

# Freedom of Information Act 2000 and Enviromental Information Regulations 2004 Policy Statement

## 1. Introduction

- 1.1 The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) give the public a general right of access to recorded information held by public authorities.
- 1.2 Canal & River Trust (the “Trust”) recognises its responsibility under the FOIA / EIR and is committed to promoting a culture of openness and transparency with all the information it holds to meet the requirements of the FOIA and EIR.
- 1.3 Not all information held by the Trust can be released. The Trust may decide not to release information under a number of grounds under FOIA and EIR, such as data protection, confidentiality, health and safety, or to protect its commercial interests.

## 2. Publication Scheme

- 2.1 The Trust maintains a publication scheme through which it makes information available to the public. The publication scheme outlines how we are run, where we work and how we make a difference.
- 2.2 The information currently available through the Trust’s publication scheme includes its Annual Report, Accounts and Board Meeting papers and minutes.
- 2.3 The Trust reviews its publication scheme on a regular basis to ensure it is up to date and feedback is encouraged to assist with the review process.
- 2.4 The Trust makes its publication scheme available on its website.

## 3. Freedom of Information Act 2000

- 3.1 The Trust is a public authority for the purposes of the FOIA but only in respect of the information held by it by virtue of the in relation to the statutory functions transferred



to the Trust from the British Waterways Board under the British Waterways (Transfer of Functions) Order 2012.

3.2 Requests for information not made available through the Trust's publication scheme should be made to the Trust's Information Governance Team. For a request to be considered valid under the FOIA it must: -

3.2.1. Be in writing.

3.2.2. Include a full name and address for correspondence (email address is sufficient);  
and

3.2.3. Detail the information requested.

3.3 Requests should be addressed via email to [Information.Request@canalrivertrust.org.uk](mailto:Information.Request@canalrivertrust.org.uk) or by post to: -

Information Governance Team, National Waterways Museum Ellesmere Port,  
South Pier Road, Ellesmere Port, Cheshire, CH65 4FW.

3.4 Requests can be made via social media but must include a full name. Provision of a personal contact address (email or postal) is encouraged; however, this is not a requirement under the Act and where this request is declined the request will still be dealt with.

#### **4. Environmental Information Regulations 2004**

4.1 The Trust has committed (in its 2012 Memorandum of Understanding with Defra) to operating an environmental information regime that mirrors the EIR, subject to the further development of the law in this area.

4.2 Any requests for environmental information (as defined in the EIR) held by the Trust shall be responded to in accordance with the EIR, rather than the FOIA.

4.3 EIR requests do not need to be made in writing; however, written requests are encouraged, and can be sent to the Trust at [Information.Request@canalrivertrust.org.uk](mailto:Information.Request@canalrivertrust.org.uk) or by post to: -

Information Governance Team, National Waterways Museum Ellesmere Port,  
South Pier Road, Ellesmere Port, Cheshire, CH65 4FW.

4.4 Requests can be made via social media but must include a full name. Provision of a personal contact address (email or postal) is encouraged; however, this is not a requirement under the Regulations and where this request is declined the request will still be dealt with.

## 5. Responding to Requests

- 5.1 The Trust is committed to responding to requests within 20 working days following receipt of the request. Working days exclude weekends and bank holidays but include days when the Trust is closed but which are neither weekend nor bank holidays. If we are unable to respond to the request within the 20 working days, we shall contact the requestor with an explanation and request an extension of time accordingly.
- 5.2 The response shall confirm whether the Trust holds the information; if it does hold the information the Trust shall release it subject to any exemptions or exceptions which may be applicable under the FOIA and EIR respectively.
- 5.3 The Trust has the right to charge applicants for supplying the requested information but is under no obligation to provide information if the cost of doing so would be in excess of an 'appropriate limit'. Any fee for handling a request will be calculated in accordance with the provisions of the Fees Regulations and [Appendix 1](#).

## 6. Exemptions and Exceptions

- 6.1 There are several exemptions and exceptions provided for by the FOIA and EIR respectively where the Trust is not required to provide the information requested. The FOIA and EIR also limit the circumstances in which information can be withheld.
- 6.2 In cases where the Trust considers a request is subject to an exemption or exception, or is considered to be out of scope, thought shall be given as to whether the information can be voluntarily disclosed. This shall take into account the public interest (where applicable), the rights of individuals, legal and contractual obligations and issues of information access and security.
- 6.3 Information shall only be withheld in accordance with the exemptions and exceptions specified by legislation or if considered to be out of scope as set out above. The reasons for applying the exemption or exception shall be provided to the applicant.
- 6.4 If you are requesting information which constitutes your own personal data, the Trust shall deal with it as a Subject Access Request (SAR).

## 7. Review Procedure

- 7.1 If the applicant is dissatisfied with the way in which their request has been handled, they can request an internal review by contacting the Trust by email to [Information.Request@canalrivertrust.org.uk](mailto:Information.Request@canalrivertrust.org.uk) or by post to: -

Information Governance Manager, National Waterways Museum Ellesmere  
Port, South Pier Road, Ellesmere Port, Cheshire, CH65 4FW.

- 7.2 A request for an internal review must be submitted within 40 days of receipt of the response to the original request. The applicant must specify why they do not agree with

the initial response from the Trust and what factors they would like to be taken into account as part of the internal review. This must include any public interest arguments for disclosure.

- 7.3 The request for an internal review shall be handled by a member of the Trust's Information Governance Team, ensuring this is someone other than the person who provided the initial response.
- 7.4 The request for an internal review under the FOIA or EIR shall be dealt with within 20 working days of receipt and under the EIR within 40 working days of receipt.
- 7.5 If the review shall take longer to conduct, the applicant will be informed why and when to expect a response.
- 7.6 If the applicant remains dissatisfied with the handling of their request, they have a right to appeal to the ICO at: -

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Telephone: 0303 123 1113

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

## **8. Charging for Information under the FOIA 2000 and EIR 2004**

- 8.1 The FOIA permits public authorities to charge for answering request in certain circumstances: -
  - 8.1.1. Where the cost of finding, sorting, editing or extracting the material exceeds £450 as defined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.
  - 8.1.2. Disbursements – The costs associated with printing, photocopying, postage or providing the information in another format.
- 8.2 At its discretion, the Trust shall charge for disbursements to recover its costs. The charges levied are outlined in the Trust's published charging schedule in [Appendix 1](#).
- 8.3 The EIR permit public authorities to charge a reasonable amount for the supply of environmental information.
- 8.4 A reasonable charge can include the actual costs of staff time taken to locate the information and put it in an appropriate format for disclosure and the disbursement costs in transferring the information to the applicant.

- 8.5 At its discretion, the Trust shall only charge for disbursements. These shall be charged to recover the Trust's costs. The charges levied are outlined in the Trust's published Charging Schedule at [Appendix 1](#).
- 8.6 The Trust cannot levy a charge for the applicant inspecting the information at one of the Trust's offices or for access to public registers.
- 8.7 The EIR oblige the Trust to request payment within 20 working days of receiving the request and the applicant then has sixty days to return the payment.
- 8.8 The time for responding to the request pauses between the Trust requesting payment and receiving the payment back from the applicant. Once payment has been received, the Trust shall proceed with responding to the request.

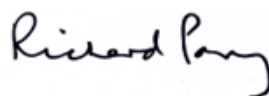
## 9. Review

- 9.1 This Policy Statement will be updated as necessary to reflect best practice and to ensure compliance with any changes or amendments to relevant legislation.



**David Orr CBE**

Chair to the Board of Trustees



**Richard Parry**

Chief Executive

23 November 2023

## Appendix 1: Charging Schedule

ITEM	COST
<u>Photocopies:</u>	
A4 Black and White	10p per sheet
A3 black and white	20p per sheet
A4 colour	£1.00 per sheet
A3 colour	£1.50 per sheet
<u>Prints from a laptop/computer</u>	
Black and white	10p per page
Colour	50p per page
<u>Postage</u>	Face value
<u>Email attachments</u>	No charge