

FOI and EIR Policy

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1. Policy Statement

- 1.1 Blackpool Transport Service (BTS) is committed to transparency with the public and the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) supports this objective.
- 1.2 As a wholly owned company of Blackpool Council the Company is regarded as a Public Authority and is therefore subject to the FOIA and EIR Regulations.
- 1.3 BTS regards the lawful and correct management of all information as an essential element of its successful service delivery and recognises that this helps to maintain the confidence of its service users, residents, employees and elected members, and those who work with it.
- 1.4 BTS recognises its obligations as set out in the FOIA and EIR, as described briefly within the ‘Introduction’ section of this policy. It endorses the requirement for greater openness and accessibility to information and recognises the opportunity to promote initiatives that lead to effective procedures and efficiency savings.

2. Introduction

- 2.1 Blackpool The FOIA requires Blackpool Transport to adopt and maintain a Publication Scheme and to process requests for information. The Act covers all recorded information held by the Company. It is not limited to official documents and it covers, for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings.
- 2.2 The EIR provides public access to environmental information held by public authorities.
- 2.3 The FOIA and EIR do not give people access to their own personal data (information about themselves). Individuals have a right of access to information held about them under the UK General Data Protection Regulations (the UK GDPR) and the Data Protection Act 2018.
- 2.4 To enable it to fully comply with the FOIA and EIR, BTS will:
 - Put policies and procedures in place to enable them to deal with requests in line with the legislation and within the legislated timescale.
 - Maintain a Publication Scheme.

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- Ensure that contracts containing suitable clauses are in place for any data processing undertaken externally for them, which involves data that falls within scope of the FOIA and EIR.

3. Scope

- 3.1 This policy This policy applies to all information in any format including paper, electronic, images and sound, and emails that may be sent or received by the Company.
- 3.2 It is applicable to anyone working on behalf of BTS including (but not limited to) permanent and temporary employees, contractors, casual and agency workers, secondees, volunteers and students (including work experience or work-placement) who may, in the course of activities performed on behalf of the Company come into contact with records or information. This group will be referred to as **workers** in the ‘Roles and Responsibilities’ section of this policy.

4. Roles and Responsibilities

- 4.1 The Blackpool Council handle and process FOI and EIR requests on behalf of Blackpool Transport.
- 4.2 **All workers** at the Company are responsible for complying with the Law and therefore should;
- Forward any requests on to the Information Rights Team (who sit within Information Governance at Blackpool Council) as soon as they receive it. Requests should be sent to FOI@blackpool.gov.uk.
 - Provide the Information Rights Team with any information that has been requested in a timely manner (deadlines are provided by the Information Rights Team at the time of the request for information).
 - Inform the Information Rights Team as soon as possible if the request for information does not fall within their role/delivery service area.
 - Ensure that the information provided for disclosure does not contain any personal data.
- 4.3 All The Information Rights Team will be responsible for:
- Forward Acknowledging the request.
 - Asking for clarification (where applicable).
 - Applying the public interest test (where applicable).
 - Providing the requester with a fee notice (if applicable).
 - Forwarding the request on to the relevant delivery service area.
 - Ensuring that the information disclosed does not contain any personal data.
 - Responding to the request within the timescales provided by the FOIA

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and the EIR.

4.4 Blackpool Transport’s designated Data Protection Officer (DPO) will be responsible for ensuring internal reviews (complaints) are responded to in an appropriate manner.

5. Publication Scheme

One of the requirements of the FOIA is that the Company has a maintained Publication Scheme. A Publication Scheme is the means by which the Company lists the information that is published, in the format it exists, how it can be accessed and if there is an associated charge. The Company has adopted the Information Commissioner Office’s (ICO’s) model Publication Scheme for local government. The Publication Scheme is reviewed by the Company on an annual basis to ensure that it remains accurate and up to date. It can be found as Appendix 1 of this document.

6. Valid Requests

Freedom of Information:

6.1 Anyone can make a Freedom of Information request. They do not have to be a UK citizen or a resident in the UK. Freedom of Information requests can also be made by organisations, for example a newspaper, a campaign group, or a company. However, to be valid under the FOIA, the request must:

- Be in writing. This could be a letter or an email. Requests can also be made via the web, or even on social networking sites, such as Facebook or Twitter.
- Include the requester’s real name. The FOIA treats all requesters alike, so Blackpool Transport should not normally seek to verify the requester’s identity. However, the Company may decide to check their identity if it is clear that they are using a pseudonym or if there are legitimate grounds for refusing their request and it suspects they are trying to avoid this happening, for example because their request is vexatious or repeated. A request can be made in the name of an organisation, or by one person on behalf of another, such as a solicitor on behalf of a client.
- Include an address for correspondence. This need not be the person’s residential or work address – it can be any address at which the Company can write to them, including a postal address or email address.

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- Describe the information requested. Any genuine attempt to describe the information will be enough to trigger the FOIA, even if the description is unclear, or the Company thinks that it is too broad or unreasonable in some way. The FOIA covers information, not documents, so a requester does not have to ask for a specific document (although they may do so). They can, for example, ask about a specific topic and expect the Company to gather the relevant information to answer their enquiry. Or they might describe other features of the information (e.g. author, date or type of document).

EIR:

6.2 Anyone has a right to request environmental information from Blackpool Transport Services. An individual does not have to mention the EIR when making a request and the request does not have to be directed to a specific member of staff. However, to be valid under the EIR, the request must:

- Be a request for environmental information. If the requested information is not environmental then the request should be processed under the FOIA. If the request is for the requester’s personal data then it should be processed in accordance with Article 15 of the UK GDPR (subject access).
- Requests can be made verbally or in writing, so a request can be made by telephone, letter or email, or using social media sites such as Facebook or Twitter.
- EIR say that the Company must respond to all requests in writing so the request will need to contain the requestor’s name and contact details for correspondence.
- The request does not have to specify or describe the information. Any clear sign that someone wants some environmental information is likely to count as a request under the EIR, even if the Company can’t tell exactly what information they want.

7. Clarification

7.1 Requests are often ambiguous, with many potential interpretations, or no clear meaning at all. If the Company cannot answer the request because it is not sure what is being requested, it must contact the requester as soon as possible for clarification.

7.2 The Company does not have to deal with the request until it has received whatever

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clarification it reasonably needs. However, the Company must consider whether it can give the requester advice and assistance to enable them to clarify or rephrase their request. For example, the Company could explain what options may be available to them and ask whether any of these would adequately answer their request.

8. Timescales

- 8.1 The Company’s main obligation under FOIA and EIR is to respond to requests promptly, with a time limit acting as the longest time it can take. Under FOIA and EIR, the Company may take up to 20 working days to respond, counting the first working day after the request is received as the first day.
- 8.2 Working day means any day other than a Saturday, Sunday, or public holidays and bank holidays.
- 8.3 The time allowed for complying with a request starts when the Company receives it, not when it reaches the Information Rights Team. As such, workers must forward any requests on as soon as they receive it.
- 8.4 Under the EIR, the Company can extend the 20-day period to 40 working days to give it more time to locate and provide the information:
 - When a request is for a large amount of information that is complex; and it would be impracticable to comply with the request or decide to refuse to comply within 20 working days.

9. Fees

Freedom of Information

- 9.1 The FOIA does not allow BTS to charge a flat fee, but it can recover its communication costs, such as for photocopying, printing and postage. The Company cannot normally charge for any other costs, such as for staff time spent searching for information, unless other relevant legislation authorises this.
- 9.2 However, if the cost of complying with the request would exceed the cost limit referred to in the legislation (currently £450 – see ‘refusing a request’), the Company can offer to supply the information and recover the full costs (including staff time), rather than refusing the request.
- 9.3 If the Company wishes to charge a fee, it should send the requester a fees notice. It does not have to send the information until it has received the fee. The time limit for complying with the request excludes the time spent waiting for the fee to be

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paid. In other words, the Company should issue the fees notice within the standard time for compliance. Once it has received the fee, it should send out the information within the time remaining.

EIR

9.4 In some circumstances, the Company can charge a fee for making the information available. Any charge should be ‘reasonable’ – it should not exceed the costs the Company incurs in making the information available or act as a deterrent to the right to request information. It may cover the cost of the paper for photocopying or printing the information and a covering letter and the cost of postage. It may also include the cost of staff time in identifying, locating or retrieving the information from storage.

9.5 The Company cannot charge for allowing a requester access to public registers or to inspect the requested information. It would not be reasonable to charge for information that would not cost it anything to send (for example, an email attachment).

10. Refusing a Request

10.1 When an individual requests their own personal information, this is dealt with under the UK GDPR and Data Protection Act 2018 and different procedures will apply. More information can be obtained from the Company.

Freedom of Information

10.2 A requester may ask for any information that is held by the Company. However, this does not mean that it is always obliged to provide the information. In some cases, there will be a good reason why it should not make public some or all of the information requested.

10.3 The Company can refuse an entire request under the following circumstances:

- It would cost too much or take too much staff time to deal with the request. The cost limit is £450 but the Company must provide evidence to the requester demonstrating how their request would exceed this cost limit, if relying on this exemption.
- The request is vexatious (not the person). When assessing whether a request is vexatious, the FOIA permits the Company to take into account the context and history of a request, including the identity of the requester and its previous contact with them. The decision to refuse a request often follows a long series of requests and correspondence. The key question to consider is whether the request

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is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation.

- The request repeats a previous request from the same person.

10.4 In addition, the FOIA contains a number of exemptions that allows the Company to withhold information from a requester. Common examples include:

- Information already reasonably accessible.
- Information intended for future publication.
- Research information.
- Investigation and prejudice to law enforcement.
- Court records.
- Prejudice to audit functions.
- Government policy and prejudice to the effective conduct of public affairs.
- Endangering health and safety.
- Environmental information.
- Personal information.
- Confidentiality
- Legal professional privilege.
- Trade secrets and prejudice to commercial interests.
- Prohibitions on disclosure.

10.5 Whilst all workers should have an awareness of these exemptions, it is ultimately the responsibility of the Information Rights Team to apply them and inform the requester of the exemption(s) and the reason(s) why they apply in their response. Some exemptions are subject to the public interest test. This is an extra stage in the process of deciding what information to provide, which requires the Company to balance the public interest arguments for disclosing the information against those for upholding the exception.

EIR

10.6 Under the EIR, most exceptions are subject to the public interest test. Common examples include:

- Information intended for future publication.
- Involves the disclosure of internal communications.
- Adversely affect the course of justice.
- Confidentiality of proceedings.
- Commercial or industrial confidentiality.
- Adversely affect environmental protection.
- Personal data of the applicant.
- Personal data (not of the applicant).

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- The request is 'manifestly unreasonable' i.e. dealing with the request would create unreasonable costs or an unreasonable diversion of resources or an equivalent request would be found as 'vexatious' if it was subject to the FOIA.

10.7 Whilst all workers should have an awareness of these exemptions, it is ultimately the responsibility of the Information Rights Team to apply them, undertake the public interest test and issue the refusal notice (if applicable).

10.8 With both the FOIA and EIR, if the Company is refusing all or part of a request, it must send the requester a written refusal notice. This includes when the Company needs to inform a requester that it does not hold the information they have requested.

11. Complaints

11.1 If the requester is not satisfied with the Company's response, they can apply for an Internal Review of the decision and this should be directed in writing to: Data Protection Officer, Blackpool Council, PO Box 4, Blackpool, FY1 1NA, or by email to dataprotectionofficer@blackpool.gov.uk.

11.2 If the appeal is not resolved, then the individual has a right of appeal to the ICO and can raise a complaint and ask for an independent review.

11.3 The ICO will determine if it is appropriate to investigate the complaint and if so, make a decision on their findings. At this stage, the Company also has a right to appeal to the Information Commissioner with regard to any complaint or appeal.

12. Further Information

12.1 Any queries relating to FOIA and/or EIR should be sent to the Information Rights Team – FOI@blackpool.gov.uk or 01253 478980 (available Monday to Friday between the hours of 9:00am and 4:00pm).

12.2 The ICO has produced a guide to freedom of information which is published on their website and the Company aims to comply with this guidance in the compilation of this policy

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**Appendix 1****Publication Scheme**

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public.

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Classes of Information

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

Description of Information	Location	Charge
Statutory Company Information	Company Website, Companies House	Free
Who’s who in Company/Board	Companies House	Free
Staffing Structure (Senior Team)	Companies House, FOI Request	Free
Contact details for the Board/Directors	Companies House, Blackpool Council, Customer Experience Team	Free
Service locations and contact information	Company Website, App, Customer Experience Team	Free
Annual report (if any)	Blackpool Council	Free

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

Description of Information	Location	Charge
Financial statements	Companies House	Free
Procurement and contracts	Blackpool Council, Blackpool Transport Finance Department	Free

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**What our priorities are and how we are doing**

Strategy and performance information, plans, assessments, inspections and reviews.

Description of Information	Location	Charge
Five Year Plan	Customer Experience Team	Free
Performance management information (regulatory information)	Customer Experience Team	Free
Future Developments/Plans	Blackpool Council, Company Website, Customer Experience Team	Free
Company Vision	Company Website, Customer Experience Team	Free

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Description of Information	Location	Charge
Company policies and other documents	Human Resources	Free, availability dependant on sensitivity of document
Records management and Data Protection policies including CCTV	Human Resources	Free
Equality and Diversity Policies	Human Resources	Free
Policies and procedures for the recruitment of staff	Human Resources	Free

Lists and Registers

Information held in registers required by law and other lists and registers relating to the functions of the Company.

Description of Information	Location	Charge
Any information the Company is currently legally required to hold in publicly available registers	Transport Managers	Free
Fleet list	Planning Department	Free

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The Services we Offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

Description of Information	Location	Charge
Company publications	Website, Social Media	Free
Leaflets, booklets and newsletters	Customer Experience, Marketing Department	Free
Customer Booking Systems/Payments required	Customer Experience	Free
Individual Service Information Digital or Paper copy	Customer Experience	Free

The classes of information will not generally include:

- *Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.*
- *Information in draft form.*
- *Information that is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.*

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges & Fees

Charges which may be made for Information published under this scheme. The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Charges may be made for actual disbursements incurred such as:

- *photocopying*
- *postage and packaging*
- *the costs directly incurred as a result of viewing information*

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Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

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