

## Information Requests, Information Transparency and Information Disclosure Policy

### Introduction

Freeport East Ltd (**Freeport East, we, our**) is a private company limited by guarantee whose membership includes both public and private sector bodies. This private sector membership means it is not a public authority and is therefore not subject to the Freedom of Information Act 2000 (FOI) or the Environmental Information Regulations 2004 (EIR) (together, the **FOIA**). However, we recognise the importance of accountability and transparency and these principles are reflected in the MoU between DLUHC and Freeport East.

The FOIA enables anyone, anywhere in the world, to request any recorded information held by, or on behalf of, an organisation subject to it. Where the FOIA applies, information will be provided if it is held, unless one or more of the exemptions listed in the relevant legislation applies. Information which is exempt, such as information that is commercially sensitive, does not have to be provided.

This policy details our approach to managing requests for information and frames the responsibilities of employees. Failure to abide by this policy may result in disciplinary action. This policy should be read in conjunction with the *Data Protection Policy*.

### Scope

This policy applies to requests for any and all recorded information held by Freeport East or by someone else on behalf of Freeport East. It does not apply to information which Freeport East only holds on behalf of another person or organisation.

### Responsibilities

All Freeport East employees are responsible for ensuring that any request for information they receive is dealt with in line with this policy.

All Freeport East employees need to act responsibly in the storage of electronic communications and documents in the light of the potential requirement for them to be accessed under the FOIA provisions. Additionally, it is a requirement of the MoU with DLUHC that all such information must be maintained as it may be requested by DLUHC at any time for the purpose of performance management. Employees failing to adhere to this responsibility may be subject to disciplinary procedures.

### Dealing with Requests

Freeport East will not treat requests for information as FOI or EIR requests, as we are not subject to the FOIA.

We will consider our website to be the primary means of maximising transparency and availability of relevant information.

Certain core governance and operating information such as Board Agenda, Minutes, Papers and Decision Logs will be routinely released onto the website once all internal approvals are

in place. Other documents such as our Business Plan, and other information about our proposals and activities will also be made available where possible. Freeport East will therefore aim to publish as much information as it can proactively on the basis of a reasoned judgement that supports maximum transparency, whilst recognising constraints on resource capacities and commercial confidentiality.

We will not publish any papers and information on our website which include matters deemed confidential and/or commercially sensitive. In the case of Board minutes and papers, we will designate these (or the relevant parts of them) as confidential on the relevant agenda and papers themselves. We will assess at the time whether such papers can be sensibly and proportionately published with redactions, or not published due to their commercial sensitivity. Our MoU with DLUHC requires us to apply Schedule 12A to the Local Government Act 1972 and guidance published by the Information Commissioner when we are considering what information we should be seeking to publish to aid transparency and what information should not be disclosed. We will include 'Exemption from Publication in accordance with Section 12A of the Local Government Act 1972' in the footnote of all papers which are designated confidential.

Where we are requested for information not currently available on our website (irrespective of whether the applicant mentions the FOIA or not), we will consider whether it is appropriate to release that information as a consequence of the request. For simplicity and alignment, we would aim to do this within the statutory response period of 20 working days following receipt of a valid request, which is (subject to exceptions) the timescale that applies under FOIA. If a request is unclear, Freeport East will ask for clarification as soon as possible to enable it to proceed with considering the request.

Responses to any requests will be standardised and confirm the availability, or otherwise, of information on our website, which would remain the primary means of sharing information. We would not ordinarily look to release information under a direct request that we would not equally be willing to share via our website. Where we consider it is not appropriate to release information on to our website we will explain why this is the case.

### **Relationship with the Data Protection Act**

Freeport East is under a legal duty to protect personal data as required by the General Data Protection Regulation (2016/679) and Data Protection Act 2018 (as amended). Freeport East will carefully consider its responsibilities under this legislation before disclosing personal data about living individuals, including current and former employees and users of its services. It will also have regard to any relevant guidance issued by the Information Commissioner.

### **Complaints about Requests for Information**

Anyone who has made a request for information to Freeport East may request an internal review if they are unhappy with the way their request has been handled.

Internal reviews will be carried out by the CEO. Any internal review will consider whether the request was handled appropriately in line with this policy.

Applicants wishing to ask for an internal review must do so within 40 working days of the date of Freeport East's response to their request. Freeport East aims to respond to internal reviews within 20 working days of receipt.

Anyone who is unhappy with the outcome of an internal review may complain to the Freeport East Board in accordance with the Complaints Policy.