

**Freedom of Information and Environmental Information
Regulations Policy
Salix Finance Limited**

Overview and policy statement

1) Policy Statement

This policy statement is in line with the Freedom of Information Act 2000 and the Environmental Regulations (EIR) 2004.

Salix Finance Limited (Salix) shall always take steps to comply fully with the Freedom of Information Act (2000). Salix has similar responsibilities under the Environment Information Regulations 2004 (EIR), and it shall take steps to comply fully with them. Details about the EIR are at paragraph 9 below.

As well as a duty to respond to specific FOIA and EIR requests, public bodies must proactively publish and make available information about their activities. A link to the Salix publication scheme is [here](#). Also see paragraph 11 below.

The Freedom of Information Act 2000

2) The Freedom of Information Act (FOIA) 2000

- i) The Freedom of Information Act (FOIA) 2000 gives the public a right of access to all information held by public authorities. This is the 'right to know'.
- ii) The Act places a statutory obligation on all public authorities to publish recorded information that they hold and to allow the public to have access to this information on request. All official information which is recorded is covered by FOIA.
- iii) In some circumstances however, a public authority may refuse to disclose information under FOIA. These are where there is an applicable exemption to disclosure. For example, where disclosure would unfairly reveal personal details about somebody.
- iv) Salix Finance Limited (Salix) is a public authority for purposes of FOIA.

3) Key features of the Freedom of Information Act 2000 include:

- A public right of access to information held by public authorities.
 - Some information may be exempt from disclosure.
 - Where information is potentially exempt, the public authority will determine whether to disclose the information or not by applying a public interest test. Public interest test is provided for in section 2 of the Act. It states that where ‘...in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information’, then that information shall be withheld. Absolute exemptions on the other hand are not subject to a public interest test.
 - Making a request under FOIA.
 - Costs and fees.
 - The ‘advice and assistance’ duties falling to public authorities.
- 4) This policy shall apply to all Salix staff and staff working on behalf of Salix. This includes all permanent members of staff, contractors, all temporary and contract workers and to any 3rd party organisation engaged by Salix. The policy also applies for the benefit of members of the public who request information from Salix under FOIA or the EIR.
- 5) Information requested under this policy shall be made available as follows:
- i) For a request to be dealt with according to the Freedom of Information Act, it must:
 - Be in writing (letter or email).
 - Be in the requester’s name and it must contain their address for correspondence. This may be an email address.
 - The request must describe the information requested. If the description is unclear or ambiguous, Salix will request clarification prior to processing the request. There is however no requirement to say why the information is requested.
 - As far as Environmental Information Regulations requests are concerned, these may be made verbally or in writing. See paragraph 10 below for more details.
 - ii) FOIA requests must be under the requester’s name. The requester may also be a company. There is no requirement on the requester to state that they are making a FOIA request nor do they have to refer to the legislation directly, although it will help Salix where they do so.
 - iii) The Information Commissioner’s Office (ICO) has clarified that requesters must give their real name when making a FOIA request.
 - iv) The FOIA and EIR are overseen by the Information Commissioner. The Commissioner monitors compliance with the Act and the EIR and

has powers to sanction any non-compliance and to ensure that public authorities comply with them.

6) Timelines for compliance

- i) The statutory timeframe to comply with an FOIA request is 20 working days following receipt. Salix's procedures are designed to comply promptly with all information requests. Where it is necessary to clarify a request with the requester, Salix will suspend the until the requester has provided the clarification.
- ii) Occasionally Salix may need more time to consider and process a request, this may be where a request is complex for instance. Where this is the case, Salix shall explain why and provide a revised timeframe to respond of no later than 40 working days from the date on which we first received the request.
- iii) Where Salix does not hold the information requested, it will inform the requester. In such an instance Salix may be able to tell the requester that another public authority holds the information, or it may transfer the request on the requester's behalf. This is in line with Salix's duty under the FOIA to provide advice and assistance.

7) Exemptions

- i) The FOIA also provides that some information is exempt from disclosure. It may in certain circumstances be appropriate to apply an exemption to the information requested and decline to disclose.
- ii) The exemptions to disclosure include where information is of a sensitive commercial nature or where the information is of a personal nature and would unfairly reveal personal details about somebody else. There are several others. Information which would prejudice the effective conduct of public affairs is another example.
- iii) Salix shall let the requester know where information is exempt information. Salix shall at the same time inform the requester of the procedures for making a complaint about how it may have discharged its duties in relation to the requester's rights under the FOIA Act.
- iv) Salix may also refuse requests that are vexatious or where a request exceeds the costs limit for processing them.
- v) Generally, Salix does not charge for providing information, but we retain the right to do so where the cost of processing a request exceeds £450 in terms of staff time and disbursements. The £450 is calculated as 18 hours of staff time based on an hourly rate of £25

per hour based on the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

- vi) Where a request is vexatious or is a near identical request to a previous request, Salix shall inform the requester in writing that it is refusing the request and explain why. It shall also notify the requester of the Salix internal review process and of the requester's right under the FOIA to complain to the ICO.

8) Consultation with Third Parties

- i) In some instances, disclosure of information in response to a FOIA request may affect the legal rights of someone else (a third party). An example may be where the information requested is personal data as defined by the Data Protection Act 2018.
- ii) Where disclosure of information cannot be made without the consent of a third party, Salix may contact that third party for their consent or/and views which may assist. Salix shall decide ultimately whether to disclose the information or not.
- iii) Where however it would not be practicable to seek the third party's consent Salix will not do so. In such a circumstance Salix will consider the most appropriate course of action to take.

Environmental Information Regulations (2004)

9) Environmental Information Regulations (2004)

- i) The Environmental Information Regulations (2004) also give a right of access to official information. The regulations deal specifically with environmental information. That is information relating to decisions, activities and policies that may have an impact on the environment.
- ii) All public authorities have a statutory obligation to publish the environmental information they hold and to allow public access on request.
- iii) Several of the paragraphs above regarding FOIA requests are also relevant to how we process requests to us made under the Environmental Information Regulations (EIR).
- iv) Salix will process all environmental information requests in accordance with the EIR. The method by which the public may make an EIR corresponds to a FOIA requests, discussed above at paragraph

5. Unlike a FOIA request however, an EIR request need not be in writing. It may be made verbally.

- v) Like FOIA, there are also exceptions to the duty to disclose environmental information under the EIR. A public authority may in some instances refuse to disclose EIR information. For example, the EIR recognises that some request may be 'manifestly unreasonable'. Such requests may be refused.
 - vi) The timeline within which to process an EIR corresponds with FOIA requests, 20 working days following the day of receipt. See paragraph 6 above for more information about compliance timelines and when time may be extended.
 - vii) In line with under duties under the EIR, Salix routinely publishes environmental information on its website.
- 10) Formal Complaints
- i) If a requester is not happy with the response or the way in which Salix has handled their request under FOIA or the EIR, they may ask for a review.
 - ii) A requester may request a review by writing to the officer who sent the response or by writing to the complaints officer at complaints@salixfinance.co.uk. Salix may ask the requester to explain why they are not satisfied. Salix shall then arrange for a review by a senior manager and confirm the outcome.
 - iii) Where the requester is still not happy after the review, they may ask the Information Commissioner to investigate. More information is available on the Commissioner's website www.ico.org.uk or may be made available by writing to the address below. The Commissioner may either uphold or overturn our decision.

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

Telephone: 0303 123 1113 or 01625545745

- 11) A Publication Scheme
- i) The Freedom of Information Act makes it a duty for public authorities to routinely publish information about what they do. Public

authorities do this by adopting and maintaining a mandatory publication scheme.

- ii) Consistent with its duties under FOIA, Salix maintains a publication scheme. The published information may be viewed [here](#). We also explain how to get that information.
- iii) Several classes of information are covered under the scheme and we proactively update it. However, where the information a requester seeks is not provided for in the scheme, a requester may apply to Salix for the information by writing to info@salixfinance.co.uk.

12) Reasonable adjustments

- i) Salix's aim is to make this Policy easy to use and accessible for everyone. Where required, Salix shall take steps to make reasonable adjustments to facilitate use and access.
- ii) A requester who requires reasonable adjustments be made to use or access the Policy may contact Salix by writing to info@salixfinance.co.uk.

13) Review

- i) This Policy is subject to review annually, or at such shorter period as may be required to update it, or in response to legal or regulatory changes.