



# Freedom of Information Policy

01/10/2022

# 1. Document Control

## Version Control

Issue Number	Issue Author	Issue Date	Reason for Issue
0.1	Mark Elsom	12/10/2022	Complete re-write of policy last created in 2014

## Approval Control

Issue Number	Approval Authority	Name	Approval Date	Due for Review
1.0	Board of Directors	R Grocock, Chair	31/10/2022	October 2025

## Policy Governance

Responsible	Head of Corporate Services
Accountable	PSPS Board and Chief Executive
Consulted	Chief Executive
Informed	PSPS Employees

## 2. Policy Overview

This policy outlines the commitments and principles that will be adopted by PSPS in response to requests for information under the Freedom of Information Act 2000, where that information is the sole and direct responsibility of PSPS.

Our shareholding councils operate under separate policies and, where Freedom of Information (FOI) requests are received for services that we operate on their behalf, these will be dealt with in accordance with those policies and the associated council procedures.

## 3. Introduction

The Freedom of Information Act 2000 (FOIA) provides public access to information held by public authorities in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

Public Sector Partnership Services Ltd (PSPS) is considered a 'public authority' in relation to the FOIA, because it is a company wholly owned by East Lindsey District Council (ELDC), South Holland District Council (SHDC), and Boston Borough Council (BBC). PSPS is, therefore, required to respond to requests for information unless there are legitimate and lawful exemptions that prevent it from doing so.

The Act does not give people access to their own personal data (information about themselves). If a member of the public wants to see information that a public authority holds about them, they should make a data protection subject access request, for which the PSPS Data Protection Policy outlines the company's commitments.

## 4. Key Principles

The main principle behind freedom of information is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to.

- PSPS respects that everybody has a right to access official information. Disclosure of information will be the default. Information will be kept private only when there is a good reason, and it is permitted by the Act
- An applicant (requester) will not be required to give a reason for wanting the information
- PSPS will treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data
- PSPS will treat all requesters equally and will only disclose information under the Act if we would disclose it to anyone else who asked

The above principles do not prevent PSPS voluntarily giving information to certain people outside the provisions of the Act.

## 5. Policy Scope

### 5.1 Public Authority

Schedule 1 of the FOIA contains a list of bodies that are classed as public authorities, which includes borough and district councils.

In addition to the bodies listed in the Act, the definition of a public authority covers companies which are wholly owned:

- by the Crown;
- by the wider public sector; or
- by both the Crown and the wider public sector.

This includes companies wholly owned by local authorities, such as PSPS.

### 5.2 Information covered by the FOIA

The Act covers all recorded information held by a public authority. It is not limited to official documents, and it covers, for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings.

The Act does not cover information that is in someone's head. If a member of the public asks for information, we only have to provide information already held in recorded form.

### 5.3 FOIA and Data Protection

When a person makes a request for their own information, this is a data protection subject access request for which PSPS' obligations and commitments are covered in the Data Protection Policy.

When an individual makes a request for information that includes another individual's personal data, PSPS will carefully balance the case for transparency and openness under the Freedom of Information Act against the data subject's right to privacy under the data protection legislation. Where releasing the information infringes upon UK GDPR data protection principles, PSPS will redact personal data to anonymise it wherever possible but may choose not to share where a data subject's right to privacy would be compromised by sharing.

## 6. Our Obligations

PSPS is committed to:

- publishing relevant information proactively
- responding to requests for information

## 6.1 Publishing proactively

The Freedom of Information Act requires every public authority to have a publication scheme, approved by the Information Commissioner's Office (ICO), and to publish information covered by the scheme.

PSPS will support the Councils in meeting their obligations to publish, where that relates to data we process on their behalf.

PSPS will also, where appropriate to do so, adopt the scheme set out by the ICO and will publish in accordance with it unless there is a lawful exemption from disclosure.

## 6.2 Responding to requests

Anyone has a right to request information (in writing) from a public authority. PSPS will comply with two separate duties when responding to these requests:

- to tell the applicant whether we hold any information falling within the scope of their request; and
- to provide that information

The standard timeframe for responses is 20 working days, counting the first working day after the request is received as the first day.

## 6.3 Refusals and Exemptions

PSPS will only refuse requests where there is a lawful reason for doing so. Entire requests may be refused under the following circumstances:

- It would cost too much or take too much staff time to deal with the request
- The request is vexatious
- The request repeats a previous request from the same person

PSPS will only withhold information when in accordance with exemptions defined within the Freedom of Information Act.

Whenever refusing all or any part of a request, PSPS will correspond with the requester by providing a written refusal notice.

## 7. Responsibilities

Role	Responsibility
<b>Head of Corporate Services</b>	The Head of Corporate services is responsible for all company policies, procedures and processes relating to information governance and the company's compliance with its legal obligations. They will ensure the policy is reflective of the organisation and its legal duties.
<b>Corporate Services Manager</b>	The Corporate Services Manager is responsible for ensuring that appropriately skilled resources are available to provide administrative support services for any FOI requests the company is required to deal with, in accordance with policy and procedures set out by the Head of Corporate Services. This includes corresponding with requesters and facilitating the decision on whether information is to be shared, part withheld or refused.
<b>Heads of Department</b>	Heads of Department, as representatives of the Senior Leadership Team, retain overall accountability for all processing within their departments and for ensuring that their teams act in accordance with defined policies and procedures in relation to FOI.
<b>Team Leaders and Supervisors</b>	Our leaders overseeing operational teams are responsible for ensuring that any data shared by their teams in accordance with policy and procedure is accurate and shared in accordance with timeframes set out.
<b>Front Facing Staff</b>	Any employee dealing with customers should be aware of the Freedom of Information Act to ensure that requests made are passed onto the relevant administrative team so they can be processed promptly and responded to lawfully.

## 8. Procedural Considerations

Procedures are defined separately and outside of this policy. The foundations upon which our procedures are developed include the following:

### 8.1 Council Policy and Procedures

Most of the requests for information PSPS receive are submitted in relation to processing carried out directly on behalf of the council(s). Any such request made in writing should be dealt with in accordance with each respective Council's procedures.

## 8.2 Administering PSPS Requests

Any request from a member of the public to exercise their right to request information in relation to the FOIA should be made in writing, which can be emailed to [data.protection@pspsl.co.uk](mailto:data.protection@pspsl.co.uk) or submitted by letter to:

Public Sector Partnership Services  
FAO Data Protection Officer  
Council Offices  
Priory Road  
Spalding  
Lincolnshire  
PE11 2XE

The Corporate Services team will collate requests, make relevant colleagues aware of the requirement to collate and share information, and will respond to the requestor as appropriate.

## 8.3 Dealing with requests

Regardless of which council or company procedure we are working to, PSPS are committed to ensuring all colleagues will:

- Pass any request made under the FOIA to the relevant Information Governance team unless they are already aware
- Respond to all requests passed on by the relevant Information Governance colleagues
- Respond in a timely fashion and within the timescales set out by the Information Governance team
- Share all content requested, unless agreed through discussion with the Information Governance team that an exemption applies
- Support in the redacting of content where appropriate, to ensure the privacy rights of third parties are not breached and/or to ensure information not related to the request is not shared incorrectly
- To communicate openly and regularly with the Information Governance team, especially where there is a likely delay or where there is doubt over whether information should be shared

## 9. Review

It is recommended that this Policy be reviewed at least once every 3 years.

# 1. Appendices – Submitting FOI Requests

## Boston Borough Council

Customers can be guided to the Council Web site and the FOI page ([Information Requests - Boston Borough Council](#)) where they will find a copy of the policy and a request form.

The form can be completed and submitted by email ([foi@boston.gov.uk](mailto:foi@boston.gov.uk)) or in writing to the Municipal Buildings, West Street, Boston, PE21 8QR

## ELDC

Customers can be guided to the Council Web site and FOI page ([ELDC FOI Web Page](#)) where they will find a copy of the policy and a request form.

The form can be completed and either submitted by email ([information.management@e-lindsey.gov.uk](mailto:information.management@e-lindsey.gov.uk)) or posted to: Information Management Team East Lindsey District Council Tedder Hall, Manby Park Manby, LOUTH Lincolnshire LN11 8UP United Kingdom

## SHDC

Customers can be guided to the Council Web site and FOI page ([Freedom of Information - South Holland District Council \(sholland.gov.uk\)](#)) where they will find a copy of the policy.

There is also a link to make the request via email ([feedback@sholland.gov.uk](mailto:feedback@sholland.gov.uk))

## PSPSL

If the request is specific to PSPSL then this can be done either using the generic contact form ([PSPSL Contact Form](#)), by email to Data Protection inbox ([Data.Protection@pspsl.gov.uk](mailto:Data.Protection@pspsl.gov.uk)), or posted to: Public Sector Partnership Services, FAO Data Protection Officer, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE