


<b>BLACKPOOL COUNCIL – ICT SERVICES</b>		<b>Blackpool Council</b>
<b>Topic</b>	Environmental Information Regulations – Council Policy	

**ENVIRONMENTAL INFORMATION REGULATIONS 2004**

**COUNCIL POLICY**

Department	Organisation, Property & IT, ICT Services	Ref. Number	ICT/0009/01
Authorised By	Tony Doyle, Head of ICT Services	IAR Classification	Unclassified
Author	Debbie Topping, ICT Manager (Information Governance)	Issue Date	August 2013
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## POLICY STATEMENT

Blackpool Council is committed to a policy of transparency and access to environmental information to promote informed public participation in relevant decision-making. The introduction of the Environmental Information Regulations 2004 (EIR) supports the aims of that policy.

The Council acknowledges its obligations as set out in the EIR and described briefly within the ‘Overview’ section of this policy.

The Council regards the lawful and correct management of environmental information as an essential element of the delivery of services linked with environmental matters and recognises that this helps to maintain the confidence of its employees and elected members, and those who work with it.

## SCOPE OF POLICY

This policy applies to:

- All part-time and full-time employees, including those working from home and from other locations
- Elected Members in their roles as Cabinet members
- All other workers (including casual and agency workers, secondment posts and contractors) using the Council’s equipment and computer network
- Volunteers and students (including work experience or work-placement).

## OVERVIEW OF THE ENVIRONMENTAL INFORMATION REGULATIONS 2004

EIR was implemented on 1st January 2005 and requires all public authorities, such as Blackpool Council, to make environmental information available on request and to progressively disseminate this information. EIR also imposes an obligation on the Council to deal with requests for environmental information.

AS EIR is aligned with the Freedom of Information Act (FOI), a list of available information will be included in the Council’s FOI Publication Scheme. This scheme is a means by which the Council lists the information that is published, in the format it exists, how it can be accessed and if there is an associated charge.

Requests for information can be made verbally or in writing to the Council and where these are made verbally, council employees will record this for future reference. Any request should contain a name and address for correspondence and a description of the information requested.


When an individual requests any environmental information held by the Council, they have two rights:

- The right to be informed whether or not information requested is held by the Council
- The right to have that information communicated to them,

However, these rights are to the information and not necessarily the documents or records that contain it.

The Council has an obligation to deal with the request within 20 working days unless a decision needs to be made regarding the public interest in the disclosure of this information or it is particular complex or is voluminous (comprises of a very large amount of information).

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There are occasions where the Council is not required to release information as an exception applies. The Council will write to the individual making the request and explain why this applies.

## **PUBLIC REGISTERS / INSPECTION ON-SITE**

Blackpool Council is obliged to maintain certain public registers and is required to make these available for inspection ‘in-situ’ or on-site. It is advisable that an individual contacts the council to request access to these registers to enable the Council to make sure the latest versions are available.

## **FEES AND CHARGING**

Under EIR, the Council is obliged to publish a Schedule of Fees and information on circumstances when a fee may be waived.

The Council can make a reasonable charge for disbursements such as photocopying, printing or postage and these will be in line with those described in the Council’s FOI Charging Policy (which is published on the Council’s website [www.blackpool.gov.uk](http://www.blackpool.gov.uk) ).

Where information is being disclosed or provided on a commercial basis, the Council is entitled to impose a market-based charge. This is to ensure that this information continues to be collected and published.

The Council will notify an individual if a fee is to be charged and payment for such fees will be required in advance of disclosure.

Although there is no upper-limit defined for fees defined in EIR, where this is likely to exceed the upper-limit of £450 defined for FOI requests (see the FOI Charging Policy), the Council will ask an individual if they wish to refine their request to reduce the fee.

## **RIGHT OF APPEAL**


If information is not disclosed on the grounds of an exception, the Council will state the exception and reason why this applies in the response.

If the Individual requesting the information is not satisfied with the Council’s response, they can ‘make representations’ (apply) for a Review of the decision and this should be dealt with through the Council’s FOI/EIR complaint procedure. This representation should be made in writing and within 40 working days of the Council’s response to the individual.

If the appeal is not resolved, the individual has a right of appeal to the Information Commissioner, and can raise a complaint and ask for an independent review.

The Information Commissioner will determine if it is appropriate to investigate the complaint and if so, make a decision on their findings. At this stage, the Council also has a right to appeal to the Information Commissioner with regard to any complaint or appeal.

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## PERSONAL AND NON-ENVIRONMENTAL INFORMATION

When an individual requests their own personal information, this is dealt with under the Data Protection Act 1998 and different procedures will apply.

Information that is considered to be general information is dealt with under the Freedom of Information Act and some different procedures apply to this.

More information can be obtained from the Council, and is published on the Council's website [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

## SUPPORTING THIS POLICY

Blackpool Council has an officer who leads on Environmental Information request issues and requests for Reviews of decisions and responses, and provides advice to the Council.

Departments have locally trained officers to deal with many requests for information and provide initial guidance for employees within their own Department.

The Council will provide awareness and training for Council employees and Elected Members where appropriate.

Comprehensive procedures and policies will be put in place to support compliance with information related legislation and records management.

Environmental Information will be progressively published on the Council's website unless there is a requirement to maintain this in a paper register only.

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