

## **Freedom of Information & Environmental Information Policy**

### **1. Purpose**

- 1.1. This policy sets out Sport England's approach to ensuring compliance with the terms of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).
- 1.2. This policy applies to all Sport England colleagues.

### **2. Background**

- 2.1. Both the FOIA and EIR provide a general right of access to information held by public authorities, including Sport England.
- 2.2. Information is defined in the FOIA as meaning "information recorded in any form". This is interpreted as including paper records, e-mails, information stored on computers, voicemail messages, handwritten notes, recordings of meetings or any other form of recorded information.
- 2.3. Under the FOIA and EIR we are required to proactively publish certain routine information about our activities. We are also obliged to provide information in response to specific requests unless an exemption in the legislation applies.

### **3. Guiding principles**

- 3.1. Sport England is an open and transparent organisation.
- 3.2. Sport England is committed to making information available to the public, both routinely and upon request.
- 3.3. Sport England is committed to responding to information requests promptly and within the statutory timeframe.

### **4. What is an Information request?**

- 4.1. Sport England recognises any written request for information, which clearly describes the information required and which includes a real name and address (including an email address) for correspondence as a request made under the terms of the FOIA or EIR.
- 4.2. An individual does not have to mention the FOI or EIR when making a request and the request does not have to be directed to a specific member of staff.
- 4.3. Under the EIR, requests for environmental information can be made verbally or in writing.

## **5. Informal requests**

- 5.1. We do not have to treat every enquiry about information as a formal request under the FOIA or EIR. Enquiries about leaflets, copies of policies or documents that do not contain any personal/sensitive information are examples of informal requests for information.
- 5.2. It will often be more practical to deal with such informal requests for information in a 'business-as-usual' way ensuring that responses are issued promptly, ideally within twenty working days.

## **6. What would count as a formal FOI/EIR request?**

- 6.1. Information requests which:
  - explicitly reference the FOIA or EIR or other legislation
  - relate to information which is not normally made available to the public
  - cannot be responded to straight away
- 6.2. Any colleague who receives a formal information request should pass it, without delay, to the Information Governance Team at [foi@sportengland.org](mailto:foi@sportengland.org). Colleagues should not attempt to respond to information requests in this category without first consulting with the Information Governance Team.
- 6.3. Colleagues must not destroy information with the intent to prevent its disclosure after a request has been received. Intentionally concealing, altering, or destroying information after a request is a criminal offense that can result in prosecution and a fine. Colleagues who are unsure how to deal with an information request should refer it to the Information Governance Team for advice.
- 6.4. Upon receipt of a formal information request, the Information Governance Team will be responsible for coordinating and issuing a response in accordance with the agreed procedures.

## **7. Responsibilities**

- 7.1. The Audit Risk & Governance Committee (ARGC) has overall responsibility for this policy.
- 7.2. The Information Governance Team is responsible for:
  - 7.2.1. Coordinating Sport England's response to all formal information requests in accordance with the agreed procedures.
  - 7.2.2. Advising on the applicability of exemptions under the FOIA and EIR.
  - 7.2.3. Keeping both the Sport England Publication Scheme and Disclosure Log under review.
  - 7.2.4. Liaising with the Information Commissioner's Office as necessary.

7.3. The Director of Legal Services is responsible for:

7.3.1. Conducting internal reviews in accordance with the agreed procedures.

7.3.2. Advising on the applicability of exemptions under the FOIA and EIR.

7.4. All colleagues are responsible for:

7.4.1. Ensuring that informal requests for information which are to be dealt with during the normal course of business are responded to promptly and within twenty working days.

7.4.2. Ensuring that formal requests for information are referred to the Information Governance Team without delay.

7.4.3. Responding to requests for information sent by the Information Governance Team promptly to ensure that statutory deadlines relating to information requests are met.

## **8. Charges and format of responses**

8.1. Sport England does not charge to provide copies of information requested under the FOIA or EIR.

8.2. If an individual asks to receive information in a specific format Sport England will provide the information in the required format wherever possible.

## **9. Exemptions**

9.1. Sport England recognises that both the FOIA and EIR contain a strong presumption in favour of disclosure and therefore seeks to disclose requested information wherever it is possible and appropriate to do so.

9.2. Sport England also recognises information as a valuable asset and is mindful that there may be occasions where disclosure would be neither appropriate nor in the public interest. In such circumstances Sport England will engage any applicable exemption.

9.3. In considering whether an exemption should be engaged Sport England will be informed by the relevant guidance and decisions issued by the Information Commissioner's Office.

## **10. Third Party Information**

10.1. As a courtesy, where appropriate Sport England will consult with third parties prior to disclosure of information:

10.1.1. If the information being requested is held on behalf of a third party.

10.1.2. If the information being requested was supplied by a third party and.

10.1.3. disclosure of the information being requested would be likely to affect the commercial or other interests of a third party.

10.2. Sport England will consider any objections to disclosure carefully. However, it will be for Sport England to decide whether an exemption should be engaged.

## **11. Internal reviews and complaints**

11.1. Sport England provides an internal review procedure for individuals who are dissatisfied with the way an information request was handled, or who wish to challenge our reliance on an exemption.

11.2. The Director of Legal Services is responsible for conducting internal reviews in accordance with the agreed procedures. The Director of Legal Services may delegate individual reviews to any other lawyer in the Legal Services Team.

11.3. In the event that an individual remains dissatisfied following completion of our internal review it is open to them to lodge an appeal with the Information Commissioner's Office.

## **12. Publication Scheme**

12.1. Under the FOIA, all public authorities are obliged to adopt and maintain a Publication Scheme specifying:

12.1.1. The classes of information that they publish or intend to publish; and

12.1.2. How the information is or will be published.

12.2. The Publication Scheme is published on the Sport England website and, where possible, includes direct links to information included in the scheme.

12.2.1. Sport England will periodically review the Publication Scheme and make amendments and updates where appropriate.

## **13. Disclosure Log**

12.3. Sport England publishes a 'disclosure log' summarising information requests received on its website.

12.4. The Information Governance Manager is responsible for maintaining the disclosure log and ensuring it is updated on a quarterly basis.

## **14. Versions and approvals**

Policy prepared by	Yemisi Abiodun, Information Governance Manager
Responsible director	Frances Harrison, Director, Legal Services
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