintenance and review of this policy statement and supporting framework. Such documentation is regularly reviewed, minimum every two years, and amended to reflect changes in best practice and to accommodate lessons learnt. Reviews will take into account changes in legislative practices, guidance from the Information Commissioner's Office, and input from DIGLOs, Internal Audit and specialist areas within the Council.

13 Notes

13.1 Enquiries regarding this policy statement should be directed to the Information Governance Team at infogov@coventry.gov.uk or phone: (024) 7683 3323.

**Document Control:
Version History**

Version	Status	Date	Author	Summary of Changes
1.0	Approved by Cabinet	7 November 2006	A Sohal	
2.0	Approved	21 June 2010	I Harrison	Minor changes regarding risks, charging and land charges

Reviewers

Name	Role	Business Area
J Hutchings	Information Governance Manager	Customer & Workforce Services
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Management Approval

Name	Date	Version No.
Joint Information Security Team	21 June 2010	2.0

Distribution

Name	Organisational Department	Format
All	Coventry City Council	Word Document via Intranet