



FREEDOM OF INFORMATION POLICY

Abstract

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 give rights of public access to information held by public authorities. This Policy sets out the details of how Lapford Parish Council fulfils its duty to adopt and maintain a Publication Scheme to make the Council's information available to members of the public.

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Review Cycle

Every four years at the Annual Meeting of the Council after the election of the parish councillors or in response to new or amended statutory requirements. Next review due May 2023.

Legislation and Regulation

- Data Protection Act 2018
- Environmental Information Regulations 2004
- Freedom of Information Act 2000
- Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations SI. 2004/3244
- General Data Protection Regulation 2018
- Lapford Parish Council's related documents:
 - Freedom of Information Request Form
 - Publication Scheme
 - Schedule of Charges for Information Requests

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1. INTRODUCTION

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 give rights of public access to all types of recorded information held by public authorities. This Policy sets out the details of how Lapford Parish Council (the Council) fulfils its duty to adopt and maintain a Publication Scheme and to make the Council's information available to members of the public.

2. PUBLICATION SCHEME

- 2.1 The Council has adopted the Model Publication Scheme published by the Information Commissioner's Office. This Publication Scheme commits the Council to make information available to the public as part of its normal business activities.
- 2.2 The Publication Scheme describes:
 - The classes of information that must be available to the public;
 - How and where such information is published, e.g. on the Council's website; and
 - Whether or not a charge is made for such information.
- 2.3 The Publication Scheme identifies the Council's information that is automatically or routinely published by the Council and ensures that a significant amount of information is readily available to the public.
- 2.4 Most of the information listed in the Council's Publication Scheme is supplied free of charge and can be downloaded from the Council's website www.lapfordparishcouncil.btck.co.uk.
- 2.5 Where information is only available in paper format, this is stated in the Publication Scheme. This information can be viewed by appointment with the Clerk or a copy can be requested from the Clerk.

3. REQUESTS FOR INFORMATION

- 3.1 If the information required is not included in the Publication Scheme or on the Council's website, a request for information under the Freedom of Information Act 2000 should be made to the Clerk, using the Freedom of Information Request Form. The form does not have to be used, but a requestor must make their request in writing.
An information request under the Environmental Information Regulations 2004 does not need to be in writing, however a written record will be held.
- 3.2 Requests for information must include the requestor's name, an address for correspondence and a description of the information required.
- 3.3 Within 20 working days of receipt of a valid information request, the Clerk will:
 - Confirm to the requestor whether or not the Council holds the information;
 - Advise the requestor if a fee will be charged;
 - Inform the requestor that the request had been refused and the reason for refusal; or
 - Explain that additional time is required to collate the information.
- 3.4 Where possible, the information will be provided to the requestor in the manner requested, e.g. in the form of a hard copy or an electronic copy.
- 3.5 A request may be refused under the following circumstances:
 - The Council does not hold the information;
 - The information is in draft form;
 - The information is readily and publicly available from an external website;
 - The information is archived, out-of-date or otherwise inaccessible;

- The request is vexatious;
- The request duplicates a previous request from the same individual; or
- The request relates to an exemption under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004, e.g. the information is intended for future publication or the information consists of personal data that would be contrary to the Data Protection Act 2018 or the General Data Protection Regulation 2018.

4. CHARGES

- 4.1 The Council's fees and charges are stated at the end of the Publication Scheme. Unless otherwise stated, publications listed in the Publication Scheme are supplied free of charge.
- 4.2 A disbursement charge may be made for information requests for costs such as printing, photocopying and postage:
- Printing – Black and white @ 10p per sheet
 - Printing – Colour @ 20p per sheet
 - Photocopying – Black and white @ 10p per sheet
 - Photocopying – Colour @ 20p per sheet
 - USB drive – Actual costs
 - Postage – Actual cost of posted items, usually sent as second-class post, or by Special Delivery if the item contains personal information
- 4.3 If a disbursement charge is to be made, the following actions will be undertaken:
- A fee notice will be issued confirming that the information is held and giving an estimate of the disbursement costs of providing the information.
 - The requestor has three months to make the payment. The request will not be filled until the fee has been received.
 - If the actual cost of completing the request is more than the estimate, the Council will incur the additional cost.
 - Where the cost is less than the estimated cost, the difference will be refunded to the requestor.
- 4.4 If administration costs to complete a Freedom of Information request exceed the appropriate limit of £450, the Council can charge the requestor for the administration costs in meeting the request. In estimating the cost of compliance, time is charged at £25 per hour plus disbursement charges for the estimated work to collate the information.
- 4.5 If requested information is likely to cost more than the appropriate limit of £450 to compile the requested information, the Council can:
- Refuse the request;
 - Comply with the request and charge for the allowable costs as set out in the Freedom of Information Act 2000 and Environmental Information Regulations 2004; or
 - Comply with the request free of charge.
- 4.6 If the administration cost of a request is likely to be more than the appropriate limit of £450 and the Council decides to release the information and make a charge, the following actions will be undertaken:
- A fee notice will be issued confirming that the information is held and giving an estimate of the administrative and disbursements costs of providing the information.
 - The requestor has three months to make the payment. The request will not be filled until the fee has been received.
 - If the actual cost of completing the request is more than the estimate, the Council will incur the additional cost.

- Where the cost is less than the estimated cost, the difference will be refunded to the requestor.

5. MAKING A COMPLAINT

- 5.1 The Clerk will provide advice and support to members of the public requesting access to information from the Council under the Freedom of Information 2000 and the Environmental Information Regulations 2004. Detailed guidance is also available from the Information Commissioner's Office.
- 5.2 If dissatisfied by the way a request for information has been dealt with by the Council, the requestor can make a complaint in writing addressed to the Clerk: Juliet Cross, Clerk to Lapford Parish Council, 28 Four Ways Drive, Chulmleigh, EX18 7AZ or lapfordpc@live.co.uk. The complaint will be reviewed by the Chairman or Vice Chairman of the Council and a response will be provided within 40 working days.
- 5.3 If the requestor is dissatisfied with the response from the Council, they can contact the Information Commissioner to review the Council's decision. The Information Commissioner's Office can be contacted on:
- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
 - Telephone: 01625 545 745
 - <https://ico.org.uk/make-a-complaint/>