

FREEDOM OF INFORMATION POLICY AND PROCEDURE

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1 Introduction

The Freedom of Information Act 2000 came into place to give individuals rights of access to information held by public bodies, subject to some exemptions and restrictions provided by said Act. Public bodies include local authorities.

Lancaster City Council is committed to responding to all FOI requests and providing a Publication Scheme in accordance with the Act. It fully endorses the requirement to provide greater accessibility to all information, therefore promoting a culture of openness and enabling greater public scrutiny. However, this will be offset by the need to maintain individual's rights to privacy and confidentiality.

2 Aim of the Policy

This Policy aims to ensure that:

- All Council employees understand their responsibilities under the Act and the Council's approach to provide information under FOI
- The Council complies with the Lord Chancellor's Code of Practice for the Freedom of Information Act and associated guidance produced by the Information Commissioner on making information accessible and maintaining accurate records

3 Scope

This policy applies to all information created, received or maintained

- By staff and Members during the course of Council business
- By external parties working in partnership with the Council

The policy applies to all information formats regardless of their media type, i.e. paper or electronic (e.g. emails, spreadsheets, photographs, CD's etc.)

This policy should also be read in conjunction with the Council's Data Protection & Privacy Policy and Procedure and Records Management and Retention Policy.

4 Publication Scheme

In order to comply with the Act every public authority is required to adopt and maintain a publication scheme, which sets out:

- The classes of information it holds
- The manner in which it intends to publish the information
- Whether the information is free of charge or if a fee is payable

The Scheme will evolve over time and staff are encouraged to publish up to date information of public interest. The purpose of the scheme is to ensure a significant amount of information is available, without the need for a member of the public to make a specific request. The IG Team is responsible for the maintenance of the scheme and is the formal contact point for all FOI requests. The [Council's Publication Scheme](#) is available on the Council's website, as is the Council's completed FOI Log.

5 Roles and Responsibilities

Role	Responsibility
Service Heads	<ul style="list-style-type: none"> • Manage the effective implementation of the Council's FOI Policy • Ensure that employees are aware of their FOI obligations • Ensure that good records management practices are in place
Information Governance Team (IGT)	<ul style="list-style-type: none"> • Develop and implement this FOI Policy and maintain accuracy of the Publication Scheme • Provide best practice FOI guidance and training for staff • Co-ordinate and respond to all FOI requests in a timely manner to enable compliance within the 20-working day deadline • Check the information content and exclude any material which may be exempt¹ before responding • Monitor and review the effectiveness of this policy
Information Custodians	<ul style="list-style-type: none"> • Promote the policy within their service area and act as a central point of contact for all FOI requests within their service • Identify the source and information required to respond to the request • Check the information content and advise IG Team if the service thinks any material may need to be exempted before responding
Information Asset Owners	<ul style="list-style-type: none"> • Ensure that only information that can be disclosed can be accessed under the Act • Ensure all records are appropriately marked to facilitate disclosure of information
Managers	<ul style="list-style-type: none"> • Information is supplied for inclusion into the Council's Publication Scheme • Ensure information created is stored appropriately to enable quick access for FOI requests
Employees	<ul style="list-style-type: none"> • Familiarise themselves with this policy and keep complete, reliable, accurate and up to date records in order to respond to FOI requests • Immediately redirect FOI requests to the IG Team once received • Forward all responses to FOI requests to Information Custodians, within the statutory time limit (20 working days)
Council Contractors	<ul style="list-style-type: none"> • Be aware of their FOI obligations as set out in this policy, including responding promptly to requests • Be aware that any information supplied to the Council is subject to the terms of the FOI Act and therefore may be disclosed under a FOI request.

6 Making an FOI Request

Applicants may submit a request for public information, which is not included in the Council's Publication Scheme.

All applicants should be directed to the council's "[Request Information from the Council](#)" webpage in order to make their request.

¹ See ICO Guidance on Exemptions
http://www.ico.gov.uk/for_organisations/guidance_index/freedom_of_information_and_environmental_information.aspx#exemptions

All FOI Requests must:

- Be in writing (webform or email preferred)
- State the full name and contact address of the applicant (an e-mail address is sufficient for contact address)
- Clearly describe the information requested

There is no legal requirement for the applicant to state why the information is being requested.

The Council's responsibilities are to:

- Provide advice and assistance, where required
- Respond to requests within the statutory deadline of 20 working days
- Confirm or deny they hold the information
- Inform the requestor of the appeal procedure

Business as Usual

If responding to a particular FOI request is a simple matter of providing readily available information already held by a single service, and a full response can be provided immediately, then this may be completed as 'business as usual' without initiating corporate registration and tracking of the request.

Vexatious or repeated requests

There is no requirement to deal with vexatious requests or with an identical or similar request from the same person unless reasonable time has elapsed since a previous request. There is no statutory definition of "vexatious request" but it is the request and not the applicant that must be vexatious. If a request is felt to be vexatious, it should be discussed with the IG Team.

7 Rights of Applicants

All applicants have the right to:

- Be told whether information exists/is held
- Receive the information (subject to exemptions)
- Appeal non-disclosures and to request internal reviews
- Appeal to the Information Commissioner if they are unhappy with the results of the internal review

8 Fees

Under Section 12 of the FOIA 2000 a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit' prescribed in Regulations. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 govern the 'appropriate limit' and the fees that can be charged for the above types of information requests.

Under Regulation 4 of the above-named regulations, the 'appropriate limit' is set at £450 for Local Authorities and calculated on a standard rate of £25 per hour based on estimating how long it takes to:

- Determine if the information is held
- Locate the information or a document which may contain the information
- Retrieve the information, or a document, which may contain the information
- Edit or extract the releasable information contained within a document

This calculation does not take into account the time spent/costs of:

- checking that a request for information meets the requirements of FOIA
- considering the application of exemptions; prejudice and/or public interest tests
- obtaining internal or external legal advice
- consulting with third parties and obtaining authorisation to send out information

Based on the standard hourly rate of £25 specified in the FOIA Fees Regulations, the maximum amount of staff time spent finding, retrieving, collating and editing before exceeding the £450 cost limit is therefore 18 hours.

Unless otherwise specified, information made available through the Council's Publication Scheme will be free of charge. The Council will only charge fees in accordance with the FOI Act Fees Regulations. Details of charges can be found at **Appendix 1**.

Under the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, fees can be charged for disbursements, i.e. the cost of providing the information to the requestor in a particular format. If the Council is to charge fees for the provision of information to a requestor, the requestor will be sent a fee notice, stating the amount that the Council will charge and how this can be paid. A copy of this information can be found at **Appendix 1**.

9 FOI Exemptions

There are 24 exemptions in the FOI Act, which can be used for refusal: 8 absolute exemptions and 16 qualified exemptions.

- Absolute Exemptions - do not require the Council to consider disclosure in the public interest, nor is it required to state whether or not the information in question is held
- Qualified Exemptions - do require the Council to consider the public interest in confirming or denying that the information exists and in disclosing information

The Public Interest Test involves the Council considering whether, in any particular case, it serves the interest of the public better to withhold or disclose information.

10 Reviews and Appeals

Any request for an internal review must be submitted by the requester within 40 working days of the original response being provided. If a review request is received after this time limit, the Council are not required to respond.

In the first instance, the Council must investigate all in-time appeals and complaints before the requester is redirected to the Information Commissioner for further assistance.

A member of the IG Team who was not involved in the first decision-making process, will investigate all internal appeals.

All in-time appeal requests must be dealt with within 20 working days from the date they are received as per our statutory obligations.

11 Information Commissioner

Individuals who are not satisfied with the outcome of the internal review/appeals process may submit an appeal to the Information Commissioner's Office:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

12 Related Policies and Procedures

- FOI Procedure
- Records Management and Retention Policy
- Data Protection and Privacy Policy and Procedure
- Environmental Information Regulations Policy and Procedure
- Subject Access Request Policy and Procedure

13 Monitoring and Performance

The IG Team will maintain performance figures to ensure that all FOI requests are being responded to efficiently and effectively. These will be presented to the Information Governance, Cyber Security and ICT User Group. These indicators will also be presented to Senior Leadership Team on at least an annual basis.

The performance indicators will include:

- Response times for responding to requests
- Outcomes of requests including refusals and reasons why
- The time taken to respond to requests
- The number of reviews and complaints, and their outcomes

14 Policy and Review

This policy will be reviewed every three years; or when the legislation is subject to change; or risks are highlighted in the policy; whichever is sooner.

15 Contacts

The IG Team deals with the administration of all Freedom of Information Requests. The contact details are as follows:

Information Governance Team
Town Hall
Dalton Square
Lancaster
LA1 1PJ

Telephone: 01524 582204
Internal Enquiry E-mail: info@lancaster.gov.uk

FOI Request Email: foi@lancaster.gov.uk

Appendix 1:
Schedule of Fees

Format	Cost
Photocopies	
A4 black and white	10p per sheet
A3 black and white	20p per sheet
A4 colour	£1.00 per sheet
A3 colour	£1.50 per sheet
Prints from PC	
Black and white	10p per page
Colour	50p per page
Photo quality paper prints	£1.00 per page
Electronic Media	
CD ROM	£1.00
Scanning of A4 paper records	£1.40 per image
Scanning of A3 paper records	£2.10 per image
Email attachment	No charge
Postage Costs	
Individual quotes for postage will be obtained on a case by case basis. This will be calculated on cost basis with reference to national postage rates.	

How to pay

Payments can either be made by cheque made payable to Lancaster City Council and sent to:

Town Hall
Dalton Square
Lancaster
LA1 1PJ

Or by BACS

Bank name	15.1.1.1 NatWest
Bank address	68 Church Street Lancaster, LA1 1LN
Branch sort code	01-54-90
BIC Code	NWBK GB 2L
Bank account number:	64848361 (IBAN: GB86NWBK01549064848361)

Should you require it, our VAT registration number is 155 7279 39.

When making a payment please ensure you quote FOI Number (e.g.FOI 01234) in full to ensure your records are updated promptly with the payment.

We would also be grateful if you could email the council to advise that the payment is being/has been made and include the FOI number is included there too so that your request can be processed and the information copied and sent to you – please e-mail cashiers@lancaster.gov.uk