

GARSDALE PARISH COUNCIL FREEDOM OF INFORMATION POLICY

This page contains the policy of Garsdale Parish Council (GPC) with respect to freedom of information under the Freedom of Information Act 2000.

The Freedom of Information Act 2000

The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways:

- Public authorities are obliged to publish certain information about their activities
- Members of the public are entitled to request information from public authorities

The FOI Act gives two related qualified rights – the right to be told whether the information is held and the right to receive the information, subject to exemptions. The right of access applies regardless of the purpose of the application

The Act covers any recorded information held by a public authority in England, Wales and Northern Ireland and by UK-wide public authorities based in Scotland. Recorded information includes printed documents, computer files, letters, emails, photographs, hand written notes and sound or video recordings.

The Act does not give people access to their own personal data (information about themselves). Individuals wishing to see information about themselves need to make a Subject Access Request under the Data Protection Act 2018.

Policy

Garsdale PC will:

- Respond to requests for information promptly and within 20 working days from the day after the day of receipt. Where we are not able to do so we will inform requesters of the reasons and keep them updated of progress in dealing with their request.
- Maintain a 'Publication Scheme' that provides information which is readily accessible without the need for a formal FOIA request.
- Continue to protect the personal data entrusted to us, by disclosing it only in accordance with the Data Protection Act 2018.
- Consult with third parties before disclosing information that could affect their rights and interests. However, we reserve the right to take the final decision on disclosure.
- Reserve the right to make reasonable charge for information requests in line with the FOIA Fees Regulations or other applicable regulations, including charging for requests made under the Data Protection Act 2018.
- Where we are not minded to disclose information where exemption(s) apply seek to explain the exemption and how we are applying it.
- Provide a review process for requesters
- Ensure that all staff are aware of their obligations under the Act to make information available.

Making a request for information

To be valid under the FOI Act, requests:

- Must be in writing;
- Must clearly describe the information being sought;
- Can be made by an individual or an organisation;
- Can be made by letter, or email;
- Must be legible and
- Must contain the name of the applicant and a return address.

When making your request you should include:

- Your preferred correspondence details e.g. name, email or postal address
- A clear description of the information you are requesting in as much detail as possible. If we need to clarify your request it may take longer to provide the information to you

If you wish to request information which is not already published on our website through our Publication Scheme, please email clerk@garsdaleparishcouncil.gov.uk or write to The Clerk, Garsdale Parish Council. The current address can be found on the notice board at Garsdale Village Hall, and on www.garsdaleparishcouncil.gov.uk.

Any information we supply to you under FOIA should be for your personal use. We retain copyright to all information we disclose.

Fees

Section 9 of the FOI Act allows Garsdale PC to charge a fee for providing information in response to a request. The fee is determined in accordance with the Fees Regulations. The Fee Regulations set out what charges are permissible for information requests. These charges are currently defined as two elements, prescribed costs and disbursements.

Disbursements are defined as the costs directly associated with supplying the information. This can include costs such as photocopying, postage and materials, but not staff time. For requests for information that are expected to incur direct costs below the Appropriate limit of £450, GPC will issue a fees notice to the applicant for the estimated amount.

The time between issuing the fee notice, and until the fees have been received, will be excluded from the 20 days allowed to supply the information.

Under section 12 of the FOI Act, Garsdale PC does not have to comply with a request for information if the cost of compliance exceeds the Appropriate limit, this is the limit for the estimated or calculated prescribed costs. The regulations define an 'Appropriate Limit', for non-central Government is currently £450.

Garsdale PC can only take into account the costs it reasonably expects to incur in determining whether it holds the information requested, locating the information, or document containing the information, retrieving the information, or a document containing it; extracting the information from a document containing it; and redacting the information to remove personal or commercial data.

The cost will be calculated at £25 per hour per person, regardless of the actual cost or rate of pay. The calculation of the appropriate limit of £450 is equivalent to about 2.25 days of one person's time charged at the £25 per hour rate.

Where a reasonable estimate is made that the appropriate limit of £450 for the costs of preparation would be exceeded, then the Garsdale PC will refuse to comply with the request.

Where the limit is exceeded, there is no requirement for the Garsdale PC to undertake work up to the limit. Garsdale PC can also include the costs of Disbursement as a separate fee.

Repeat or Vexatious Requests

Where a repeated request is received that is identical or substantially similar to a previous request from the same person, Garsdale PC will consider this as a repeated request. Garsdale PC is not obliged to comply with repeat requests for information under the FOI Act, unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

In reaching a decision about whether an application for access should be categorised, as a repeat request Garsdale PC will have regard to:

- The time that has elapsed since the previous request;
- Whether the request is identical or substantially similar to the previous request;
- Whether any relevant, new information has been generated since the previous request.

Garsdale PC is not obliged to comply with vexatious requests under the FOI Act.

In determining whether a request should be refused or ignored because it is vexatious the Garsdale PC will consider all the circumstances of the request, including:

- The context and history of requests submitted by an applicant;
- Whether the request is likely to cause unjustified distress, disruption or irritation.
- Whether the request could fairly be seen as obsessive
- Whether complying with the request imposes a significant burden
- Whether an applicant is habitually and persistently submitting requests where there appears to be no reasonable grounds for them to do so
- Whether there is a strong likelihood that such requests are being made to intentionally cause harassment, cause distress to staff, divert resources or to disrupt the proper workings of Garsdale PC.

Requests for review

If you have not received the information you asked for, or if some of it has been withheld, the Garsdale PC has a procedure for reviewing FOI requests.

You must put your request for review in writing within 40 working days of receiving Garsdale PC's response, giving the reasons for your review request. The review will be carried out at the next Parish Council meeting taking place more than 10 days after receiving the request for review.

Appealing to the information Commissioner's Office

If you are not happy with the way your request has been handled or your review response you may appeal to:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545745
website: <https://ico.org.uk>

Further information about your rights under the Freedom of Information Act is available from our website of the Information Commissioner's Office.