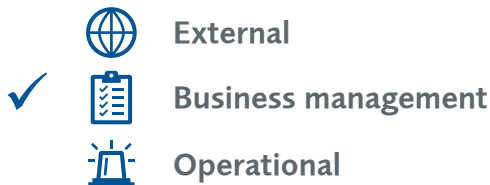


Freedom of information and environmental information requests

OFFICIAL



Policy summary

This policy helps staff recognise requests for recorded information under the Freedom of Information Act 2000 and requests for environmental information under the Environmental Information Regulations 2004. It explains when routine enquiries may be answered locally, when a request must be referred immediately to the Information Access Team (IAT), and what staff must do when asked to find and provide information. Only the Information Access Team may decide that information should be withheld or apply an exemption or exception.

Notable changes since last published

This is a new policy; it replaces the information previously published under three separate policies:

- Policy number 0420 - Freedom of Information (FOIA 2000)
- Policy number 0776 - Environmental Information Regulations (EIR 2004) - overview and guidance note
- Policy number 0777 - Environmental Information Regulations (EIR 2004) - general staff guidance

The provisions of the FOIA 2000 and EIR 2004 laws are unchanged; this revised policy more clearly explains – in one succinct policy – how staff can recognise requests and what they should do when they receive them.

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1. Purpose

- 1.1 The Freedom of Information Act 2000 (FOIA) gives any person a right to request recorded information held by LFB. The Environmental Information Regulations 2004 (EIR) provide a closely related right of access to environmental information. Environmental information includes information about the state of the environment, factors affecting it, measures such as policies and activities, and matters including human health and safety where they are affected by environmental elements.
- 1.2 For most staff, FOIA and EIR operate in broadly the same way: a person asks LFB for information, LFB must identify what it holds, and the information must be provided unless the relevant legislation permits it to be withheld. LFB must respond promptly and normally no later than 20 working days after receiving a valid request. The deadline starts when any part of LFB receives the request, not when it reaches the Information Access Team. This makes immediate recognition and referral essential. A requester does not need to mention FOIA or EIR, and requests can arrive anywhere in LFB.
- 1.3 This policy is intended to ensure that requests are recognised and referred early, that relevant information is preserved and found, and that decisions about disclosure or refusal are made centrally by the IAT.

2. Scope

- 2.1 This policy applies to all LFB staff, contractors and others working on LFB's behalf. It applies to requests received through email, letter, online forms, monitored social media accounts or any other communication channel.
- 2.2 FOIA applies to recorded information held in any form, including emails, Teams messages, documents, spreadsheets, databases, photographs, audio, video and paper records. It can also include information held by another organisation on LFB's behalf.
- 2.3 EIR applies where the requested information is environmental information. Unlike FOIA, an EIR request may be made verbally. Staff must therefore refer a verbal request if it appears to seek environmental information and cannot be dealt with immediately as a routine enquiry.
- 2.4 Requests for a person's own personal data may be subject access requests under the UK GDPR and Data Protection Act 2018. They must also be referred to the IAT unless they are being handled through an established local process.

3. Policy statement

Part A - What all staff must do

Recognise requests for information

- 3.1 Treat a communication as a potential FOIA or EIR request where a person is asking LFB for information, records or documents. The request does not need to use legal language or mention FOIA or EIR.
- 3.2 A FOIA request is normally valid where it:
 - Is made in writing;
 - gives the requester's real name and an address for correspondence, including an email address; and

- describes the information being requested.

- 3.3 An EIR request may be written or verbal. If you are unsure which regime applies, or whether a communication is a valid request, refer it to the IAT without delay. Do not delay referral while trying to resolve the legal position yourself.

Routine enquiries

- 3.4 Teams may answer straightforward enquiries through normal business processes where the information is routinely provided, already published or otherwise plainly suitable for release, and the complete response can be given promptly.
- 3.5 If any requested information may need to be withheld, redacted or restricted, the request must be referred to the IAT. Local teams must not refuse a request or apply an FOIA exemption or EIR exception.

Refer requests promptly

- 3.6 Send the original request and any attachments to the IAT immediately. Include the date and method by which it was received and any relevant correspondence already exchanged. Do not delay referral while searching for information or discussing whether it can be released.

Preserve relevant information

- 3.7 Once a request has been received, information within its possible scope must not be altered, deleted, concealed or destroyed because it has been requested or might be disclosed. Intentionally altering, defacing, blocking, erasing, destroying or concealing information to prevent disclosure may be a criminal offence under Section 77 FOIA or Regulation 19 EIR.

Personal data and hidden information

- 3.8 Do not send information to a requester without checking whether it contains personal data, sensitive material or content that is not immediately visible. This includes:
- Personal data about staff, members of the public or other individuals;
 - comments, tracked changes and previous versions;
 - hidden rows, columns, worksheets, cells or formulas in spreadsheets;
 - document properties, metadata, embedded files, attachments, notes or objects;
 - concealed text, layers or cropped content; and
 - personal data in filenames, email chains, distribution lists or signatures.
- 3.9 If any of these features are present, or you are unsure, refer the request and material to the IAT. Do not attempt to redact or release it locally.

Part B: Matters reserved to the Information Access Team

Applying FOIA and EIR

- 3.10 The IAT will consider each request under FOIA first. Where the request, or part of it, concerns environmental information, the IAT will extract those matters and consider them alongside the FOIA request under EIR. This ensures that each part is handled under the correct access regime while the request remains coordinated as a whole.

- 3.11 The IAT will decide whether the matter falls under FOIA, EIR, the subject access provisions of the UK GDPR and Data Protection Act 2018, more than one regime, or ordinary business correspondence.

Scope, searches and whether information is held

- 3.12 The IAT will interpret or clarify the request where necessary, coordinate proportionate searches, determine whether information is held for the purposes of the relevant legislation, and advise on information held by contractors or other bodies on LFB's behalf.

Refusals, exemptions, exceptions and redactions

- 3.13 Information may sometimes need to be withheld to protect:
- Personal information and individual privacy;
 - public safety, national security or law-enforcement activity;
 - confidential information and legally privileged communications;
 - commercial interests and fair procurement;
 - information already reasonably accessible by other means; or
 - other interests protected by FOIA or EIR.
- 3.14 These are indicators that information may require protection, not authority for staff to withhold it. Only the IAT may decide that an FOIA exemption or EIR exception applies, undertake any required public interest test, approve redactions, or issue a refusal notice.

Advice, complaints and internal reviews

- 3.15 The IAT is responsible for seeking clarification, providing statutory advice and assistance, issuing refusal notices, handling requests for internal review, and corresponding with the Information Commissioner's Office about individual requests.

Part C: When the Information Access Team asks you to provide

- 3.16 This section applies to all staff. The IAT may send a contribution request asking a team or individual to confirm whether information is held, search specified systems or locations, provide records, explain how records are held or how a search was conducted, or identify factual concerns relevant to possible disclosure.

Provide all information within scope

- 3.17 You must identify and provide all information falling within the scope described by the IAT, including information you consider sensitive, confidential, inaccurate, embarrassing or unsuitable for disclosure.
- 3.18 Potentially exempt information must still be identified and supplied securely to the IAT. Do not omit an entire record because part of it causes concern. An exemption or exception can be considered only after the information actually held has been identified. It may apply to a complete record, particular passages, or some of the information it contains. Explain any disclosure concerns separately rather than using them to exclude information from your contribution.
- 3.19 If you have concerns about information that has been requested or identified, raise them with the IAT as soon as possible. The IAT will work with you to understand those concerns and determine the appropriate approach under FOIA or EIR. If a significant disagreement remains, the matter will be referred to the Director for Corporate Services for a corporate decision in accordance with the relevant legal requirements, including any applicable public interest test.

- 3.20 Carry out and record reasonable searches.
- 3.21 Search the locations and systems specified by the IAT. Include relevant emails, Teams material, attachments and locally held records. Make reasonable enquiries of staff likely to hold the information, preserve original files and formats where practicable, and describe the searches undertaken, including locations checked and any limitations. Respond by the deadline set by the IAT.
- 3.22 Raise potentially excessive search work before carrying it out.
- 3.23 Do not spend prolonged periods searching without alerting the IAT. If determining whether information is held, locating it, retrieving it or extracting the relevant information may require substantial work, provide the IAT with an estimate before undertaking the full exercise. Stop and seek instructions if the work is likely to cause the overall effort across LFB to approach or exceed 18 hours.
- 3.24 The IAT alone will decide whether section 12 FOIA applies. The 18-hour limit covers only the permitted activities of determining whether information is held and locating, retrieving and extracting it. It does not include considering exemptions or exceptions, consultation, redaction, approval or drafting the response. Contributors must provide enough evidence for a reasonable estimate, such as the number of systems or records, proposed search terms, sample timings or likely manual checks.

Part D: Internal reviews

- 3.25 Internal reviews are not a statutory requirement under FOIA or EIR, but they are expected by the Section 45 Code of Practice and by the Information Commissioner before a requester complains to the ICO. LFB will normally offer an internal review where a requester is dissatisfied with the handling or outcome of an FOIA or EIR request.
- 3.26 Requests for internal review should be made in writing. LFB will normally accept a request for internal review made within 40 working days of the date of LFB's initial response. LFB is not obliged to accept a request made after that date, and late requests are unlikely to be considered unless there is a clear and reasonable explanation for the delay.
- 3.27 A requester does not need to use the words "internal review". LFB will identify requests for review by their substance, including concerns about searches undertaken, information disclosed, exemptions or exceptions applied, refusal notices, timeliness, advice and assistance, or whether information was held. LFB will distinguish between a request for an internal review, which challenges the outcome or process of handling the original request, and a general complaint, which should normally be handled as general correspondence or through the appropriate complaints route. Concerns about the quality of the data held by the LFB, or disagreement with the decision or outcome recorded in documents disclosed, are examples when the matter will be referred to the LFB's complaints process, rather than considered as an information rights issue.
- 3.28 The IAT will record the request for review, identify the decision or handling issue being challenged, and re-evaluate LFB's handling of the request, paying particular attention to the concerns raised by the requester. Although the section 45 Code says it is best practice, wherever possible, for an internal review to be undertaken by someone other than the person who took the original decision, LFB may allocate reviews to the original case manager where that is a proportionate and effective way to re-evaluate the matter. This will often be appropriate where the review concerns how the request was interpreted, whether the searches were sufficient, or the general handling of the case. Reviews that challenge the judgement or conduct of the original case manager, or that raise significant, complex, contentious or precedent-setting issues, may be allocated to a different case manager, a senior information governance manager or the Head of Information Governance.
- 3.29 An internal review is a single further consideration of the request. It is not a full reinvestigation unless the issues raised require that (in the opinion of the Head of Information Governance). The review may include checking the interpretation of the request, the searches undertaken, the decision about whether information was held, the application of exemptions or exceptions, any public interest test, and whether the response met the requirements of FOIA or EIR.

Part E: The Re-use of Public Sector Information Regulations (RPSI)

- 3.30 The Re-use of Public Sector Information Regulations 2015 (RPSI) apply where a person wants permission to re-use information LFB has produced as part of its public task. This most commonly involves information already made public, including information disclosed under FOIA or EIR, or information published on LFB's website.
- 3.31 All requests to re-use LFB information must be sent to the IAT. The IAT will decide whether the information falls within RPSI, whether it can be re-used, and whether any conditions, copyright issues, third-party rights or charging arrangements need to be considered.
- 3.32 Where LFB permits re-use, the normal mechanism will be the Open Government Licence unless the IAT confirms that a different licence or set of conditions is required. Staff must not grant re-use permission locally or apply their own licence terms. Where the consideration of RPSI is not straight forward, then the IAT will consult with General Counsel.

4. Responsibilities

- 4.1 The key responsibilities under this policy are:

All staff

- (a) Recognise and refer potential FOIA, EIR and RPSI matters promptly;
- (b) preserve relevant information;
- (c) respond fully and on time to IAT contribution requests;
- (d) raise disclosure concerns with the IAT rather than withholding records; and
- (e) not grant permission to re-use LFB information, or apply licence terms, without IAT approval.

Managers and information owners

- (f) Ensure that appropriate staff undertake searches;
- (g) support timely and complete contributions;
- (h) escalate resource or search-burden concerns promptly;
- (i) ensure that relevant records are not altered or deleted after a request is received; and
- (j) ensure any request to re-use information held or published by their area is referred to the IAT.

Information Access Team

- (k) Log and manage statutory information requests;
- (l) determine and apply the correct access regime or regimes;
- (m) coordinate searches and contributions;
- (n) decide whether information is held;
- (o) determine exemptions, exceptions, public interest tests and redactions;
- (p) approve disclosures and issue responses, refusals and internal review decisions;
- (q) maintain guidance and provide advice to staff;

- (r) assess requests to re-use LFB information, including whether RPSI applies, whether re-use can be permitted, and whether the Open Government Licence or other terms should be used; and
- (s) consult General Counsel where the RPSI position is not straightforward.

Head of Information Governance

- (t) Own this policy;
- (u) oversee LFB's information request framework; and
- (v) obtain proportionate assurance that the policy is being followed.

5. Legal and external contexts

- 5.1 This policy is informed by:
- Freedom of Information Act 2000;
 - Environmental Information Regulations 2004;
 - Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004;
 - UK General Data Protection Regulation and Data Protection Act 2018;
 - Freedom of Information Code of Practice issued under section 45 FOIA; and
 - guidance issued by the Information Commissioner's Office.
- 5.2 The Section 45 Code sets out recommended practice for public authorities in handling FOIA requests. The Information Commissioner regulates compliance with FOIA, EIR and data protection legislation.
- 5.3 LFB does not maintain a separate detailed procedural manual that duplicates ICO guidance on FOIA and EIR. The IAT relies on ICO guidance, case law, the section 45 Code of Practice and relevant decision notices when handling requests and making decisions. This policy therefore focuses on LFB's internal responsibilities, referral routes and decision-making controls.

6. Assurance and monitoring

- 6.1 The Head of Information Governance will use existing management and assurance activity to monitor whether this policy is being followed. This may include:
- Monitoring the timeliness and completeness of contribution responses;
 - reviewing cases where requests were referred late or initially overlooked;
 - quality assurance of responses and decisions to withhold information;
 - learning from complaints, internal reviews and Information Commissioner decisions; and
 - periodic review of staff guidance and awareness material.

Document information

Dates

Issue status	Date
Issued	22 September 2026
Reviewed as current	-
Last amended	-
Next review due	22 September 2029

Impact assessments

Assessment type	Required Y/N	Last reviewed
Health and Safety impact assessment	N	n/a
Health and Safety risk assessment	N	n/a
Sustainability assessment	Y	22/09/2026
Equalities impact assessment	N	n/a

Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/Paragraph nos.	Summary description of change	Date
New policy	This is a new policy; it replaces the information previously published under PN0420, PN0776 and PN0777. The provisions of the FOIA 2000 and EIR 2004 laws are unchanged; this revised policy more simply explains the LFB's approach.	22/09/2026

Related procedures

Listed below are all the related policies:

Procedure number	Name of procedure