

# **LONDON BOROUGH OF WALTHAM FOREST**

## **FREEDOM OF INFORMATION PROCEDURES**

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## Procedure for Information Officer

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1. The Information Officer receives a request for information under the FOI Act. Requests can be received by email, via the Information Officer's email account or WFD, or by post.

Requests should be in writing. However, if a requester says that he/she is disabled or unable to put the request in writing, we have to accept requests over the phone. However, the information that we record as being the request must be read back to the requester and sent to him/her via an address (home or email) for them to confirm accuracy and for the request to be deemed as a formal written request.

2. The Information Officer logs the request on the Excel spreadsheet, allocates a reference number to the request and establishes the date by when the response must be issued. This is calculated automatically in the spreadsheet. Please note that the date received is that date it was received by the Council. For example if the request was received by WFD yesterday and they forward the request to the Information Officer on the following day, the request should be logged as received on the date it was received by WFD. All requests received after 5pm on any given working day are logged as received on the next working day.

The response date is calculated as being the 20<sup>th</sup> working day after the date on which the request is received. There is an obligation under the legislation to respond to requests as quickly as possible; but in any case, responses must be issued by no later than 20 working days after the date of receipt.

3. The Information Officer scans a copy of the letter or copies the email in a Word document and saves it on the shared drive in the appropriate folder/sub-folder.
4. The Information Officer uses the letter template (Appendix 1) or the email template (Appendix 2) to acknowledge receipt to the customer. If the acknowledgement is sent by letter, a copy is retained in the sub-folder. When the acknowledgement is sent by email, this is automatically saved in the 'Sent' box of the Information Officer's email account, so it does not need to be saved in the sub-folder.
5. The Information Officer sends an email to the service area contact (Appendix 3), enclosing copies of the request. The email to the service area (Appendix 4) should:
  - a. Show the reference number given to the request,
  - b. Highlight the date the response is due, and
  - c. Request the service area to provide a copy of the response once issued to the requester.
6. Three working days before the request is due, the Information Officer sends an email to the service area to remind them of the due date of the response. The date when the reminder should be sent is prompted in the spreadsheet, which has a formula that automatically calculates the reminder date if the response is yet to be sent.

7. The Information Officer receives a copy of the response from the service area. If the due date is passed and the service area has not provided a copy of the response, the Information Officer should contact the responding officer to obtain a copy. Once received, the Information Officer will save a copy of the response on the shared drive in the appropriate folder/sub-folder. The Information Officer updates the Excel spreadsheet with the response date. If the response is overdue, the date cell will change colour to red.

### **When a request concerns more than one service area**

If an FOI request concerns more than one service area, the Information Officer will:

- Determine which service areas need to be contacted;
- Determine which service area is likely to have the bulk of the information requested by the customer and assign this as the lead service area;
- Send copies of the request to all the service areas concerned and advise which service area should lead in preparing the response letter;
- Advise supporting service areas to provide their feedback directly to the lead service area, to enable the lead service area to prepare the response to the requester;
- Make a diary note to obtain a copy of the response from the lead service area;
- Save a copy of the response on the shared drive and update the Excel spreadsheet.

### **Recording multi service area requests on the spreadsheet**

When a request for information concerns multiple service areas within the Council, this should be recorded under the category "Council-Wide" in the spreadsheet.

## Reporting to Management Board

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Various reports are sent to Management Board at different intervals. These reports are prepared by the Information Officer and/or the Complaints Manager and are based on the information held in the Excel spreadsheet.

### **Weekly reporting**

Every Friday morning, two lists are prepared for Management Board:

- (a) Weekly list – this contains a list of all new requests received within the last working week;
- (b) Overdue list – this contains details of all overdue requests from the beginning of the financial year to-date.

### **Monthly reporting**

A report is provided to show the position at the end of each month. This includes information about Freedom of Information Requests and Subject Access Requests under the Data Protection Act. The report is provided to the Performance Monitoring Team. A separate report is also provided for submission to Governance Board.

### **Quarterly reporting**

A report is provided to show the position at the end of each quarter. This includes information about Freedom of Information Requests and Subject Access Requests under the Data Protection Act.

## Procedure for Service Areas

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This section of the document provides guidance to Service Areas in dealing with requests for information under the Freedom of Information Act (FOIA) and the Environmental Information Regulations 2004 (EIR).

Templates of letters that must be used when responding to requests received are also provided. These templates are based on those issued by the Information Commissioner and address the various types of different responses that will be sent as described below.

The administrative work related to FOI and EIR requests is dealt with by the Information Officer within the Council's central Complaints Team. However, the actual responses to requests are dealt with by the Service Areas that hold the information requested.

The Information Officer is responsible for the administration of the process, such as logging, sending to services, monitoring and reporting of performance information to Members, Management Board and Senior Managers.

Officers who are responsible within their Service Areas for sending responses are expected to familiarise themselves with the relevant legislation and guidance issued by the Information Commissioner. Support can also be sought from Legal Services when necessary.

Further guidance and links to the detailed guidance notes from the ICO is available on the intranet: <http://forestnet.lbwf.gov.uk/index/residents-first/foi.htm>

In the event that there are legal queries that arise, for example over the use of exemptions, then the Service Areas should seek advice from Legal Services.

Where possible, responses should be sent by email in order to save costs.

**IMPORTANT:**

**All responses to FOI requests are to be signed off by the Head of Service before being issued to the requester, with the exception of those requests that are deemed to be "High Priority", for which there is a separate procedure that must be followed. This is set out further on in this document.**

# Processes and templates for Service Areas

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## 1. On receipt of the request from the Information Officer

On receipt of the request via the Information Officer, the Service Area determines where the information is held and starts preparing a response.

The response must be sent out on the Service Area's appropriate headed paper direct to the requester. The officer responding to the request will be responsible for the accuracy of the information given. The officer must ensure that the response covers all the points raised in the request.

The Service Area must where possible comply with the customer's expressed preference relating to the manner in which the information is to be communicated, for example, by e-mail, letter or inspection, in accordance with section 11 of the FOIA.

Once the response is completed, the Service Area should send a copy to the Information Officer so that the records are updated.

## 2. When clarification of the request is required

On receipt of the request, the Service Area must immediately decide whether it is necessary for them to obtain more information from the requestor, to enable them deal with the request. If this is the case, the Service Area should write to the requester immediately.

For the purposes of calculating the response time the 'clock' stops on the day that the request for clarification is sent to the requestor and starts again on the day that the information is received.

If the requester does not respond, the Service Area should advise the Information Officer so that the request may be closed. It is recommended that such steps be taken if no further communication has been received within 28 days of sending the request for clarification.

If the Service Area is able to send a response to any other part of the request received they are under an obligation to do so within the usual timeframe of 20 working days.

The Service Area must advise the Information Officer in such instances, so that the records of the response due date can be updated in the appropriate spreadsheet.

See [Appendix 6](#) for a template of the letter.

## Exemptions and templates for Service Areas

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Details of some of the most commonly used exemptions are given below. A full list of exemptions and links to the ICOs guidance notes is on the intranet at:

<http://forestnet.lbwf.gov.uk/index/residents-first/foi.htm>

### **1. The cost of providing the information requested exceeds the set limit – Section 12 FOIA or is manifestly unreasonable under EIR**

The Freedom of Information Act allows a public authority to refuse a request where it estimates that the time required in meeting the request would exceed 18 hours/ £450 spent on the following permitted activities:

- Determining whether the information is held;
- Locating the information, or a document containing it;
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it.

This appropriate limit of £450 is set out in the Freedom of Information and Data Protection (Appropriate Level of Fees) Regulations 2004. In such cases, the Council may refuse the request and must inform the requestor of this and invite them to refine their request.

See [Appendix 7](#) for a template.

A copy should be sent to the Information Officer to update the records to show the status of the request.

If a refined request is received from the requester, the request should be treated as a new request and the Service Area should notify the Information Officer to update the records and log the new request.

See [Appendix 8](#) for a template of the letter that can be sent out when we are unable to comply with the request due to costs limit under FOIA.

Please note that the 2004 Regulations do not apply to the Environmental Information Regulations. However, if the information asked for is clearly environmental information then the Service Area may issue a refusal notice to an EIR request on the grounds that the request is manifestly unreasonable – regulation 12(4)(b) of the EIR refers.

See [Appendix 9](#) for a template of the letter to be sent out when the service area is unable to comply with the request because it is manifestly unreasonable under EIR.

### **2. The Service Area determines that an extension of the time scale is required – Section 10(3) of the FOIA.**

There are some instances when the Service Area may extend the statutory timeframe to deal with a request for information. These instances arise when a qualified exemption applies to the information and the public interest test is engaged, and it is

necessary for the Council to extend in order to consider whether public interest is in favour of disclosure or not.

When this is the case, the Service Area must write to the requester to advise him/her accordingly.

In addition, the Service Area must advise the Information Officer of this decision so that the records can be updated.

One example of such an exemption relates to Section 43 of the Freedom of Information Act. This is in relation to instances when the disclosure of the information requested could or would prejudice the commercial interest of any person, i.e. the Council or its contractors and the Council has to weigh the public interest in withholding against the public interest in disclosing. This should ordinarily be done in 20 working days but there may be situations where more time is required. In such cases, the Service may write to the requester extending the time to respond to the request.

In such cases, the Service Area might also need an extension of the response timescale.

See [Appendix 10](#) for a template of the letter to be sent to the requester.

See [Appendix 11](#) for a template example of extending under Section 43 (the Commercial Interest exemption).

Note: The extension of time must be for no more than a further 20 working days.

### **3. The information requested is already in the public domain or easily accessible – Section 21 of the FOIA**

There might be instances when the information requested is already available in the public domain. For example, the Council could already be publishing the information on its website.

In such cases, the Service Area must write to the requester and sign-post him/her to the appropriate source of information, for example, by providing a link to a website.

Once this information is given, the request can be marked as completed.

The Service Area must advise the Information Officer of this decision so that the records can be updated.

See [Appendix 12](#) for a template letter

### **4. The information requested is not held by the Council**

There might be instances when the Council does not hold the information requested.

Under the FOIA and EIR, the Council has an obligation to confirm or deny whether it holds the information requested. The Service Area is obliged to write to the requester to advise that the Council does not hold the requested information.

However, the Council might know that the information requested could be obtained from another organisation.

Under section 16 of the FOIA and regulation 6 of the EIR, the Council has an obligation to confirm or deny whether it holds the information requested. Therefore, the Council is obliged to write to the requester to advise that the information is not held. This should be done as soon as possible and certainly within 20 working days from receiving the request.

The legislation also obliges the Council to provide assistance to the requester in obtaining the information that he/she requires. Therefore, if we know where the information is held, we are obliged to signpost the requester to the correct organisation. If the requester authorises us to do so, we can forward the request on his/her behalf.

The Service Area must advise the Information Officer of this decision so that the records can be updated.

See [Appendix 13](#) for a template the letter.

#### **5. The information requested when aggregated with previous/other requests will be over the cost limit.**

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 enables the Council to aggregate requests for same or similar information made within 60 working days. The exact wording of the regulation is as follows:

*5. - (1) In circumstances in which this regulation applies, where two or more requests for information to which section 1(1) of the 2000 Act would, apart from the appropriate limit, to any extent apply, are made to a public authority -*  
*(a) by one person, or*  
*(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,*  
*the estimated cost of complying with any of the requests is to be taken to be the total costs which may be taken into account by the authority, under regulation 4, of complying with all of them.*

See [Appendix 14](#) for a template letter.

#### **6. The information requested is held with the intention of being published in the future – exempt under Section 22 of FOIA**

Where such information is requested, provided there is a genuine intention to publish, it is exempt from disclosure under Section 22 of the Act. This is a qualified exemption and the public interest test must be considered; only where the public interest weighs in favour of withholding and keeping with the timetable for publication may the exemption be relied upon.

**7. The information requested is for personal information or contains personal information – Section 40 Freedom of Information Act 2000.**

There might be instances when the information requested by the requester is his/her personal information. In this case, the request is not covered by the FOIA but would be available under the Data Protection Act 1998.

Please refer to the separate procedure for making a subject access request, if this is the case.

Where the information requested is another person's personal data it may be exempt under Section 40(2) of FOIA unless it would be lawful to disclose it into the public domain under the Data Protection Act.

If it is not lawful to disclose the personal data under the DPA then a refusal letter should be sent identifying that what has been asked for is exempt under Section 40(2) of FOIA.

See [Appendix 15](#) for a template letter.

Under EIR there is a similar provision for exempting from disclosure personal data.

**8. The information requested is protected by legal privilege– Section 42 of the FOIA.**

There might be instances when the request is for information protected by legal professional privilege and is therefore exempt information. The exemption is qualified and therefore subject to the public interest test. The Service Area should consider the public interest test and decide whether to disclose the information or send a refusal notice to the requester.

See [Appendix 16](#) for a template letter.

## FOI Requests deemed “High Priority”

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### Purpose

This procedure is to be used for the processing and responses to Freedom of Information requests that are identified as “high priority”. It aims to ensure that there is Management Board level of assurance of responses so that:

- Responses are lawful and complete, including obtaining advice where appropriate;
- Where appropriate, responses provide additional information that sets “bare” requested information in context and avoids misinterpretation of information;
- There is coordination between services where a request covers a number of areas; and
- Notifies key services (e.g. Communications) and Management Board or members about the request in case of further requests or publication.

### **IMPORTANT:**

**The process does not affect the Council’s statutory obligations to respond to requests within 20 days or that under the Council’s processes, Heads of Service remain responsible for the substantive response to the applicant. Save in exceptional cases, the identity of an applicant does not affect the Council’s legal obligation to respond but it will affect the degree of assurance given to responses.**

### What is a High Priority Request?

There is no fixed definition for a high priority request. There are factors that may lead to an assessment that a request is high priority. These would include requests that:

- Are made by the local or national media, which may result in wider publication.
- Relate to existing media or publicly controversial issues or campaigns, e.g. an EDL march.
- Require responses from across directorates (unless assessed as non-sensitive).
- Are part of a series of requests (that may be cross related or follow up requests)
- Seek client, employee, councillor or third party personal information (including statistical information for small groups that could lead to individuals being identified).
- Relate to high level strategies and plans, e.g. draft restructuring options.

To a great extent, this is a matter of common sense; Service Managers should be able to identify a particular request as high priority, if they have not already been identified as such.

A high priority request **must** follow the escalation process below.

## **Response Escalation Process**

### ***Identifying high priority requests***

1. Service Managers should review requests for high priority that the service may be unaware of; services are more likely to be able to identify high priority issues, particularly before they have become public.
2. The Performance and Improvement Team will review all incoming requests and highlight the request on the FOI weekly list that is circulated to Management Board.
3. Strategy and Communications will review the list of incoming FOIs on a weekly basis and identify any further requests considered to be high priority.
4. Management Board may also identify requests when reviewing the weekly lists.

### ***What additional steps to take for high priority requests***

The following procedure **must** be complied with:

1. Where a request has been identified as high priority, the Information Officer will inform the responding officer that the FOI response must be approved by the relevant member of Management Board before it is issued; the Management Board member will also be copied in. Please see Appendix 5.
2. The draft response **must** be sent (by the responding officer) to the relevant member of Management Board at least five working days prior to the deadline for issuing the response.
3. When the draft response is sent to the relevant Management Board member, the email request **must** be copied to the Deputy Head of Strategy & Communications, and include in the subject line the wording "FOI request requiring approval – Deadline for response: DD/MM/YYYY".
4. The Management Board member **must** approve the response or where not available, a suitable deputy (not lower than assistant director level) should provide authorisation.
5. The responding officer **must** ensure that approval is received before issuing the response to the requester; this includes chasing a response from the Management Board member. Failure to get a response **must** be escalated to the Director of Governance **within the time limit for responding to the request**.

6. Once approval is received from the member of Management Board, the responding officer can send the response to the requester. Please ensure that the appropriate template is used when responding.
7. The responding officer will also provide a copy of the response to the Information Officer, along with written confirmation that approval to release the information has been received from the relevant Management Board member, e.g. an email.

## Requests for Review

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Under the Freedom of Information Act 2000, customers have the right to complain about the Council's response to their request for information. This is referred to as a review.

Customers have the right to request a review within 28 days from the date of the letter issued in response to their request for information.

The service area that responded to the customer's initial request for information will deal with requests for reviews.

The review should be carried out by either the Head of Service or by the Line Manager of the officer who provided the information for the response to the customer.

The officer who dealt with the initial request for information must not carry out the review.

Requests for reviews should be completed and responded to as quickly as possible, but certainly, by no later than 20 working days from the date that the request is received.

### Process for Information Officer

1. The Information Officer receives a customer request for a review of the response issued by the Service Area. Requests can be received by email, via the Information Officer email account or WFD, or by post.

Requests should be in writing. However, if a customer says that he is disabled or unable to put the request in writing, we have to accept requests over the phone. However, the information that we record as being the request must be read back to the customer and sent to him via an address (home or email) for them to confirm accuracy and for the request to be deemed as a formal written request.

2. The Information Officer logs the request for review on the Excel spreadsheet (this is separate from the spreadsheet we use to record requests), allocates a reference number to the request and establishes the date by when the response is due. This is automatically calculated in the spreadsheet.
3. The Information Officer scans a copy of the letter and saves on the shared drive in the appropriate folder/sub-folder. If the request is received by email, a copy of the email is saved on the shared drive. A separate sub-folder is maintained for Requests for Reviews.
4. The Information Officer prepares an acknowledgement letter to the customer, advising that the request for review has been sent to the Head of Service of the service area who initially responded to the request for information. A copy of the acknowledgement letter will be saved on the shared drive with the scanned/saved document, under the appropriate folder/sub-folder.
5. The Information Officer sends an email to the Head of Service, enclosing copies of the request and acknowledgement letter, together with copies of the customer's initial

request and the response issued by the service area. The email to the Head of Service should:

- a. State the reference number given to the request
- b. Highlight the date the response is due to the customer, and
- c. Request the Head of Service to provide a copy of the response once issued to the customer.

This email should be sent through the Information Officer email account, so that the relevant information is available to all members of the team.

6. After 10 working days from the date of receipt of the request, the Information Officer sends an email to the Head of Service to remind him/her of the due date of the response. The reminder date is automatically prompted through the Excel spreadsheet.
7. The Information Officer makes a diary note to chase up a copy of the response from the service area. Once received, a copy of the response should be saved on the shared drive in the appropriate folder/sub-folder. The Information Officer updates the Excel spreadsheet with the response date.

### **When a request for review concerns more than one service area**

If an FOI request for review concerns more than one service area, the Information Officer will do the following:

- Determine which service area was leading on the response initially issued to the customer and which other service areas were involved. This will be done by checking the records held for the initial request.
- Send copies of the request for review to the Head of Service of the lead service area, and copy in the other service areas involved.
- Advise supporting service areas to provide their feedback directly to the lead service area, to enable the lead Head of Service to prepare the response to the customer.
- Make a diary note to obtain a copy of the response from the lead Head of Service.
- Save a copy of the response on the shared drive and update the Excel spreadsheet.

See [Appendix 17](#) for a template of the acknowledgement letter to be issued by the Information Officer.

### **Process for Head of Service**

1. The Head of Service receives the request for review, together with copies of the acknowledgement letter, initial customer request and initial service area response, from the Information Officer.
2. The Head of Service reviews the initial request and response and any decisions made in relation to the information given to the customer.

3. The Head of Service decides whether the initial decision made about the request should be upheld or not.
4. The Head of Service responds to the request for review.

The response letter should include details of the review and the reasons why the original decision has been upheld or not, depending on the outcome of the review.

If the original decision is changed – for example, the Service Area might initially have decided not to provide information but the Head of Service changes this decision – the information requested by the customer should be provided as quickly as possible.

If the Head of Service decides that the information should not be provided but relies on a different exemption than that originally relied on by the service area when dealing with the initial request, the Head of Service must set out the details of the (different) exemption and why it applies.

The Head of Service should seek advice from Legal Services if necessary, for example if a different exemption is being relied on.

5. The Head of Service issues the response to the customer and provides a copy of it to the Information Officer. See [Appendix 18](#) for a copy of the response template.

## Requests from the Information Commissioner

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Under the Freedom of Information Act, enquirers can complain to the Information Commissioner (ICO) if they are dissatisfied with the Council's response. Effectively, requests received from the Information Commissioner should be dealt with as complaints.

The Information Commissioner has significant powers in relation to the enforcement of compliance with the Freedom of Information Act and the Data Protection Act. Therefore, all communications from the Information Commissioner must be responded to fully, correctly and within the timeframes set out by the Information Commissioner.

Requests from the Information Commissioner can be categorised under two main types:

- (1) The Information Commissioner asks the Council to respond to a request if the Council has previously failed to do so or to carry out a review of the response sent if not already done so, or
- (2) The Information Commissioner decides to investigate a complaint.

Requests received from the Information Commissioner will be dealt with centrally by the Information Officer. Where the Information Commissioner decides to investigate a complaint, the Acting Head of Legal Services will arrange for Legal Services to take the lead role of obtaining feedback from the Service Areas and in preparing a response for the Information Commissioner on behalf of the Council.

### Process for Information Officer

1. If the request from the ICO is for the Council to put a request through its own procedure (as in (1) above), the Information Officer will deal with this in the same way as if the request had been received directly from the customer. This also applies when the request is one for a review of a response already issued by the Council. Please see:
  - a. Procedure for Information Officer,
  - b. Procedure for Service Areas, and
  - c. Request for Review.
2. If the request concerns an investigation by the ICO (as in (2) above), the Information Officer will process as follows:
  - a. The Information Officer sends an acknowledgement to the Information Commissioner's office, quoting the ICO's reference number.
  - b. The Information Officer determines which Service Areas are affected by the request.
  - c. The Information Officer creates a folder on the shared drive and saves a copy of the ICO's letter in that folder, showing the customer's name and the ICO's reference number.

- d. The Information Officer sends an email to the Acting Head of Legal Services enclosing a copy of the ICO's letter, and requesting that Legal Services prepare a response on behalf of the Council. The Information Officer copies into the email the contact persons for the Service Areas affected by the ICO's request.
- e. The Information Officer saves a copy of this email in the folder on the shared drive.
- f. The Lawyer who has been allocated the complaint will liaise with the Service Areas to obtain the information necessary to prepare a response to the ICO.
- g. Once the response is prepared, the Lawyer having conduct of the matter will respond to the ICO and provide a copy of the response to the Information Officer.
- h. The Information Officer saves a copy of the response on the shared drive for record-keeping.

## Requests received under the Environmental Information Regulations (EIR)

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The Information Officer will treat such requests in the same manner as requests made under the Freedom of Information Act.

The main difference between FOI and EIR requests is that different exemptions apply when the Council is not able to respond to the request.

Service Areas should obtain advice and support in respect of which exemptions should be applied and when through Legal Services.

Templates in respect of EIR requests can be found at [Appendix 19 to 22](#).

## Appendix 1 – Template of acknowledgement letter

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**Waltham Forest Town Hall, Forest Road, London E17 4JF**

Customer Name	<b>Contact:</b>	Name of Information Officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	information.officer@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### **Freedom of Information Request**

I acknowledge receipt of your request on DD MMMM YYYY.

I have logged your request under our reference number xxxx and referred it to our xxxxx (name of service area and/or directorate) for a response.

In accordance with the Freedom of Information Act, the Council has 20 working days in which to respond to your request. Therefore, a written response will be sent to you on or by DD MMMM YYYY.

I am enclosing overleaf some information about your right to a review of the Council's response, which I hope you will find useful.

I hope this information is of assistance to you.

Yours sincerely

**Name of officer**  
**Information Officer**

## **Your right to request a review**

Under the Freedom of Information Act 2000, you have the right to request a review of the Council's response to your request for information if you are unhappy with our initial response. If you wish to ask for such a review, please do so within 28 days from the date of the response letter and explain the reason/s why you would like a review.

Please write to:

London Borough of Waltham Forest  
Information Officer  
Complaints Team  
Room 104 Town Hall  
Forest Road  
London  
E17 4JF

Alternatively, you can email your request to:

[information.officer@walthamforest.gov.uk](mailto:information.officer@walthamforest.gov.uk)

Please clearly mark your correspondence as a "Request for review".

## **Your right to appeal to the Information Commissioner**

If, after receiving a response to the review, you remain dissatisfied with the Council's response, you have the right to complaint to the Information Commissioner. If you wish to pursue such a complaint, please write to:

First Contact Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Alternatively, you can contact the office via their helpline: 0303 123 1113.

You can obtain further information about this via this link:

[http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

## Appendix 2 – Template of acknowledgement email

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### Freedom of Information Request – Ref:

Dear

I acknowledge receipt of your request on DD MMM YYYY

I have logged your request under our reference number FOI 2013-xxxx.

In accordance with the Freedom of Information Act, the Council has 20 working days in which to respond to your request. Therefore, a written response will be sent to you on or by DD MMM YYYY.

Please refer to the information below regarding the process you should follow if you are dissatisfied with the Council's response.

### **Your right to request a review**

Under the Freedom of Information Act 2000, you have the right to request a review of the Council's response to your request for information if you are unhappy with our initial response. If you wish to ask for such a review, please do so within 28 days from the date of the response letter and explain the reason/s why you would like a review.

Please write to:

London Borough of Waltham Forest  
Information Officer  
Complaints Team  
Room 104 Town Hall  
Forest Road  
London  
E17 4JF

Alternatively, you can email your request to: [information.officer@walthamforest.gov.uk](mailto:information.officer@walthamforest.gov.uk)

Please clearly mark your correspondence as a "Request for review".

### **Your right to appeal to the Information Commissioner**

If, after receiving a response to the review, you remain dissatisfied with the Council's response, you have the right to complaint to the Information Commissioner. If you wish to pursue such a complaint, please write to:

First Contact Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Alternatively, you can contact the office via their helpline: 0303 123 1113.

You can obtain further information about this via this link:

[http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

## Appendix 3 – Service Area Contact List

Service Area	Contact	Examples
Revenue Services	Liz Appiah  Copy to Revenues FOI email address	<ul style="list-style-type: none"> <li>- Council Tax</li> <li>- Housing Benefit and Council Tax Support</li> <li>- Free School Meals</li> <li>- Bedroom Tax</li> <li>- Business Rates(NNDR)</li> <li>- Empty Properties (Private) etc.</li> </ul>
Families	Debbie Callender (Anthony Gibbons in Debbie's absence)	<ul style="list-style-type: none"> <li>- Adults and Children's Social Care</li> <li>- Health</li> <li>- Education</li> <li>- Deaths, Funerals,(Bona Vacantia)</li> <li>- Schools (Some Schools FOI are done by the Schools. Double check with the Debbie before logging) etc.</li> </ul>
Traffic and Highways	Sarath Ranasinghe	<ul style="list-style-type: none"> <li>- Traffic</li> <li>- Highways</li> <li>- Street Lights</li> <li>- CPZ implementation</li> <li>- Traffic Orders</li> <li>- Skip Licensing</li> </ul>
Parking	Steve Leftwich Lorraine Maynard	<ul style="list-style-type: none"> <li>- PCN</li> <li>- Parking</li> <li>- CPZ Enforcement</li> </ul>
Strategic Housing / Planning / Development Management	Sandra Abraham	Any info about Housing but not tenants. Cost, Figures etc...Planning Applications, Section 106,
Enforcement	Gareth Jones	<ul style="list-style-type: none"> <li>- Enforcement</li> <li>- Envirocrime</li> </ul>
Leisure	Luana Tierney	Anything to do with leisure centres
Public Health	Debbie Callendar	Anything to do with public health issues

<b>Service Area</b>	<b>Contact</b>	<b>Examples</b>
Ascham Homes	Listening@Aschamhomes.org.uk	<u>DO NOT LOG.</u> Send to Ascham Homes – anything to do with tenants, homelessness, placements, void Housing properties etc. Send email to requester to tell them that Ascham Homes will deal with the request directly. If It is a split between Ascham Homes and another service area (normally Strategic and Revs), two separate responses will be sent – one from Ascham Homes and one from the other service area.
Property	Michele Pertaub	Any Council Property Buildings.
Museums	Lorna Lee	William Morris Gallery, etc.
Libraries	Angela Thompson	Central, Leytonstone etc.
Customer Services	Caroline McKnight	Call Centres
Street Services	Phil Pughe	<ul style="list-style-type: none"> <li>- Refuse</li> <li>- Recycling</li> <li>- Street Cleaning</li> </ul>
Trees	Phil Barwell	Anything to do with Trees
Licensing	David King Copy to: Licensing@walthamforest.gov.uk	All Licenses except for Skip (Traffic and Highways)
Public Health and Pollution	Jane Herman	<ul style="list-style-type: none"> <li>- Pests</li> <li>- Travellers</li> <li>- UK Smoke Controlled areas</li> </ul>
Finance	Brian Miller	Council Spend etc.
Treasury and Pensions	Debbie Drew	Treasury and Pensions
Insurance	Andrea Nitschke Copy to: Lisa Scott	Insurance, compensation pay outs etc...
Communications	Ben Hardy, James Hardy	<ul style="list-style-type: none"> <li>- Waltham Forest News</li> <li>- General Communications</li> <li>- Communications Information</li> </ul>

<b>Service Area</b>	<b>Contact</b>	<b>Examples</b>
Food Safety	Charley Osinake, Rebecca Whitehouse	All Food Safety
Trading Standards	Karen Tillet	Trading Standards
Legal	Angela Smith	Legal matters
Business Development	Alexis Adonis	Requests regarding business development in the borough, and employment

## Appendix 4 – Template for sending the request to service area

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**Subject Header – New request under FOI Act – Customer name – Reference number**

Dear xxxxx

Please find enclosed a request for information under the Freedom of Information Act 2000.

The request was received on DD MM 2014.

Please respond to the request directly by no later than DD MM YYYY, and remember to quote the reference number.

As this is a formal request for information, the Council is required to:

- (1) Confirm or deny the existence of the information, and if it exists,
- (2) Provide it, unless an exemption can be invoked under the Act to withhold it.

If you feel that there is a reason for not releasing the information, in the first instance consult the guidance on the intranet.

When you respond to this request, please copy your response to the Information Officer's email address.

Thank you.

Regards

## Appendix 5 – Template for highlighting High Priority request

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### Template for use by the Information Officer – for highlighting that the FOI request has been logged as High Priority

**Subject Header – Request under FOI Act – Customer name – Reference number**

Dear xxxxx

Please note that the above-captioned FOI request has been identified as high priority. Please ensure that the following procedure is applied and adhered to when dealing with this request.

- **The specific FOI request must be approved and signed off by the relevant member of Management Board prior to the deadline for issuing the response.**
- **The draft response must be sent to the member of Management Board at least 5 working days prior to the deadline for issuing the response.**
- **When the draft response is sent to the relevant Management Board member, the email request must be copied to the Deputy Head of Strategy & Communications, and includes in the subject line the wording “FOI request requiring approval - Deadline for response: DD/MM/YYYY”.**
- **The Management Board member must approve the response or where not available, sign-off has to be provided by a suitable deputy (not lower than assistant director level).**
- **The responding officer must ensure that approval is received before issuing the response to the requestor. This includes chasing a response from the relevant member of Management Board. Failure to get a response must be escalated to the Director of Governance within the time limit for responding to the request.**

Once approved and signed off by the relevant member of Management Board, the responding officer will:

- Send the response to the requester; and
- Provide a copy of the response to the Information Officer, along with written confirmation that approval to release the information has been received from the relevant Management Board member, e.g. an email.

Thank you.

Regards  
Information Officer

## Appendix 6 – Request for Clarification

---

Customer Name	<b>Contact:</b>	Name of officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	Name.surname@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### **Freedom of Information Request**

Thank you for your request for information received by the Council on DD MM YYYY. In your request, you asked us for information about [outline of request]

The Council reasonably requires further information in order to identify and locate the information that you have asked for [explanation of why this is the case]. I will not be able to take this matter further without extra information from you. In particular, it would be useful to know [advise what additional information is required]

If you wish to discuss any of the above, please contact me. Please remember to quote the reference number above in any future communications.

I would be grateful if you would kindly provide the information requested by DD MM YYYY [specify the date by when the response is required], to enable me proceed with your request. Please note that the time in respect of the 20 working days response will stop until I receive clarification from you.

Yours sincerely

**Name of officer**  
**Title of officer**

## Appendix 7 – Refine Request for Information

---

Customer Name	<b>Contact:</b>	Name of officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	Name.surname@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### **Freedom of Information Request**

Thank you for your letter dated DD MM YYYY where you made a request for information pursuant to the Freedom of Information Act.

The Council wishes to be as open as possible in answering requests and to help people obtain the information they are looking for. Unfortunately, in this case the amount of information you have requested is very substantial. Gathering it together would therefore be likely to involve a significant cost and diversion of resources from the Council's other work. This could mean that we may have to charge you for the work involved or even have to refuse the request under the exceptions in the Freedom of Information Act 2000 covering requests that are manifestly unreasonable or formulated in too general a manner.

In order to help you locate the information you are requesting, please consider whether you could narrow down or refine your request to focus on the precise information that you are seeking. You could, for example be more specific about the time period covered by your request.

If you are unable or unwilling to narrow down your request we will, of course, consider it in accordance with our obligations under the Freedom of Information Act 2000. However we wanted to give you an opportunity to reconsider your request and describe more precisely the information you wish to have.

Please let me know at your earliest convenience, but preferably by no later than DD MMMM YYYY, how you would like us to proceed.

Yours sincerely

**Name of officer**  
**Title of officer**

## Appendix 8 – Appropriate Limit Exceed (Section 12 FOIA)

---

Customer Name	<b>Contact:</b>	Name of officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	Name.surname@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### Freedom of Information Request

Thank you for your letter dated DD MM YYYY where you made a request for information pursuant to the Freedom of Information Act 2000 (FOIA).

I can confirm that the Council holds information falling within the description specified in your request. However, we estimate that the cost of complying with your request would exceed the appropriate limit of £450. The appropriate limit has been specified in the Freedom of Information and Data Protection (Appropriate Limit of Fees) Regulations 2004 and for Local Government it is set at £450. This represents the estimated cost of one person spending 18 hours in determining whether the Council holds the information and locating, retrieving and extracting the information. The estimated time for responding to the request you have made is XX hours, this has been calculated by reference to the following:

(INSERT HOW THE COSTS ESTIMATE HAS BEEN ARRIVED AT)

Under section 12 of FOIA the Council is not obliged to comply with your request and we will not be processing your request further.

If you were to make a new request for a narrower category of information, it may be that we could comply with that request within the appropriate limit, although I cannot guarantee that this will be the case. Please note that any reformulated request, will be treated as a new request for information under FOIA.

Under the FOIA, you have the right to complain about the Council's response to your request for information. If you wish to pursue such a complaint, please do so within 28 days from the date of this letter and ask for a review of the Council's decision. Please write to: The Information Officer, Room 104, Waltham Forest Town Hall, Walthamstow E17 4JF, or email [information.officer@walthamforest.gov.uk](mailto:information.officer@walthamforest.gov.uk). Please mark your request clearly as "Request for Review". Please remember to quote the reference number above

If after receiving a response to the review, you remain dissatisfied with the Council's response, you have the right to appeal to the Information Commissioner. Further information can be obtained via the Information Commissioner's helpline 0303 123 1113 or their website at: [http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

Yours sincerely

**Name of officer**  
**Title of officer**

## Appendix 9 – Refusal on Manifestly Unreasonable Grounds under EIR

---

Customer Name	<b>Contact:</b>	Name of officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	Name.surname@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### Freedom of Information Request

I am writing in response to your request for information under the Freedom of Information Act 2000 dated DD MM YYYY.

Your request concerns 'environmental information' as it relates to land, buildings and/or the elements. Such information falls under the provisions of the Environmental Information Regulations 2004 ('EIR'). It is information that is exempt from consideration under section 39 of FOIA and must be considered under the EIR.

I write to inform you that in this case, the Council will not be providing you with the information requested because of an exception and for the reasons given below. The exception is under Regulation 12 (4) (b): The request for information is manifestly unreasonable.

Councils are able to refuse to provide information under the Freedom of Information Act where the costs calculated in doing so are above £450, based on a calculation of whether it would exceed 18 hours work. The position is different under EIR as there is no lower cost limit, although the Council usually treats EIR requests in the same way as FOIA requests (i.e. the first 18 hours of work is without charge). That said, it is the case that this request may require the assistance of numerous officers, diverting their attention from the provision of public services.

It would be an onerous exercise for Council staff to locate, extract and collate this information from the relevant files and would divert those staff resources from mainstream planning work. The considerable resource implication to the Council is an unreasonable and disproportionate burden. This falls within the scope of guidance issued by Defra and the Information Commissioner's office in relation to what can amount to 'manifestly unreasonable'.

The Regulations have an 'in-built' presumption in favour of disclosure of information and any exceptions, as they are named, all carry a public interest test. This means that despite the existence of an exception to disclosure, there may be a stronger public interest in making the disclosure.

## **Public Interest Test**

The public interest is primarily concerned with how authorities make decisions and the transparency of that process to inform the wider public. Having considered the request and the public interest in the information you have asked for, I am satisfied that the public interest weighs in favour of applying the exemption because of the onerous task of compliance and the public interest in the use of Council resources.

I am happy to work with you towards refining the scope of your request, in order that I may be able to reconsider making disclosure of some information to you, or otherwise assisting you in obtaining this yourself.

If you require further information, please do not hesitate to contact me. Under EIR, you do have the right to request a review of the Council's response to your request for information, provided you make written representations within 40 working days of the date of this letter. If you have such a review request, you may contact the:

The Information Officer, Room 014, Waltham Forest Town Hall, Walthamstow E17 4JF, or email [information.officer@walthamforest.gov.uk](mailto:information.officer@walthamforest.gov.uk). If you remain unsatisfied with the outcome of that review, you may seek further recourse by lodging an appeal with the Information Commissioner at [www.ico.gov.uk](http://www.ico.gov.uk).

Yours sincerely,

**Name of officer**  
**Title of officer**

## Appendix 10 – Extension to Response Time (consideration of public interest under a Qualified Exemption)

---

Customer Name	<b>Contact:</b>	Name of officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	Name.surname@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### Freedom of Information Request

Thank you for your request for information, which we received on [date]. I can confirm that the Council does hold information falling within the terms of your request.

The FOI Act obliges us to respond to requests promptly and in any case no later than 20 working days after receiving your request. However, when a qualified exemption applies to the information and the public interest test is engaged, the Act allows the time for response to be longer than 20 working days, and a full response must be provided within such time as is reasonable in all circumstances of the case. We do, of course, aim to make all decisions within 20 working days, including in cases where we need to consider where the public interest lies in respect of a request for exempt information. In this case, however, we have not yet reached a decision on where the balance of the public interest lies.

The exemption that applies to the information you have requested is Section XXXX (SET OUT WORDING OF THE EXEMPTION)

In your case we estimate that it will require additional time to take a decision on where the balance of the public interest lies. Therefore, we plan to let you have a response by DD MM YYYY. If it appears that it will take longer than this to reach a conclusion, we will keep you informed.

The specific exemption(s) that apply in relation to your request is/are: [appropriate section].

Yours sincerely

**Name of officer**  
**Title of officer**

## Appendix 11 – Extension applicable re Section 43 of the FOIA

---

Customer Name	<b>Contact:</b>	Name of officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	Name.surname@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### Freedom of Information Request

I am writing in response to your request for information under the Freedom of Information Act 2000 ('FOIA') which we received on DD MM YYYY.

You requested the following information:

[Insert details of the information requested by the customer]

As you will be aware, there are a range of exemptions to the "*general right of access to information held by public authorities*" under Section 1 of FOIA. This includes instances where disclosure of the requested information would, or would be likely to, prejudice the commercial interests of any person. This exemption is found at Section 43 of FOIA and the exact wording of subsection (2) is as follows:

*"Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)."*

My view is that disclosure of certain elements of the requested information would potentially prejudice the commercial interests of the parties delivering the contracts as well as those of the London Borough of Waltham Forest. As an example, information on itemised payments and payment terms could be commercially sensitive and therefore potentially exempt from disclosure under Section 43 of FOIA.

As you may be aware, Section 43 is a 'qualified' exemption meaning that a public interest 'test' must be applied in order to rely on it. This involves balancing the public interest in releasing the information against the public interest in withholding it.

Section 10(1) of the FOIA states that requests must be dealt with "*promptly and in any event not later than the twentieth working day following the date of receipt*". As outlined in my correspondence to you dated DD MM YYYY, the twenty day period for responding to your request expires on DD MM YYYY. Section 10(3) of the FOIA, however, provides that the twenty day time limit may be extended where more time is required to conduct the public interest test, as indicated above. My view is that more time is necessary in this case.

We will therefore provide a response to your request for information by no later than DD MM YYYY. I trust that this is acceptable to you.

Yours sincerely

**Name of officer**  
**Title of officer**

## Appendix 12 – Information is already accessible – Section 21 FOIA

---

Customer Name	<b>Contact:</b>	Name of officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	Name.surname@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### Freedom of Information Request

Thank you for your request for information received by the Council on DD MMMM YYYY.  
You requested the following information:

[Insert details of the information requested by the customer]

In response to your request, I would advise you that under Section 21 of the Freedom of Information Act, the Council is not required to provide information in response to a request if the information requested is already available to the public. In this case, the information you requested is available at [provide details of where the information requested can be found, e.g. a link to a website].

I trust that the above satisfies your enquiry. If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Under the Freedom of Information Act 2000, you have the right to complain about the Council's response to your request for information. If you wish to pursue such a complaint, please do so within 28 days from the date of this letter and ask for a review of the Council's decision. Please write to: The Information Officer, Room 104, Waltham Forest Town Hall, Walthamstow E17 4JF, or email [information.officer@walthamforest.gov.uk](mailto:information.officer@walthamforest.gov.uk). Please mark your request clearly as "Request for Review".

If after receiving a response to the review, you remain dissatisfied with the Council's response, you have the right to appeal to the Information Commissioner. Further information can be obtained via the Information Commissioner's helpline 0303 123 1113 or their website at: [http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

Yours sincerely

**Name of officer**  
**Title of officer**

## Appendix 13 – Information not held or information held by another organisation

---

Customer Name	<b>Contact:</b>	Name of officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	Name.surname@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### Freedom of Information Request

I refer to your request for information dated DD MMMM YYYY under the Freedom of Information Act 2000. You requested the following information:

[Insert details of the information requested by the customer]

I can confirm that the Council does not hold the information that you requested, and therefore, we are unable to comply with your request

Having reviewed your request for information, we have identified that, due to the nature of the information that you are seeking, your request would be more appropriately addressed to [Name and address of Public Authority].

The Council will take no further action in relation to your request and will mark it closed.

I trust this information is useful to you. Please do not hesitate to contact me if you require further information.

Yours sincerely

**Name of officer**  
**Title of officer**

## Appendix 14 – Unable to comply with request as aggregation takes it over cost limit

---

Customer Name	<b>Contact:</b>	Name of officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	Name.surname@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### Freedom of Information Request

I am writing in response to your request for information under the Freedom of Information Act 2000 ('FOIA'), which we received on DD MMMM YYYY.

The wording of your request was as follows:

[Insert details of the information requested by the customer]

I can confirm that the Council holds the information you are requesting. I have however been informed by colleagues that the information you have requested covers a wide range of documents held in various forms. In order to comply with your request, we would have to [insert details of the work required to comply with the request, e.g. check paper files held in the archives, review archived electronic records, etc].

Once this information is located, we would have to retrieve/extract the relevant information and in some cases, redact (block out) information which is not relevant, or which is exempt under the FOIA. Our estimate of the total time for compliance with your request is around [insert estimated time required to comply with the request].

As you will be aware, Section 12 of the FOIA provides an "*appropriate limit*" for complying with requests for information. In concrete terms, this means that Local Authorities need not comply with a request where compliance would take more than 18 hours. The FOIA makes provision for Local Authorities to charge for or decline requests for information if it would cost them more than £450 (18 hours at £25 per hour) to comply with the request.

Further, the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 enables the Council to aggregate requests for same or similar information made within 60 working days. The exact wording of the regulation is as follows:

5. - (1) *In circumstances in which this regulation applies, where two or more requests for information to which section 1(1) of the 2000 Act would, apart from the appropriate limit, to any extent apply, are made to a public authority -*
- (a) by one person, or*
  - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,*

*the estimated cost of complying with any of the requests is to be taken to be the total costs which may be taken into account by the authority, under regulation 4, of complying with all of them.*

You would recall that you recently made the following request:

[If/when applicable, insert details of similar information requested by the customer]

The Council has aggregated your two requests and determined that the cost of compliance is in excess 18 hours. The “*appropriate limit*” is therefore applicable to your request and the Council will not be complying with it.

I do recognise that we are under a duty to provide ‘*advice and assistance*’ to requesters under Section 16 of FOIA and to this end I can advise that if you are willing to refine the scope of your request, we would be willing to work with you to ensure that you get the information you are requesting. Also, by way of ‘*advice and assistance*’ I can provide the attached, [insert any information that the Service Area is able to supply].

I trust that this satisfies your request sufficiently, however, if you require further information, please do not hesitate to contact me.

Under the Freedom of Information Act 2000, you have the right to complain about the Council’s response to your request for information. If you wish to pursue such a complaint, please do so within 28 days from the date of this letter and ask for a review of the Council’s decision. Please write to: The Information Officer, Room 104, Waltham Forest Town Hall, Walthamstow E17 4JF, or email [information.officer@walthamforest.gov.uk](mailto:information.officer@walthamforest.gov.uk). Please mark your request clearly as “Request for Review”.

If after receiving a response to the review, you remain dissatisfied with the Council’s response, you have the right to appeal to the Information Commissioner. Further information can be obtained via the Information Commissioner’s helpline 0303 123 1113 or their website at: [http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

Yours sincerely

**Name of officer**  
**Title of officer**

## Appendix 15 – Personal Data – Exempt under Section 40(2) FOIA

---

Customer Name	<b>Contact:</b>	Name of officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	Name.surname@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### Freedom of Information Request

I am writing in response to your request for information under the Freedom of Information Act 2000 ('FOIA'), which we received on 22 April 2010.

The wording of your request was as follows:

[insert details of the customer's request]

I can confirm that the Council holds information of the type you have requested. The Council considers that disclosing this may lead to the identification of the individuals, so as to amount to 'personal data' under the Data Protection Act 1998.

### Exemption: Section 40(2) FOIA

As you may be aware, section 40(2) of FOIA precludes disclosure of information where it would lead to the identification of a third party, whose information is subject to the provisions of the Data Protection Act 1998 (DPA). The DPA governs the processing of personal data and defines personal data as data, which relates to a living identifiable individual (the 'data subject') who can be identified from the data, or from the data and other information, which is in the possession or of, or is likely to come into the possession of, the data controller.

Section 40(2) of FOIA provides that wherever an application for personal data is made by someone other than the data subject, the information to which it relates is exempt from disclosure under the Act where to do so would contravene one of the data protection principles or the right to prevent processing likely to cause damage or distress.

The first data protection principle under Schedule 1 of the DPA is that "*personal data shall be processed fairly and lawfully and in particular, shall not be processed unless at least one of the conditions in Schedule 2 is met.*" In particular, what is fair and lawful focuses upon what the reasonable expectation of a person would be in relation to how their information is used and to whom it may be disclosed.

Schedule 2 lists the conditions to be met and the one which is most relevant to the facts of this case is found at Part 6(1) and is applicable where:

*“The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.”*

Your interests in the personal data being disclosed must therefore be balanced against the interests of the ‘*data subject*’ in the information not being disclosed. There is no presumption in favour of disclosure of personal data under FOIA. My view is that the data subject has a legitimate interest that their personal data will remain private and would potentially cause harm to the individuals if disclosed into the public domain.

The disclosure would be unwarranted and contrary to the first data protection principle. As the data subject has no expectation of public disclosure, for these reasons, disclosure will not be fair and lawful.

While I clearly recognise a strong public interest in favour of openness and transparency by the Council, this does not override other considerations as mentioned above, in particular the expectation of privacy by the data subjects and the need to avoid causing damage or distress to individuals in making the disclosure.

Under the Freedom of Information Act 2000, you have the right to complain about the Council’s response to your request for information. If you wish to pursue such a complaint, please do so within 28 days from the date of this letter and ask for a review of the Council’s decision. Please write to: The Information Officer, Room 104, Waltham Forest Town Hall, Walthamstow E17 4JF, or email [information.officer@walthamforest.gov.uk](mailto:information.officer@walthamforest.gov.uk). Please mark your request clearly as “Request for Review”.

If after receiving a response to the review, you remain dissatisfied with the Council’s response, you have the right to appeal to the Information Commissioner. Further information can be obtained via the Information Commissioner’s helpline 0303 123 1113 or their website at: [http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

Yours sincerely

**Name of officer**  
**Title of officer**

## Appendix 16 – Information protected by legal privilege

---

Customer Name	<b>Contact:</b>	Name of officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	Name.surname@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### Freedom of Information Request

I am writing in response to your request for information under the Freedom of Information Act 2000 ('FOIA'), which we received on DD MMMM YYYY. You requested the following information:

[Insert details of the information requested by the customer]

The Council is of the view that any legal opinion on the judicial review is also protected by legal professional privilege. The Council is also of the view that any correspondence with other Councils in relation to a judicial review would contain information provided in confidence and is therefore exempt from disclosure under Section 41 of the FOIA.

Section 41(1) provides as follow:

*Information is exempt information if—*

- (a) it was obtained by the public authority from any other person (including another public authority), and*
- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*

Section 42 (1) provides:

*Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.*

Section 41 is an absolute exemption under the legislation, although within actions for breach of confidence a defence may be raised of overriding public interest. However, the Council is clear that no such defence could be raised in this instance.

I trust that this satisfies your request sufficiently, however, if you require further information, please do not hesitate to contact me.

Under the Freedom of Information Act 2000, you have the right to complain about the Council's response to your request for information. If you wish to pursue such a complaint,

please do so within 28 days from the date of this letter and ask for a review of the Council's decision. Please write to: The Information Officer, Room 104, Waltham Forest Town Hall, Walthamstow E17 4JF, or email [information.officer@walthamforest.gov.uk](mailto:information.officer@walthamforest.gov.uk). Please mark your request clearly as "Request for Review".

If after receiving a response to the review, you remain dissatisfied with the Council's response, you have the right to appeal to the Information Commissioner. Further information can be obtained via the Information Commissioner's helpline 0303 123 1113 or their website at: [http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

Yours sincerely

**Name of officer**

**Title of officer**

## Appendix 17 – Acknowledgement for Request for Review

---

Customer Name	<b>Contact:</b>	Name of Information Officer
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	information.officer@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### **Request for Review – Freedom of Information**

I acknowledge receipt of your request on DD MMMM YYYY. I have logged your request under our reference number xxxx and referred it to xxxx (name of Head of Service) for a response.

In accordance with the Freedom of Information Act, the Council has 20 working days in which to respond to your request. Therefore, a written response will be sent to you on or by DD MMMM YYYY.

### Your right to complain to the Information Commissioner

If, after receiving a response to the review, you remain dissatisfied with the Council's response, you have the right to complain to the Information Commissioner. If you wish to pursue such a complaint, please write to:

First Contact Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Alternatively, you can contact the office via their helpline: 0303 123 1113.

You can obtain further information about this via this link:  
[http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

Yours sincerely

**Name of officer**  
**Information Officer**

## Appendix 18 – Response to Request for Review

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Customer Name	<b>Contact:</b>	Head of Service
Customer Address	<b>Direct line:</b>	020 8496 xxxx
	<b>Fax:</b>	020 8496 xxxx
	<b>Our ref:</b>	
	<b>Your ref:</b>	
	<b>E-mail:</b>	xxx@walthamforest.gov.uk
	<b>Date:</b>	

Dear

### **Request for Review – Freedom of Information**

I refer to your request for review under the FOI Act, received by the Council on DD MMMM YYYY.

I have carried out the review by [provide details of how the review was carried out]

As a result of my review, I can advise you that [advise customer whether the initial decision has been upheld or not and the reasons for this]

[If a decision is made to disclose the information originally requested, the Head of Service should provide the information. If the Head of Service decides that the information should not be provided but relies on a different exemption, the Head of Service must set out the details of that exemption and why it applies. Advice on this, if necessary, should be obtained from Legal Services.]

### Your right to complain to the Information Commissioner

If you remain dissatisfied with this response, you have the right to make a complaint to the Information Commissioner. If you wish to pursue such a complaint, please write to:

First Contact Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Alternatively, you can contact the office via their helpline: 0303 123 1113.

You can obtain further information about this via this link:  
[http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

Yours sincerely

**Name of Head of Service**

## Appendix 19 – Template of EIR acknowledgement Letter

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**Waltham Forest Town Hall, Forest Road, London E17 4JF**

**Contact:**  
**Direct line:** 020 8496  
**Fax:** 020 8496 4786  
**Our ref:** EIR YYYY-XXXX  
**Your ref:**  
**E-mail:** information.officer@walthamforest.gov.uk  
**Date:**

Dear

### **Enviromental Information Regulation's Request**

I acknowledge receipt of your request on

Your request is being treated as a request for information under the Environmental Information Regulation's Act.

I have logged your request under our reference number EIR 2013- and referred it to for a response.

In accordance with the Enviromental Information Regulation's Act, the Council has 20 working days in which to respond to your request. Therefore, a written response will be sent to you on or by DDMMYY .

I am enclosing overleaf some information about your right to a review of the Council's response, which I hope you will find useful.

I hope this information is of assistance to you.

Yours sincerely

**Marlon Guildford**  
**Information Officer**

## **Your right to request a review**

Under the Environmental Information Regulation's Act 2004, you have the right to request a review of the Council's response to your request for information if you are unhappy with our initial response. If you wish to ask for such a review, please do so within 28 days from the date of the response letter and explain the reason/s why you would like a review.

Please write to:

London Borough of Waltham Forest  
Information Officer  
Complaints Team  
Room 104  
Town Hall  
Forest Road  
London  
E17 4JF

Alternatively, you can email your request to:

[information.officer@walthamforest.gov.uk](mailto:information.officer@walthamforest.gov.uk)

Please clearly mark your correspondence as a "Request for review".

## **Your right to appeal to the Information Commissioner**

If, after receiving a response to the review, you remain dissatisfied with the Council's response, you have the right to complaint to the Information Commissioner. If you wish to pursue such a complaint, please write to:

First Contact Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Alternatively, you can contact the office via their helpline: 0303 123 1113.

You can obtain further information about this via this link:

[http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

## Appendix 20 – Template for EIR acknowledgement email

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Dear

I acknowledge receipt of your request on DD MM YYYY

I have logged your request under our reference number EIR YYYY-xxxx .

In accordance with the Environmental Information Regulation's Act, the Council has 20 working days in which to respond to your request. Therefore, a written response will be sent to you on or by DD MM YYYY.

Please refer to the information below regarding the process you should follow if you are dissatisfied with the Council's response.

### **Your right to request a review**

Under the Environmental Information Regulation's Act 2004, you have the right to request a review of the Council's response to your request for information if you are unhappy with our initial response. If you wish to ask for such a review, please do so within 28 days from the date of the response letter and explain the reason/s why you would like a review.

Please write to:

London Borough of Waltham Forest  
Information Officer  
Complaints Team  
Room 104  
Town Hall  
Forest Road  
London  
E17 4JF

Alternatively, you can email your request to:

[information.officer@walthamforest.gov.uk](mailto:information.officer@walthamforest.gov.uk)

Please clearly mark your correspondence as a "Request for review".

### **Your right to appeal to the Information Commissioner**

If, after receiving a response to the review, you remain dissatisfied with the Council's response, you have the right to complaint to the Information Commissioner. If you wish to pursue such a complaint, please write to:

First Contact Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Alternatively, you can contact the office via their helpline: 0303 123 1113.

You can obtain further information about this via this link:

[http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

## Appendix 21 – Template for sending EIR request to service areas

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### Subject Header – New request under EIR Act – Customer name – Reference number

If the request is received from a website called [whatdotheyknow.com](http://whatdotheyknow.com), the following sentence should be included in the email:

*This request has been received via [www.whatdotheyknow.com](http://www.whatdotheyknow.com). Please note that your response will be published on this website.*

Please find enclosed a request for information under the Environmental Information Regulation's Act 2004.

The request was received on DD MM 2013 and a copy of the acknowledgement letter is attached.

Please respond to the request directly by no later than DD MM 2013, remember to quote the reference number.

As this is a formal request for information, the Council is required to:

- (1) Confirm or deny the existence of the information, and if it exists,
- (2) Provide it, unless an exemption can be invoked under the Act to withhold it.

If you feel that there is a reason for not releasing the information, in the first instance consult the guidance on the intranet.

When you respond to this request, please copy your response to the Information Officer email address.

Thank you.

Regards

Information Officer

## Appendix 22 – Template for responding to EIR requests

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The service area's letter header head is to be used when preparing the response.

Contact  
Direct Line:  
Fax:  
Our Ref:  
Your Ref:  
E-mail:  
Date:

Dear

### **Enviromental Information Regulations Act 2004**

Thank you for your request for information received by the Council on DD MM YYYY. In your request, you asked for the following information:

I trust that the above satisfies your enquiry. If you have any queries about this please contact me. Please remember to quote the reference number above in any future communications.

Under the Enviromental Information Regulations Act 2004, you have the right to complain about the Council's response to your request for information. If you wish to pursue such a complaint, please do so within 28 days from the date of this letter and ask for a review of the Council's decision. Please write to:

The Information Officer, Complaints Team, Room 104, Waltham Forest Town Hall, Walthamstow E17 4JF, or email [information.officer@walthamforest.gov.uk](mailto:information.officer@walthamforest.gov.uk).

Please mark your request clearly as "Request for Review".

If after receiving a response to the review, you remain dissatisfied with the Council's response, you have the right to complain to the Information Commissioner. Further information can be obtained via the Information Commissioner's helpline 0303 123 1113 or their website at: [http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

Yours sincerely,

Name of officer  
Job title