

Upper Medway Internal Drainage Board

Transparency and Public Access to Information Policy

The Upper Medway Internal Drainage Board (UMIDB) is committed to operating in a transparent, open, and accountable manner. We recognise that the proactive publication of information and responsive disclosure upon request fosters public trust, improves service delivery, and supports democratic engagement. The UMIDB will ensure that information is made available in line with statutory duties and sector best practices, while respecting privacy, confidentiality, and operational security.

Purpose and Scope

This policy sets out UMIDB's commitment to:

- Proactively publishing information of public interest about its governance, decision-making, finances, and performance.
- Responding promptly and lawfully to requests for information under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).
- Supporting a culture of openness while safeguarding legally protected or sensitive information.

This policy applies to:

- All staff, Board members, and contractors who generate, handle, or respond to requests for information held by UMIDB.

Legal and Regulatory Framework

UMIDB is subject to the following legal obligations:

- Freedom of Information Act 2000 – provides a general right of access to recorded information held by public authorities, subject to exemptions.
- Environmental Information Regulations 2004 – grants public access to environmental information held by public authorities.
- UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 – govern how personal data must be protected and when it may be lawfully disclosed.

Policy Commitments

UMIDB will:

- Maintain and regularly update a Publication Scheme that sets out the categories of information routinely published (e.g. meeting minutes, financial reports, policies, Board decisions).
- Respond to FOI and EIR requests promptly and in accordance with statutory deadlines (normally within 20 working days).
- Provide guidance on how members of the public can request information and ensure support is available for individuals who require assistance in doing so.
- Apply exemptions or exceptions only where legally justified (e.g. for personal data, commercial confidentiality, national security, or internal deliberations).

- Ensure that information is disclosed in a format that is accessible, unless an alternative is legally required or more appropriate for the context.
- Record and track all FOI/EIR requests, refusals, and appeals for transparency and accountability.
- Train relevant staff on the handling of FOI and EIR requests and the importance of transparency in public administration.

Exemptions and Restrictions

We may withhold information only where a valid exemption/exception applies, including but not limited to:

- Personal data protected under data protection legislation.
- Commercially sensitive or legally privileged information.
- Security-sensitive information that could compromise safety or infrastructure.
- Information not held by UMIDB or already publicly available elsewhere.

When information is withheld, UMIDB will clearly explain the reason(s) for non-disclosure and provide guidance on appeal rights.

Governance and Accountability

The Clerk is responsible for overall compliance with transparency and FOI duties. A designated FOI Lead (or equivalent) will coordinate responses, maintain records, and ensure consistency and compliance with legislative requirements.

Board members and staff are expected to support and uphold this policy by ensuring records are managed properly, requests are referred promptly, and openness is embraced in daily operations.

Monitoring and Review

This policy will be reviewed annually, or sooner if required by changes in legislation, guidance from the Information Commissioner's Office (ICO), or internal review findings. A log of FOI/EIR requests and outcomes will be reviewed by senior leadership to identify trends and support continuous improvement.

Freedom of Information Requests

This procedure sets out how requests for information will be handled while ensuring that compliance with the Act does not place a disproportionate burden on the Board's limited resources.

Making a Request

Requests for information must:

- Be made in writing (including email)
- State the requester's name
- Provide a correspondence address
- Clearly describe the information requested

Requests that do not meet these requirements will not be treated as valid FOIA requests until clarified.

Advice and Assistance

In accordance with Section 16 of FOIA, the Board will provide reasonable advice and assistance to help requesters frame their request in a way that is clear, specific, and manageable.

Where a request is unclear or overly broad, the Board may ask the requester to refine or narrow the scope. The statutory response period will be paused until clarification is received.

Handling Requests

All valid FOIA requests will be logged and acknowledged. The Board will normally respond within 20 working days, in line with statutory requirements.

Where information is already publicly available, the Board may direct the requester to the published source.

Refusal of Requests

The Board may refuse a request, in whole or in part, where permitted by the Act, including but not limited to:

- Section 12 – where the cost of compliance would exceed the appropriate limit
- Section 14 – where the request is vexatious or forms part of a pattern of unreasonable requests
- Section 21 – where the information is reasonably accessible by other means
- Section 40 – where disclosure would breach data protection legislation
- Section 43 – where disclosure would prejudice commercial interests

Where a request is refused, the Board will issue a written refusal notice explaining the reasons and the requester's right to internal review.

Aggregation of Requests

Where multiple requests are received from the same individual, or from individuals acting together, on related subjects within a 60-working-day period, the Board may aggregate the requests for the purposes of assessing cost limits, in accordance with FOIA regulations.

Managing Unreasonable Requests

The Board recognises that a small number of requesters may submit repeated or overlapping FOIA requests that place an unreasonable burden on resources.

In such cases, the Board may:

- Apply Section 14 of FOIA
- Refuse repeated requests for the same information where no new context is provided
- Require future requests to be focused and specific
- Consider the requester's history when assessing whether a request is vexatious

Each case will be considered individually, and decisions will be evidence-based, proportionate, and recorded.

Internal Review

Requesters who are dissatisfied with a response may request an internal review within 40 working days. Reviews will be conducted by the Clerk or another senior officer not involved in the original decision.

Complaints and Regulation

If the requester remains dissatisfied following internal review, they may complain to the Information Commissioner's Office (ICO).

Delivery Procedures

Publication Scheme

UMIDB will maintain and publish a scheme outlining routinely available information, including:

- Board meeting agendas and minutes
- Financial statements and audits
- Policies and governance documents
- Annual reports and environmental data

Information Requests

Requests must be submitted in writing (by email or post) to the Clerk. Acknowledgement will be sent within 5 working days, and responses provided within 20 working days unless an exemption applies.

Exemptions

Information may be withheld if it relates to personal data, legal privilege, security, or commercial confidentiality. All exemptions will be justified in writing.

Format of Responses

Where possible, information will be provided in accessible electronic formats. Hard copies may be provided on request, subject to administrative cost recovery.

Monitoring and Reporting

Requests will be logged by the Clerk and reviewed annually. A summary will be presented in the annual governance statement.

Policy Review

This policy will be reviewed every two years or following changes in best practice or relevant legislation.

January 2026 Amendments

- Added Freedom of Information Request detail, policy, and procedure