

TOSTOCK PARISH COUNCIL

FREEDOM OF INFORMATION POLICY

Adopted 2024-03-12

1 Introduction

- 1.1 Tostock Parish Council supports the principle of openness, transparency and accountability and will continue to improve access to information.
- 1.2 The Freedom of Information Act 2000 (FOIA) gives everyone the right to request any recorded information held by a parish council. There is no requirement to explain why the information is being requested. There are no restrictions on age, nationality or where the person making the request lives. There are, however, exemptions to disclosure (see below).
- 1.3 The FOIA covers any recorded information held by a public authority which, necessarily, includes the Council as the first tier of local government. It does not, however, give people access to their own personal data which is a function of the Data Protection Act. Any information that the Council holds in relation to the environment will be processed in alignment with the Environmental Information Regulations 2004 (EIR).
- 1.4 The FOIA provides public access to information held by the Council in two ways:
 - ◆ the Council is obliged to publish certain information about its activities; and
 - ◆ members of the public are entitled to request information from the Council.

2 Policy Aims

This policy seeks to enable the Council to:

- ◆ promote a more open local government;
- ◆ promote better informed public debate;
- ◆ improve public confidence in the operations of the Council and local government;
- ◆ improve decision-making to promote accountability;
- ◆ increase public participation to enhance democracy;
- ◆ promote the FOIA (and EIR), in terms of accuracy and objectivity; and
- ◆ improve information management.

3 Publication Scheme

- 3.1 Every public authority has a duty to adopt and maintain a Publication Scheme in order to facilitate the proactive release of information. The Council has adopted and published the Model Publication Scheme produced by the ICO (Information Commissioner's Office) which enables members of the public to view and freely access information held by the Council. It has been published on the Tostock village website:
- 3.2 The Publication Scheme contains the following seven classes of information:
 - ◆ Who we are and what we do.
 - ◆ What we spend and how we spend it.
 - ◆ What our priorities are and how we are doing.

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- ◆ How we make decisions.
- ◆ Our policies and procedures.
- ◆ Lists and registers.
- ◆ The services we offer.

4 Obtaining Council Information

There are three ways to obtain information:

- 4.1 Parish Council website: The website provides increasing amounts of information which the Council publishes routinely, e.g. meeting agendas and agendas, and financial data. Information residents and others may want could already be there or included in the Publication Scheme.
- 4.2 Inspect documents held by the Parish Clerk: If you wish to view certain documents, you should contact the Clerk, either via the facility on the website or by telephone, or in writing. Some documents require some time to locate, so it may be necessary to make an appointment.
- 4.3 Individual written request: If the information is not included in the Publication Scheme or on the website, members of the public can submit a written request to the Council which must be legible, include the name of the requestor, address for correspondence, and a description of the information required.

5 Requests for Information

- 5.1 A request for information under the FOIA must be:
 - ◆ in writing;
 - ◆ state the name of the applicant and an address for correspondence; and
 - ◆ describe the information requested.
- 5.2 There is no requirement to explain why the information is being requested. There are no restrictions on age, nationality or where the person making the request lives. There are, however, exemptions to disclosure (see below).
- 5.3 In compliance with Section 16 of the FOIA the Council will, as far as reasonably possible, provide advice and assistance in response to all requests for information.

6 Request Response

- 6.1 As specified in the FOIA the Council has a maximum of 20 working days from receipt of the written request in which to provide the information required. Excluded in that timeframe are weekends, bank holidays, any specific religious celebration days or days deemed by statute to be non-working.

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- 6.2 Upon receipt the Council will:
- ◆ confirm to the requestor whether or not it holds the information;
 - ◆ advise if any fee is applicable; and
 - ◆ gather the information that has been requested.

7 Provision of Information

- 7.1 The Council will provide the information (after any relevant fee has been paid) unless an exemption should apply.
- 7.2 The Council, unless specified otherwise, will seek to provide information by email.
- 7.3 The Council will seek to comply with requests for information as quickly as possible. Section 10 of the FOIA states that a public authority must respond to a request promptly and, in any event, no later than the twentieth working day following the date of receipt (working day means any day other than Saturday, Sunday or bank holidays). The time for compliance is subject to change if:
- ◆ the Council seeks clarification under Section 1(3) of the FOIA;
 - ◆ there is a need for an extension to consider the Public Interest Test under Section 10(3) of the FOIA; or
 - ◆ a fees notice is issued under Section 9.

8 Fees

- 8.1 The Council will provide information free of charge if at all possible. However, the FOIA permits the Council to charge for answering requests in the following circumstances:
- ◆ Disbursement costs, e.g. printing, photocopying and postage; and
 - ◆ When estimated staff costs involved in locating and or compiling the information exceed £450. Under these circumstances, the Council can refuse the request on the grounds of cost, or charge the applicant £20 per hour (plus disbursements) for the estimated work.

When fees apply the Council will issue a fees notice which must be paid within three months. If no payment is received in that period then the request for information will be closed.

- 8.2 For the majority of requests, or a series of requests from the same applicant within a 12-month period, it is expected that the charge for locating and compiling information will be less than £450 and therefore, except for disbursement costs, no reimbursement can be sought. However, where costs are estimated to exceed £450 (based on an hourly charge-out rate of £20), the Council can decide to:
- ◆ refuse the request;
 - ◆ comply with the request and charge for allowable costs as prescribed in the legislation; or
 - ◆ comply with the request free of charge.

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- 8.3 If the estimated cost of a request is more than £450, and it is decided to release the information and make a charge for the information then:
- ◆ A fee notice will be sent to the applicant requesting the appropriate fee;
 - ◆ The request will not be answered until the fee has been received;
 - ◆ If the actual cost of completing the request is more than the estimate then the Council will incur the additional cost;
 - ◆ Where the cost is less than the estimated cost then the difference will be refunded to the applicant.
- 8.4 Regarding disbursements costs, the Council will charge 10p per sheet for photocopying and printing documents, and recover the actual cost of postage and/or any other transmission costs from the applicant.

9 Vexatious or Repeated Requests

- 9.1 Under Section 14 of the FOIA the Council will not comply with vexatious requests where there is a strong likelihood that such requests are being made to intentionally cause disproportionate or unjustified levels of disruption, irritation or distress.
- 9.2 The Council will not comply with a request where it has received an identical or similar request from the same individual unless a reasonable interval has elapsed between compliance with the original request and the current request.

10 Refusals

In some cases, the Council may refuse requests for information under Section 17 of the FOIA. The Council may issue a refusal notice for the following reasons:

- ◆ The requested information is not held. If possible, the Council shall provide the requestor with information to redirect the request. However, for data protection reasons the Council will not transfer the requestor's request; or
- ◆ an exemption from disclosure applies.

11 Exemptions

- 11.1 There may be circumstances where some information may not be able to be provided given that its nature or content makes it exempt from disclosure (some 23 exemptions are provided for within the FOIA, e.g. where personal data is safeguarded by data protection legislation, or information is commercially sensitive).
- 11.2 The exemption, if relied upon, will be explained thoroughly in the refusal notice issued by the Council under section 17 of the FOIA. A list of exemptions can be found on the Information Commissioner's Office website:

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<https://ico.org.uk/for-organisations/foi/guide-to-managing-an-foi-request/exemptions/list-of-exemptions/>

- 11.3 Some exemptions are 'absolute', which means that the exemption applies to any information falling within a defined type. Other exemptions are 'qualified' and require a public interest test to be applied. The Council will ensure that the public interest test is carried out for each of the qualified exemptions. If an exemption is applied it will be authorised by the Chair of the Council.

12 Complaints

- 12.1 Should a requestor be dissatisfied in any way with how his/her request was handled or the information provided/not provided then the Clerk will refer the complaint to the Chair of the Council for review. The Council has 20 working days in which to complete the review.
- 12.2 If the requestor remains dissatisfied then he/she is entitled to contact the Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel: 0303 123 1113.; <https://ico.org.uk/make-a-complaint/>