HANDLING FREEDOM OF INFORMATION REQUESTS POLICY

Compliance with the Freedom of Information Act 2000 is the legal responsibility of local authorities and other public organisations. Since 1 January 2005 people have a right to know what decisions are taken on their behalf, and how services are run. They have the right to be told whether or not information exists. They can also ask to see not only printed leaflets and other publications, but also any background files and other records relating to the business of the organisation, unless statutory exemptions apply.

Nettleham Parish Council has produced and publicised a Publication Scheme, which makes it clear what information can already be accessed. The Publication Scheme outlines any charges which may be made in supplying any information.

Any additional information which is not part of the Publication Scheme can be requested under the Freedom of Information Act 2000.

A request for information must be made, in writing e.g. by letter or e-mail and should be sent to the Clerk to the Council. The request must include a contact name, an address for correspondence and state clearly what information is required.

Responsibility for dealing with all requests for information has been delegated to the Clerk to the Council.

The first step will be to identify whether the requested data is held by the council. If not, the applicant will be notified accordingly.

If information is held, and is not subject to any exemption, it will normally be supplied within 20 working days unless there is a fee to pay, or further clarification must be sought.

If the request for information is unclear, the Clerk to the Council will contact the applicant to clarify what data is being sought. If clarification of a request is needed, the 20 working day period will commence on receipt of the additional information.

If the information is not held by the Council, but the Council is aware of another public body which may hold the information, the request will either be forwarded to the third party concerned, or the applicant will be give details of which public authority is believed to hold the information.

Where information cannot be provided, a refusal notice will be issued explaining which exemption applies, and advising of any right to appeal, if applicable.

Where information is subject to a ‘qualified exemption’ under the FOI Act, there may be an extension to the 20 day period whilst further consideration is given to applying the public interest test, to determine whether any information should be withheld or disclosed.

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Where the Council reasonably estimates that the cost of complying with a request would exceed the appropriate limit prescribed by legislation, it may refuse the request under section 12(1) of the Freedom of Information Act 2000. The Council will provide reasonable advice and assistance to applicants wishing to refine their requests, in accordance with section 16.

The Council may refuse requests that are vexatious or repeated within the meaning of section 14 of the Freedom of Information Act 2000. Each request will be assessed objectively, taking account of the circumstances and relevant guidance issued by the Information Commissioner's Office.

In accordance with section 12(4) of the Freedom of Information Act 2000 and Regulation 5 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the Council may aggregate the estimated costs of complying with two or more requests received within any period of 60 consecutive working days, where those requests are made by the same applicant, or by applicants acting together, and relate to the same or similar information.

Where the aggregated estimated cost exceeds the statutory appropriate limit, the Council may refuse the request under section 12(1), subject to its duty to provide reasonable advice and assistance under section 16.

Where any complaint is received about the processing of any request for information, this will be referred on to full Council for attention.

Any applicant dissatisfied with the Council's handling of a Freedom of Information request may request an internal review. The review will, wherever practicable, be undertaken by a person who was not involved in the original decision, appointed in accordance with the Council's delegated arrangements.

The Council will normally complete an internal review within 20 working days and, where additional time is reasonably required, within 40 working days. Applicants will be informed of the outcome and their right to complain to the Information Commissioner's Office.

The Clerk to the Council is authorised to receive, assess and respond to requests for information under the Freedom of Information Act 2000 and Environmental Information Regulations 2004, including issuing refusal notices where a statutory exemption or exception applies.

The Clerk shall maintain a record of requests received and responses issued, and may seek specialist legal or information governance advice where appropriate.

The Council shall establish arrangements for independent internal reviews and shall receive periodic reports on information request activity, without unnecessary disclosure of applicants' personal information.