

**Bath & North East  
Somerset Council**

# Environmental Information Regulations Policy



## **Introduction**

Bath and North East Somerset Council issues this policy in response to the Environmental Information Regulations 2004 (EIR). This policy is also aligned to other legislation relating to access to information, including the Data Protection Act, GDPR and the Freedom of Information Act.

The Council supports the EIR's key objectives of increasing openness, accountability and transparency in the public sector. The Council recognises that the promotion of greater openness and increased transparency in relation to Council decision making will build public trust and confidence in local government.

## **Scope**

This Policy applies to all employees of Bath and North East Somerset Council including Elected Members acting on behalf of the Council, contract, agency and temporary staff, volunteers, and employees of partner organisations working for the Council.

This policy does not apply to Primary, Secondary and Special Schools who are separate public bodies in their own right and are statutorily obliged to make their own arrangements.

The EIR applies to all information held by the Council, including information which the Council holds on behalf of another person. The EIR also applies to information held by another person on behalf of the Council, including information held by contractors and partner organisations on the Council's behalf.

## **Obligations**

The EIR confers a general right of access to environmental information held by public bodies. Requests for environmental information received verbally and in writing must be responded to within 20 working days. Applicants have a right to be informed as to whether the information they have requested is held by the Council, and to if so, to have that information communicated to them (subject to certain exemptions).

The EIR also requires public authorities to progressively make environmental information available to the public, to publish this information on the internet in most cases, and to take reasonable steps to organise environmental information to make it easier to access and publish.

## **Principles**

The Council will apply the following basic principles. The Council will ensure that:

- Environmental Information is proactively disseminated via the Council's website

- Applicants seeking information are offered advice and assistance
- Requests for information are responded to promptly, and within the statutory timescales
- A presumption in favour of disclosure is applied to all requests for information
- Information is only withheld if a valid exemption applies
- Applicants are kept informed of any delays which their request may be subject to
- Assistance is offered to applicants to help them to understand the information they receive
- Applicants are informed of any charges likely to be levied
- Applicants are advised of their right to an internal review or (where appropriate) their right of appeal to the Information Commissioner, if they are dissatisfied with the service received or the response to their request.
- All requests are logged and monitored and monitoring reports produced on a regular basis to demonstrate compliance with the legislation
- Each Directorate nominates an appropriate number of Information Link Officers who will act as local points of contact in relation information requests
- Training, support and guidance is made available to enable staff to comply with the requirements of this Policy

## **Charging**

Under the EIR the Council is obliged to publish a Schedule of Fees and information on circumstances in which a fee may be charged, waived or required to be paid in advance. The Council's Schedule of Fees is as follows:

The Council will make a reasonable charge for disbursements such as photocopying, printing and postage, where these costs total £10 or more. Photocopying charges will be based on those in place within the Council's Public Libraries.

The Council may also impose a market-based charge where the information is provided on a commercial basis and the charge is necessary to ensure such information continues to be collected and published.

In all cases where a fee is charged, payment will be required in advance of disclosure. The Council may elect to waive the fee if satisfied that it would be uneconomical to issue a fees notice and process payment. A fee may be charged in all other cases based on the full chargeable elements.

## **Complaints**

If an applicant is unhappy with the service received or the response to their information request, they are entitled to request that an internal review be carried out. A request for a review should be made in writing within 40

working days of the date of the original response. These reviews are conducted by the Director for Commercial and Governance, Mr Jeff Wring. Details of the Internal Review process will be included in every EIR response.

We attempt, where possible, to provide a response with the outcome of the internal review within 20 working days of receipt of the request.

If an applicant is unhappy with the outcome of the internal review, they have the right to appeal directly to the Information Commissioner for a Decision.

### **Monitor and Review**

Should it be discovered that this Policy has not been complied with, or if an intentional breach of the Policy has taken place, the Risk and Assurance Service, in consultation with senior management, shall have full authority to take immediate steps as considered necessary.

The Policy will be subject to ongoing review in light of any changes in legislation or good practice, and will be formally reviewed on a regular basis, and at least annually.