



## Freedom of Information Policy

<b>Adopted</b>	8 <sup>th</sup> July 2019 Minute 132/19
<b>Reviewed</b>	6 <sup>th</sup> February 2023 Minutes 23.23 (1)
<b>To be reviewed</b>	<b>February 2024</b>

Elham Parish Council, like all other public authorities, is subject to the Freedom of Information Act 2000 ("the Act"). The Act aims to make information held by public authorities more accessible to the public and allows individuals and companies to request a wide variety of material. This document is based on the Code of Practice and guidance issued by the Information Commissioners Officer (ICO).

### **Your rights under the Act**

On receipt of a request for information the Council must:

- (a) inform you in writing whether it holds the information requested and, if so,
- (b) communicate that information to you.

The Council is not required to comply with these obligations where one or more exemptions apply (refer to the ICO guidance for details).

### **Who may request information?**

Any individual or company may make a request. Applicants do not need to be UK citizens or living in the UK to make a request.

The Council does not need to know why you are making the request or what you intend to do with the information. It will not impose conditions on the use or further disclosure of information provided although information disclosed may be subject to copyright protection.

### **What information may I request?**

You may request information held by or on behalf of the Council and recorded in any form. This includes paper records, information held on computers, other electronically held information (audio and video recordings), plans, maps, and photographs. You are entitled to the information contained in documents, not to the documents themselves. However, where appropriate and convenient the Council may choose to provide a copy of the document rather than extracting the information from it. There may be a charge for extracting or providing copies of this information (see point 6).

If your request "personal information" covered by the General Data Protection Regulations or "environmental information" covered by the Environmental Information Regulations 2004 then different rules apply.

### **1. How do you make a request?**

Requests for information should be made in writing, either by letter or email addressed to the Parish Clerk and should include:

- Your name and address (physical or electronic) for correspondence.
- A clear statement of the information you are requesting. If your request is ambiguous in any way, or open to interpretation, the Clerk will contact you in order to clarify your request. Your request will not be dealt with until clarification is received. Be clear about the format in which you would prefer to receive the information, for example, by email or a paper copy.

### **2. What happens once my request has been received?**

Any request for information will be treated as a formal request for information. The Parish Council suggests that letters or emails are clearly marked A Freedom of Information request to avoid confusion.

### **3. How long does it take?**

The Council is obliged to comply with the obligations under the Act promptly and (subject to limited exceptions) within 20 working days following the date it receives your request. If the Parish Clerk needs to ask you for clarification of the request, the 20-working day period does not start until that is received. If payment is required, the 20-day working period is paused on the day a fees notice is issued and restarts on receipt of the payment. If (in the limited circumstances where the Council is permitted to do so) it needs to extend the timescale to give proper consideration to the request, then the Parish Clerk will inform you of this.

### **4. Already published information.**

The Council routinely handles requests for basic information and will continue to do this without necessarily having to treat the request as a request under the Act.

The Council also publishes information pro-actively whenever possible, rather than it only being available on request. The Council's Publication Scheme specifies the categories of information that it publishes or intends to publish, how to obtain that information, and whether any payment is required. If information is available under the Publication Scheme the Council is not obliged to provide the information to you under the Freedom of Information Act because it is deemed to be already reasonably accessible to you. Where this is applicable, the Council will respond to your request by explaining how you can access the information.

### **5. Consultation with third parties.**

If your request relates to a person / company other than yourself and the Council or where disclosure of the information you are requesting could affect the interests of another person, the Council may need to consult the third party before responding to your request.

### **6. What does it cost?**

The Act makes provision for a fee to be charged for the information.

If it will cost more than £450 for the Council to respond to a request, then it need not comply with it. The cost limit covers the time taken to find, sort, edit or reformat material (calculated

at £25 per hour). It does not cover the time taken to consider whether exemptions apply. Complying with requests that will cost more than £450 is discretionary.

For requests where the costs are less than the £450 ceiling, the Council will charge the following fees:

- Photocopying of existing material in the Parish Office (maximum A4 size) – 10p per sheet black and white 12p per sheet colour.
- Scanning existing material, formatting and saving digitally in the Parish Office (maximum A4 size) – 25p per sheet
- Reproduction of existing material that cannot be done in the Parish Office – to be quoted on a case-by-case basis depending on the exact requirements, the location of the copying facility to be used and the staff time/travelling expenses/postage costs involved.
- Staff time to find, sort, edit or reformat material locate, retrieve, extract or redact information– £25 per hour.
- Postage (using the service that you prefer) by Royal Mail – at cost.
- E-mailing of existing material held in a digital format – free of charge (subject to Internet Service Provider size limits)
- Special requirements not listed above – on application.

On receipt of your written request the Parish Clerk will write to advise you of the cost of providing the information. The-20-day period will restart from the day the Parish Clerk receives your payment. Please note that the Council does not have to provide the information if you fail to pay within three months.

### **7. What if the information request is refused?**

The Parish Council is committed to openness and accountability and already makes a wide range of information available to the public through the website. The Council has the duty to consider whether or not to disclose the information requested, a reason for this decision and explanation how the exemption or exception applies will be given. The Council must also inform you of your right to complain to the Information Commissioners Office (ICO).

### **8. Complaints and Appeals**

Should you be unhappy with the outcome of a request under the Act, you should in the first instance contact the Parish Clerk, who will review your complaint, reconsider any decisions relating to the release or withholding of information and, if appropriate, provide a further response. If, after review, the original response is considered correct, your complaint will be reconsidered by the Chairman of the Parish Council.

### **9. How can the ICO help?**

If you are dissatisfied with the results of the Councils' internal review, you may wish to apply to the ICO for a decision about whether the request has been dealt with according to the Act. The ICO may serve a decision notice either confirming the decision made by the Council or directing it to disclose information within a certain time. If you or the Parish Council disagrees with the ICO's ruling, you have 28 days to appeal to the independent Information Tribunal.

The Information Tribunal may uphold the ICO's decision notice, amend it or overturn it. Additional guidance on the Freedom of Information Act is available on the ICO website at [www.ico.gov.uk](http://www.ico.gov.uk)

**Where to send request:**

**Write to:** Mrs C Greenwood, Clerk to Elham Parish Council, 3 Coach House Mews, High Street, Elham, Canterbury, Kent CT4 6TD

**Telephone:** 07702268475

**Email:** [cgreenwood@elhampc.co.uk](mailto:cgreenwood@elhampc.co.uk)