

Report to Cabinet

17 January 2024

Subject:	Review of Information Rights Policy
Cabinet Member:	Leader – Councillor Carmichael
Director:	Assistant Director – Legal and Assurance Mike Jones
Key Decision:	No
Contact Officer:	Vanessa Maher-Smith Legal Services Manager – Governance and Regulatory Team and DPO

1 Recommendations

- 1.1 That the updated Information Rights Policy as set out in Appendix 1 be approved.
- 1.2 That in connection with 1.1 above, the Assistant Director for Legal and Assurance be authorised to make administrative amendments to these policies as required.

2 Reasons for Recommendations

- 2.1 In February 2022, the council’s cabinet approved the Information Rights Policy which is the public facing policy setting out how the council complies with requests for information (Data Subject Access Requests, and requests under Freedom of Information Act and the Environmental Information Regulations), and corporate compliance with the publication scheme. This Policy was due for review in January 2023.
- 2.3 Over the last 7 months the council has reviewed the policy through consultation with members of the Information Governance Board (IGB) and key stakeholders in the Governance Team and ICT.









2.6 Key changes to the Information Right's Policy are:

- i) Updates in relation to changes in practices within the council.
- ii) Process in relation to other individual rights have been included.

2.7 The Information Rights Policy was presented to Leadership Team for approval on 12th December 2023.

3 How does this deliver objectives of the Corporate Plan?

	<p>Having clear policies and procedures underpin the council's commitments to transparency through access to and disclosure of information via Subject Access Requests, Freedom of Information Act request and Environmental Information Regulations and the publication scheme. This is an underlying foundation for all of the work the council does to deliver its objectives.</p>
	
	
	
	
	

4 Context and Key Issues

- 4.1 The Council has statutory obligations to comply with requests for information via Subject Access Requests, Freedom of Information Act request and Environmental Information Regulations.
- 4.2 Having a public policy that sets out how we comply with those obligations assists members of the public to exercise those rights and offers assurance that the council is meeting its duties.
- 4.3 The policy has been in place since January 2022, and an update was required to ensure it reflects current practices and emergent sector best practice.



5 Alternative Options

5.1 The alternative options would be to not have a public policy or to retain the existing policy, neither of which would be satisfactory. Whilst the existing policy does provide the relevant information, there are updates that are required to offer the assurance to members of the public that the council is meeting its statutory obligations.

6 Implications

Resources:	None directly. Indirectly, compliance with data protection and information governance legislation is inherent within all processes and is therefore contained within existing resource provision.
Legal and Governance:	The Information Rights Policy sets the basis for the council's compliance with data protection legislation and access to information under SAR, FOIA and EIR.
Risk:	It would be a risk to the council if it did not comply with data protection legislation and requests for information under FOIA and EIR.
Equality:	None – the Governance Team ensures that relevant training on the policy and aspects thereof are accessible to all.
Health and Wellbeing:	No implications directly related to this report.
Social Value:	The policy operates to assure the public as to how the council deals with requests for information, and ensures transparency of information.
Climate Change:	No implications directly related to this report.
Corporate Parenting:	No implications directly related to this report.

7. Appendices

Appendix One - Updated Information Rights Policy

8. Background Papers

Cabinet meeting that approved the Information Rights Policy in January 2022:



<https://sandwell.moderngov.co.uk/ieListDocuments.aspx?CId=143&MID=217>

Current Information Rights Policy

