

WITHAM AND HUMBER DRAINAGE BOARDS

Four independent statutory Land Drainage and Flood Risk Management Authorities working in partnership.



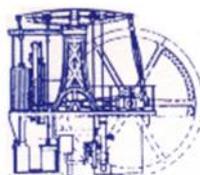
Witham First District IDB

www.witham-1st-idb.gov.uk



Upper Witham IDB

www.upperwitham-idb.gov.uk



Witham Third District

www.witham3idb.gov.uk



North East Lindsey

www.northeastlindsey-idb.org.uk

Freedom of Information Act Policy

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| Background | The Freedom of Information Act 2000 came into force on 1 January 2005 and provides the public with a general right of access to information held by the 4 Boards. The 4 Boards have introduced a framework under which FOI requests are received, processed, and completed in accordance with the requirements of the Act. |
| Statement | The aim of this policy is to ensure the 4 Boards meets their obligations under the Freedom of Information (FOI) Act 2000 |
| Responsibilities | Chief Executive for Implementing the scheme and ensuring that employees have necessary information. Senior management team to review application and revision of the policy |
| Training | HR Lead to offer support, guidance and training in the most appropriate approach as and when required |
| Equality and Diversity | This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership. |
| Association of Drainage Authorities (ADA) | Local Policy in Line with ADA Lincolnshire Branch White Book of Wages and Salaries and Conditions of Service, 2020 |
| Dissemination | Boards' Website s |
| Version | V2 |
| Approval Date | Joint Services Committee 20.07.20 |
| Review Date | Within 3 years of approval, or as legislation and guidance changes. |

1. Introduction

The Freedom of Information Act 2000 came into force on 1 January 2005 and provide the public with a general right of access to information held by the 4 Boards.

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Witham and Humber Drainage Boards have introduced a framework under which FOI requests are received, processed, and completed in accordance with the Act.

2. Aim of the policy

The aim of this policy is to ensure the 4 Boards meets their obligations under the Freedom of Information (FOI) Act 2000

This policy applies to any recorded information that is held by the 4 Boards.

3. Training & Awareness

The 4 Boards shall provide Freedom of Information training to all staff.

Individuals shall maintain a good awareness of Freedom of Information rights and requirements.

4. Principles

The following principles shall apply:

- FOI covers any recorded information held by the 4 Boards. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.
- FOI covers information that is held on behalf of the 4 Boards even if it is not held on 4 Boards' premises.
- People shall have a right to know about the activities of the 4 Boards, unless there is a good reason for them not to.
- An applicant (requester) shall not be required to provide a reason for requesting information. The 4 Boards, however, shall justify refusing a request.
- The 4 Boards shall treat all requests for information equally, except under some circumstances relating to vexatious requests and requests for personal data.
- The 4 Boards shall treat all requestors equally regardless of who they are, for example journalists, local residents, public authority employees.

5. Requests for Information under the Freedom of Information Act

Any written request for information shall be regarded as a request for recorded information under the Act unless:

- Information can be dealt with as a normal customer enquiry and therefore more sensibly under the usual customer service procedures.
- It forms a request for personal data relating to the individual requesting the information. This shall be dealt with under data protection legislation, and consequently shall be processed in line with the 4 Boards' Data Protection Policy (Subject Access Requests.)
- A request shall only be accepted if made in writing, for example online forms; letters; emails; faxes and twitter.
- Requests for information shall be met within 20 working days of receipt. A request under EIR can be extended to 40 days but only for complex or voluminous requests.
- Ambiguous requests shall be clarified with the requestor.

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- A request for information shall not be refused because the recorded information is out of date, incomplete or inaccurate.
- Witham and Humber Drainage Boards shall not make any changes or deletions to records as a result of a request.

6. Refusing a request

The 4 Boards shall consider refusing a request for information under certain 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.

The 4 Boards shall consider refusing a request for information if the request meets an exemption under the Act. The 4 Boards may also refuse to confirm or deny whether they hold information where the Act allows. Legal advice shall be sought before refusing a request to ensure the grounds for refusal are robust; justification will be required should the refusal be challenged.

A written refusal notice shall be issued to the requestor if the 4 Boards either refuse to say whether they hold information at all or confirms that information is held but refuse to release it.

7. Charges

The 4 Boards shall make no initial charge for making an FOI request.

In some circumstances the 4 Boards shall charge an appropriate fee for complying with some requests for information.

Advice shall be sought from the Senior Management Team (SMT) if a fee is being considered and a detailed breakdown and explanation of charges will be supplied to the requester in all cases where a fee is requested.

8. Complaints & Review Process

The 4 Boards shall conduct a request review whenever the requestor expresses dissatisfaction with the outcome.

The review shall not be limited to the first decision but shall provide a new decision based on all available evidence that is relevant to the date of the request.

The review shall be done by someone who did not deal with the original request, and where possible by a more senior member of staff.

The 4 Boards shall conduct a review within 20 working days; in exceptional circumstances this time limit shall be extended to 40 working days.

The Freedom of Information Act 2000 ("the Act") gives a general right of access to recorded information held by public authorities and sets out exemptions from that right and places several obligations on public authorities. Witham and Humber Drainage Boards are deemed to be non-departmental public bodies for the purposes of the Act. Further information about the Act can be obtained from The Information Commissioner (<https://ico.org.uk/>).

The Boards are required to adopt and maintain a publication scheme setting out the classes of information they hold, the way they intend to publish the information, and whether a charge will be made for the information. The purpose of a scheme is to ensure a significant amount of information is available, without

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the need for a specific request. Schemes are intended to encourage organisations to publish more information proactively and to develop a greater culture of openness.

What information is routinely available?

The IDB information is grouped into seven classes.

1. Who we are and what we do
Organisational information, structures, locations and contacts.
2. What we spend and how we spend it
Financial information relating to projected and actual income and expenditure, procurement, contracts and audited accounts.
3. What our priorities are and how we are doing
Strategies and plans, value for money indicators, audits, inspections and reviews.
4. How we make decisions
Decision making processes and records of decisions.
5. Our policies and procedures
Current written protocols, policies and procedures for delivering our services and responsibilities.
6. List and registers
All statutory and non-statutory registers.

The services we offer

Information about the services the 4 Boards currently provide including leaflets, guidance and newsletters.

How to access the information?

The information contained in each class may be accessed through a variety of means and in several formats where available. All information is available for inspection on request and by prior appointment, where appropriate copies can be made available. A charge may be applied to the information supplied; each case is considered individually. Information will be provided within 28 days if the request is reasonable.

1. On the Witham and Humber Drainage Boards' web-site [or individual websites of Boards].
Some information will be available on the web-site. This information is non-chargeable.
2. By e-mail
enquires@witham3idb.gov.uk with 'Freedom of Information Request' in the subject line.
3. By post to obtain paper copies of the information please contact:
Jane Froggatt,
Chief Executive,
Witham House,
Meadow Lane,
Lincoln. LN6 9TP
Please note that where hard copies of information will normally be supplied upon request, multiple copies cannot normally be provided.
4. In person
Please contact the office to arrange an appointment to come in to Witham House office.

Charges and Exempt Information:

Charges may be imposed for the provision of some of the information within this publication scheme. Where a class contains information, which may levy a charge, this is made clear with a £ symbol shown below. In adopting this scheme there has been an effort to be as open as possible but there are instances where, for legitimate reasons, certain information is not available. Where this is the case the reasons behind the decision to exclude certain information is clearly stated. Justification for excluding information is made in consideration of the general exemptions contained in the Act, the Environmental Information Regulations, the Data Protection Act or where it may be of a confidential or commercially sensitive nature.

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The Information Available:

1. Who we are and what we do
 - Constitution of the Board, including their structure & membership Staffing Structure
 - Geographical area covered
 - Outline of responsibilities
 - Location of offices and contact details
2. What we spend and how we spend it (£) Annual accounts
 - Audit of accounts
 - Revenue and capital spending plans Procurement Regulations
 - Funding: details of drainage rates, special levies, grants and other financial contributions
 - Staff and Board members allowances and expenses
 - Contracts awarded and their value
3. What our priorities are and how we are doing (£) Aims, objectives and plans
 - Performance against aims and plans
 - Programme of works
4. How we make decisions
 - Board meeting and sub-committee minutes. Public consultations
 - Reports of advisory groups
 - Environmental Impact Assessments Assessment of flooding risks
 - Other publicly available reports
5. Our policies and procedures
 - Policies and procedures for the conduct of the 4 Boards' business, Policies and procedures about the provision of services, Policies and procedures about employment matters
 - Whistle blowing policy
 - Anti-fraud & corruption policy
 - Data protection policy
 - Freedom of Information Publication Scheme
 - Customer complaints procedure
 - Charging regimes and policies [e.g. Consent applications]
6. List and registers (£)
 - Register of Drainage Infrastructure
 - Nuisance Register
 - Complaints Register
 - Rate Book
 - Electoral Register (for the purposes of an Election of IDB Members)
 - Register of Members' Interests
 - Register of Gifts and Hospitality
 - Members' Attendance Register
 - Freedom of Information Act disclosure log
7. The services we offer (£)
 - Regulatory role
 - Byelaws
 - Information for landowners, developments and operations Notices, leaflets and guidance
 - Media releases
 - Details of the services for which the Board is entitled to recover a fee together with those fees