

Handling FOI and EIR requests for information

From the week commencing 13 September 2021, you need to make completing FOI requests a priority for you and your team.

- **Clearing FOI requests backlog [see pages 5-6 below]**

As a public authority, we have to deal with requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

There are differences between these laws, but in essence, they allow people to make requests for information that we hold: FOI is for recorded information and EIR is for environmental information.

Requests from people wishing to access their own personal data are not covered by these laws and instead are handled under data protection **subject access requests**.

What to do if you receive a request from a member of the public

You must:

- Identify a request for information has been made – the requester does not need to explicitly state it is a Freedom of Information request
- Mark the date you have received it – the clock starts the day it is received within the Council and we have 20 working days to respond
- Send it straight away to FOI@sheffield.gov.uk where a member of the Information Management team will review and process accordingly

Once this is received, the request will be logged and acknowledged by Business Support on behalf of the Information Management team.

The Information Management team will first see if it can answer the request right away. For example, the information is available on the SCC website or on our Open Data site (Data Mill North, ESRI), or if it has been disclosed in a similar recent request.

If it can't be answered by information already obtained, the request will be allocated to the Service that holds the information.

What do to if you are allocated an FOI or EIR request for processing

You must reply as soon as possible if:

- you do not hold the information, and where possible indicate where it may be held
- the information is already published (or due to be published) or is available elsewhere (including outside of the Council) and provide directions to this
- you need clarification around what is being asked for as it is not clear
- you cannot collate the information within 18 hours and provide an explanation as to why this is not possible
(this is the legal time limit that we need to spend collating the information)

You must collate the information requested and send it back to FOI@sheffield.gov.uk as soon as possible. It is best to provide this well before the deadline given, along with any concerns or reservations you have about disclosing it, e.g. if you think disclosing it may cause any harm.

Does the request make sense?

We have a duty to advise and assist the applicant.

While the Information Management (IM) team try to field requests before allocating to the service, it may need a service with more technical knowledge of their data to go back for clarification. This gives the applicant an opportunity to either narrow down their request or specify exactly what they are looking for.

Do we hold the information?

We have a duty to confirm to the applicant if we hold the information they have asked for.

Even if we are refusing the information, we need to confirm if this information is held. If it is not held by your service, please tell the IM team as soon as possible. It may be held with another service.

Does your response answer the request?

On face value, you may think the information you have provided answers the question(s).

Carefully review the request and each point the requester has raised. Does the information really cover what they are asking for? Or does the information you

hold only cover some elements? You may need to ask other individuals in your service or elsewhere in the Council for further information. This should be done ASAP so they can gather the relevant data too!

Do I know what exemptions apply?

As a Council, we strive towards transparency; all responses must be approached in favour of disclosing.

However, not everything can be disclosed. It may be the data contains personal information, it is available elsewhere (e.g. online) or it would be manifestly unreasonable or exceed the costs (FOI costs limit is 18 hours).

If you're not sure, please ask the IM team for advice.

Exemptions take time to consider and apply and we need to demonstrate clearly why we are applying the exemption. We may ask questions to help us to write these exemptions and appreciate your input.

What should I avoid in my response?

Avoid saying the information is 'not held in a reportable format'.

Remember, part of our duty is to confirm whether we hold the information we've been asked for. Saying that it is 'not held in a reportable format' doesn't provide a clear answer. It is much more helpful to confirm that we hold the information, but state that to search for the information would exceed the time/cost limit. From this, provide an explanation as to why it would exceed the cost limit e.g. data is held within hundreds of individual records and to review each single record would take X amount of time.

Who sends the response?

The IM team send all the responses via the foi@sheffield.gov.uk inbox. Information is often provided by different services, so the IM team collates and prepares the single response.

Can the Requester complain or appeal?

Yes. If the requester is not happy with the response, they can ask us to carry out an internal review.

The internal review will look at if we answered the request properly, in time with advice and assistance, and clearly explained why information might not have been provided.

The internal review provides the opportunity to check for further information and change our mind about what to release, e.g. change or revoke refusal decisions.

If the requester is still dissatisfied after the internal review, they have the right to contact the Information Commissioner's Office who might consider the case needs to be investigated further.

If so, an ICO caseworker will contact the IM team and ask about the handling of the request and in some cases for a full copy of the requested information to check our decision making.

The ICO will decide if we have acted lawfully. These decision notices might decide in favour of us or the requester and can instruct the disclosure of refused information. See [ICO Decision Notices](#).

Contact Information Management Team

[Ask us a question](#)

[0114 27](#)[Redacted]

MoorfootSheffieldS1 4PL

Freedom of Information request (FOI) backlog

On Monday 13 September all employees must prioritise working on Freedom of Information (FOI) requests. You should take action on all outstanding requests that involve you and your team. You should also respond quickly to any new requests.

There is a large backlog of FOI requests and the Information Management Team need your support to meet statutory deadlines. We want to tackle and clear the backlog this week.

What you need to do

There are usually 3 types of FOI request, you should take the following approach for each type:

1. straight forward single service request. Complete these in the format of the FOI template (under Supporting information), converting any documents into PDFs
2. straight forward information request but requires a response from a range of services. We are asking a manager to take responsibility for the whole FOI and gather the other information rather than returning potentially many individual pieces of information. Be the one who volunteers – we are not formally allocating this role so if you are one of several recipients step in a co-ordinate the response. Use the template and PDF any documents
3. complex requests that are multi service and cover a range of information and types of documentation. For these we are asking you to do what is quickly and easily doable and return with the same coordination as set out above. The Information Management Team will then work with you to find a solution for the more complex parts

When preparing your response you should:

- answer FOIs as completely as possible, but only answer the question that has been asked
- ask for clarification you're not sure what the request is asking for, do not waste time trying to work it out
- itemise your response using text from original request.
- explain any attachment content, assume no understanding

Prepare your response and save all files as PDFs. Once ready, you should send it to FOI@sheffield.gov.uk.

We are asking you to communicate with each other, take ownership for getting this over the line and understand that, although this is a one-off effort to clear a backlog, it is the basis for how we should manage FOIs moving forward.

You can find out more about FOI requests on our Handling FOI requests intranet page.

Handling FOI requests

Managing privacy

If you have concerns about some of the information being released then you should highlight this to the Information Management team when you send the information to them. They will help to manage any risk.

We will redact personal information prior to sending the information out as we have people in place to do proper redaction using the appropriate software. Be clear when submitting information if you think anything should be redacted.

10/09/21

FOI Template

Freedom of Information Request - Response

FOI

Date Received:

Due Date:

Freedom of Information Request relating to:

- **Itemise response – using text from original request.**
- **Explain any attachment content – assume no understanding**
- **Fully answer the request, do not guess what is being asked – seek clarification**

If you have any queries about this response, please do not hesitate to contact us.

Kind regards

**Information Management Team
Sheffield City Council**