



LANCASHIRE
COMBINED COUNTY
AUTHORITY

Freedom of Information Policy

Document Control

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1. Scope

This policy forms part of Lancashire Combined County Authority's (LCCA) wider Information Governance Policy Framework, that supports delivery of the Combined Authority functions, in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA). This policy applies to all LCCA officers, any authorised agents working on behalf of LCCA, (including voluntary, temporary, contract and seconded employees) who capture, create, store, use, share, dispose or otherwise process information on behalf of LCCA, or have access to the Combined Authority's information, information assets or IT equipment. These persons shall be referred to as 'Users' throughout the rest of this policy. Lancashire County Combined Authority shall be referred to as 'the authority' or 'we' throughout the rest of this policy. This policy relates to all electronic and paper-based information processed on behalf of the authority.

2. Purpose

LCCA is committed to the principles of access to information, openness and accountability. Such an approach supports greater transparency and scrutiny of our use of public resources and the decisions that we take. It allows people to access and review official information and personal information that we hold about them. The LCCA already publishes information about what we do on our public facing website www.lancashire-cca.gov.uk and within our Publication Scheme. 3 OFFICIAL Individuals can also make requests for information that the LCCA holds but has not made publicly available under:

- the Freedom of Information Act 2000;
- the Environmental Information Regulations 2004, or if it is personal data;

It should be noted that the Standing Orders of the Constitution set out the rules in relation to access to information on formal meetings and decisions of the LCCA

3. Access to Official Information held by the Authority

Freedom of Information Act 2000 (FOIA)

FOIA provides public access to information held by the government, ensuring transparency and openness. It covers all recorded information, including documents, emails, and electronic records

Environmental Information Regulations 2004 (EIR)

EIR is broadly similar to FOIA, except that the EIRs are about environmental information requests, and the definition of environmental information is quite broad.

However, one of the key differences between the EIR and FOIA that EIR requests do not need to be made in writing and can be made verbally.

The information you require may already be publicly available as the authority has a duty to make information available via a publication scheme. Before you submit a request please check the publication scheme

4. How to make a Request

- Submit a request – for FOIA this must be in writing (email or letter), but EIR requests can be made verbally.
- Include applicant name, contact details, and a description of the information asked for.
- The authority will respond within 20 working days.

You can submit your request in the following ways:

- Via the Online Form.
- Email: FOI@lancashire-cca.gov.uk
- Post: Lancashire Combined County Authority, County Hall, Fishergate, Preston. Lancashire. PR1 8XJ.

You do not need to say why you want the information. Your request must include your name, and an address for correspondence (if you apply by email, your email address is a suitable address for correspondence). Please ensure you identify the information you want as clearly as possible.

With certain limited exceptions, you are entitled to a response within 20 working days.

It costs nothing to make an information request. However, Lancashire Combined County Authority can refuse to deal with your request if doing so would cost more than £450 (which equates to 18 hours' work). In extreme circumstances, the county council may also charge for the cost of photocopying and postage.

You may not get the information you asked for:

- If the authority does not hold the information you have requested.
- If the information is exempt from disclosure.
- If finding the information you have requested would take longer than 18 hours.
- If we are unable to supply any of the information you have requested, we will tell you the reasons why.

5. Exemptions and Exceptions

Sometimes we may not be able to give you the information you have requested as it may be exempt.

The Freedom of Information Act contains exemptions in order to protect legitimate interests and sensitivities. Some information may not be disclosed, such as personal data, national security details, or commercially sensitive information.

Some exemptions mean that we absolutely cannot disclose the information. There are also “qualified exemptions” where we will carry out a 'public interest test' to decide if the information should be released.

If the information you are asking for involves another organisation, we may have to consult with them. Where releasing the information would affect their legal rights, we may have to ask for their consent.

A full list of exemptions and exceptions are available within the Summary Characteristics of Exemptions and Exceptions document at **Appendix A**.

6. Freedom of Information request costs

Most requests are free, but there may be a charge for large or complex requests.

We will only charge you for information where the law sets a charge. Material which is published and accessed on the website can be downloaded free of charge. Charges may be made for information subject to a legal charging regime.

Charges under the publication scheme may be made for supporting services such as:

- photocopying
- printing
- postage and packaging
- the cost directly incurred as a result of viewing information.

There is an 'appropriate limit' to the costs an authority may incur in locating and retrieving the information required to answer a Freedom of Information request before we pass those costs on to the requester.

The appropriate limit is £450, which roughly equates to 2.5 days' work.

Once a request exceeds the appropriate limit, all costs incurred in locating and retrieving the information can become chargeable to the requester. This charge is calculated at £25.00 per person per hour, plus reproduction and postage costs. Wherever possible, information will be provided electronically to limit any reproduction charges

7. Reviews and Appeals

The Freedom of Information (FOI) Act and the Environmental Information Regulations (EIR) provide the right of access to information held by LCCA. We will make every effort to ensure that valid requests are answered promptly and professionally. However, if you are not satisfied, you have the right to request a review into the response that you have received regarding your request for information or to complain about our handling of your request.

Advice and informal resolution

All responses to requests for information should include the standard appeals paragraph which advises requestors that if they are dissatisfied with the response they have received or wish to complain about the handling of their request, they should contact the officer replying in the first instance.

This period of informal resolution is to be encouraged in an attempt to clarify outstanding points or resolve any misunderstandings at an early stage rather than proceeding direct to a formal review. All officers responding to requests have a duty to provide advice and assistance to the requestor as far as is it reasonably practicable to do so.

Whilst informal resolution should be attempted where appropriate, a requestor has a right at any stage to apply for an internal review.

What you can request a review about

A request for a review may involve a:

- Request for a review of a decision to withhold information.
- Complaint about the handling of a request for information.

An applicant is entitled to complain to the authority if:

- It is believed that the application was not dealt with within the 20 working day time limit.
- We have not confirmed whether the information is held.
- All the information requested is not received.
- A reason for the request being refused is not received.
- It is felt that exemptions have been wrongly applied.
- It is felt that a fee has been wrongly applied.

The authority reserves the right to ask the applicant for clarification of the grounds of their complaint, if the grounds are not clear.

What you can't request a review about

Not liking the answer you have received, for example a report shows that some repairs have been undertaken, but you don't think the work has been completed properly.

If you are unhappy with the implications of the information provided to you, we will put you in direct contact with the department concerned.

Please note that abuse of the review procedure, such as repeated requests for reviews following every request made, may be treated as vexatious and refused.

8. How to request an internal review

You must put your request for an internal review or complaint about our handling of your request in writing.

Please send this to: FOI@lancashire-cca.gov.uk or in writing to Lancashire Combined County Authority, County Hall, Fishergate, Preston. Lancashire. PR1 8XJ.

Your request should be made within 40 working days after receipt of our response. Unless there are extenuating circumstances, requests made more than 40 days after the response will not be considered.

Please quote your original reference number and clearly explain the reasons why you disagree with our response or are dissatisfied with our handling of your request. You may provide supporting evidence if applicable, and any information provided will be used to help assess your request.

What you can expect

- Your request for a review of our response, or the handling of it, will be considered free of charge.
- It will be acknowledged promptly and within 5 working days of receipt by email.
- Requests for reviews of responses to, or the handling of EIR requests will be dealt with as soon as possible, and in any event, within 40 working days of receipt, in accordance with the Information Commissioner's guidance.
- Requests for reviews of responses to, or the handling of, FOI requests will be dealt with within 20 working days of receipt.
- In exceptional circumstances (for example, when it is necessary to reconsider the public interest) it may be necessary to extend the deadline for response by a further 20 working days. If that is the case, you will be informed and given an explanation for the delay, which will not exceed a total of 40 working days.
- The review of responses to, or the handling of, requests will be dealt with in a fair and impartial manner. As such the review will be undertaken by a reviewing officer

(the reviewer) who will assess the merits of the review request and who did not deal with your original request.

- The reviewer will be trained in / have an understanding of FOI and EIR legislation.
- The reviewer will request copies of all material (documents, emails etc) connected with the processing of the request whether or not it was disclosed in the original response. Other staff may also be involved before reaching a decision.
- The reviewer will make a fresh decision based on all available evidence at the date of your request. As part of this process, the reviewer may need to consult with the responding officer and the team(s) that provided the information originally.
- The reviewer will make a decision about the validity of the exemptions applied, and whether the Council has complied with its statutory duties.
- The reviewer will let the requester know, in writing, the outcome of the review, giving a full explanation.

You will be notified of the decision and the reasons for this and informed about your right to appeal to the Information Commissioner.

9. Further Complaints

Further appeals can be made using the [Information Commissioner's Office \(ICO\)](#) online form, or by writing to:

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

10. Appendix A

Summary Characteristics of Exemptions and Exceptions

Introduction

Under the FOIA there is a presumption of openness, irrespective of the date of the record, unless an exemption applies. There are two categories of exemption: absolute exemptions and qualified exemptions.

An absolute exemption means there is no obligation under the FOIA to release the requested information (although there may be other reasons outside the act to do so).

A qualified exemption means that the public authority has to assess the balance of the public interest for and against disclosure. The arguments against need to outweigh those in favour to justify non-disclosure.

Exemptions can be either 'class' or 'prejudice' based.

A class-based exemption means that if the information is of a type described in the exemption, then it is covered by that exemption.

All absolute exemptions, and some qualified exemptions, are class-based. This means that in order to use the exemption the authority does not have to demonstrate that any particular harm would be caused by disclosure.

In the case of qualified exemptions, authorities still need to consider the balance of public interest before deciding whether or not to disclose the information.

Prejudice-based exemptions are where the authority has to show that the prejudice or harm that is specified in the exemption either would, or would be likely to, occur.

If an exemption is prejudice-based then the authority still must carry out the public interest test.

The need to apply an exemption, or to apply it in the public interest, will generally diminish as time passes so that such records can be released eventually.

The exemption for personal information (s40) ceases to apply when the individual concerned is no longer alive.

FOI Summary Characteristics

Section	Exemption	Absolute	Qualified	Class	Prejudice
21	Reasonably Accessibly by Other Means	X		X	
22	Intended for Future Publication		X	X	
22A	Research Data		X		X
23	Security Matters	X		X	
24	National Security		X		X
26	Defence		X		X
27	International Relations		X		X
28	Relations within the UK		X		X
29	The Economy		X		X
30	Investigations and Proceedings		X	X	

31	Law Enforcement		X		X
32	Court Records	X		X	
33	Audit Functions		X		X
34	Parliamentary Privilege	X			X
35	Formulation of Government Policy		X	X	
36	Effective Conduct of Public Affairs Absolute info only for info held by House of Commons/Lords		X		X
37	Royal Household Communications & Honours Absolute only for communication with His Majesty and 2 in line to throne		X	X	
38	Health and Safety		X		X
39	Environmental Information		X	X	
40 (1)	Personal Information where the applicant is data subject	X		X	
40 (2)	Personal Information where the applicant is a third party	X			X
41	Provided in Confidence	X			X
42	Legal Professional Privilege		X	X	
43 (1)	Commercial Interests – Trade Secret		X	X	
43 (2)	Commercial Interests		X		X
44	Prohibition on Disclosure	X		X	

EIR Exception Summary Characteristics

*All exemptions in the **Environmental Information Regulations (EIR)** are **qualified** and are called **exceptions**.

Regulation	Exception	Absolute or Public Interest?	Notes
12 (3) and 13	Personal Data	As FOIA Section 40	
12 (5) a	International relations, defence, national security or public safety	Public Interest	
12 (5) b	Course of justice, ability of a person to receive a fair trial or ability of a public authority to conduct a criminal or disciplinary inquiry	Public Interest	
12 (5) c	Intellectual property rights	Public Interest	
12 (5) d	Confidentiality of proceedings of that or any other authority where such confidentiality is provided by law	Public Interest	Cannot be used if related to omissions*
12 (5) e	Confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest	Public Interest	Cannot be used if related to omissions*
12 (5) f	Interests of person who provided information where that person: (i) was not under, and could not have been put under, a legal obligation to supply it to that or any other authority (ii) circumstances of supply are not such that any	Public Interest	Cannot be used if related to omissions*

	authority is entitled, apart from EIR, to disclose it, and (ii) has not consented to its disclosure		
12 (5) g	The protection of the environment to which the information relates	Public Interest	Cannot be used if related to omissions*