



Sessay Parish Council

FREEDOM OF INFORMATION POLICY

1. BACKGROUND

The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) place legislative requirements on all public authorities, including local councils.

The laws established the legal Right to Know; a presumption in favour of public access to information held by public authorities, subject to certain exemptions; and other measures to improve public sector transparency.

The Council is obliged to provide information:

- Through a publication scheme
- In response to requests made under the general right of access

When responding to requests, there are set procedures that the Council needs to follow. These include:

- The time limit public authorities are allowed for responding to requests
- The fees or amount that public authorities can charge for dealing with requests. Public authorities are not obliged to deal with requests if the costs of finding the information exceed a set amount known as the appropriate limit
- Public authorities need not comply with vexatious or repeated requests

The Freedom of information Act also recognises that there are valid reasons for withholding information by setting out a number of exemptions from the right to know, some of which are subject to a public interest test.

2. POLICY STATEMENT

As part of a society where information rights and responsibilities are respected by all, Sessay Parish Council will aim to move away from the need for individual freedom of information requests towards a culture of routine, proactive and substantially increased transparency on the part of the Council, by:

- Being open and transparent and endeavouring to provide the public with access to the official information that it holds, as a matter of course.

- Making people aware of their rights to access the official information the Council holds
- Making as much routine information as possible available through the Council's Model Publication Scheme and website, sessay.org.uk
- Providing reasonable advice and assistance to applicants requesting information

3. DEALING WITH REQUESTS FOR INFORMATION

Members of the public have a general right of access to information held by Sessay Parish Council, specifically:

- To be told whether or not the information is held by the Council, and
- If it is, to have the information communicated to them.

There are certain exemptions and limitations to this general right and each case will be dealt with on its merits.

Requests for information must be made in writing, must give the applicant's name and return address and must describe the information requested in such a way that it is able to be located. A written request includes an e-mail. For environmental information, the request does not have to be in writing.

All requests for information will be recorded, and may be included on the Agenda for a Parish Council Meeting.

Receipt will be acknowledged, but if it is possible to respond with the information requested, this will be done instead. If further information is required in order to locate the information requested, this will be undertaken as quickly as possible.

All correspondence, phone calls, e-mails etc., that follow the original request will be recorded.

The Council has 20 working days in which to deal with a request for information. If it is not clear what information is required, the 20 day period does not begin until clarification is received from the applicant as to exactly what is required. (For environmental information the response period is extended to 40 working days for information that is complex and bulky.)

A charge will be made for the photocopying of information requested as follows:

- **10p per single A4 size sheet in accordance with the Council's Publication Scheme costs**
- Additionally, postage will be charged at cost.
- If the cost of finding, sorting and editing the information requested is more than £450 then, under the FOI Act, the Council does not have to provide the information. (Under EIR, environmental information cannot be refused on the grounds of cost)

Any requests for information not contained in the Publication Scheme will be dealt with by the Clerk under the FOI Act. It may be necessary for further specific guidance to be obtained from the Information Commissioner's Office. It should be noted that certain personal information is covered by the Data Protection Act and can be withheld.

The applicant will be kept informed at all stages of the process, particularly if it is a complex request, when guidance may have to be sought from other agencies.

If a request is refused, the refusal notice will give the reasons for refusing the request and advise the applicant as to their rights of appeal – both internally by way of a complaint and, following that, by way of an appeal to the Information Commissioner.

4. APPEAL PROCESS

If the information requested cannot be supplied, the reasons for this will be communicated to the applicant immediately. The applicant has the right of appeal against the refusal, initially to the Council, but ultimately to the Information Commissioner.

Any initial appeal will be made to the Council, and it will be dealt with by elected members, in accordance with the Council's Complaints Procedure. If the original decision not to supply the information is upheld by the Council, but is still not accepted by the applicant, then the applicant is able to appeal to the Information Commissioner.