

HAZELWOOD PARISH COUNCIL

FREEDOM OF INFORMATION AND ACCESS POLICY

Amended and Adopted...10th May 2023.....

INTRODUCTION

To comply with the Freedom of Information Act 2000 (FOIA), Hazelwood Parish Council is required to adopt and maintain a Publication Scheme describing:

- The classes of information it publishes
- How and where such information is published (e.g. website, hard copy, etc.)
- Whether or not a charge is made for such information

The Council has adopted the Model Scheme (see Appendix 1)

The purpose of the Council's Publication Scheme is to let everyone know what information will be automatically or routinely published by the Council on its website, and to ensure that a significant amount of information is available to the public without the need for a specific request to be made.

Other information is, of course, available from the Council by individual request, under the FOIA and the Data Protection Act 1998.

OBTAINING INFORMATION

Much of the information listed in the Council's Publication Scheme is supplied free of charge and can be downloaded from our website at www.hazelwoodparishcouncil.org.uk

Information not contained within the Publication Scheme and Exemptions

The FOIA created a general right of access to information and it also set out information that the Council does not have to make available for specific reasons, called exemptions. This is information that, if published, might prejudice the health, safety or security of the Council, its staff, systems, services or property, or breach an individual's Data Protection rights.

If information is requested but is covered by an exemption, the Clerk to the Council will tell the applicant in writing why the Council has refused the request and explain the relevant exemptions.

If information requested is not disclosed, the applicant can ask the Information Commissioner to review the Council's decision. The Information Commissioner's Office is the Government department that oversees and enforces FOI. They can be contacted by the following link: www.ico.gov.uk/

Data Protection

You have the right to request access to any information we hold relating to you (or a third party when authorised to do so); this is called a subject access request. You can do this by contacting our Data Information Officer: clerk@hazelwoodparishcouncil.org.uk A council can refuse a subject access request in particular circumstances and these will be explained to you should the situation arise when the council considers it has to refuse a request.

Management of the Council's Publication Scheme

The Council is responsible for the adoption and maintenance of this Policy and the Publication Scheme.

The Council Freedom of Information Policy and Publication Scheme will be reviewed annually and amended as necessary.

Council's response to a written request for information

An individual is entitled, on making a written request, to be supplied with the information they request. Within 20 working days of receipt of your written request (supplying a full name and address) the Council will:

1. Confirm whether or not it holds the information
2. Advise if a fee will be charged
3. Provide the information after any relevant fee has been paid (unless an exemption applies).

Exemptions

The Freedom of Information Act contains 23 exemptions to the right of access, for example, personal data about individuals which is protected by the Data Protection Act 1998, or commercially confidential information.

The exemptions listed in part 2 of the Act set the boundaries to the rights of access: if information is exempt then individuals do not have a right of access to it under the Act. The exemptions ensure a proper balance is achieved between the right to know, the right to personal privacy and the delivery of effective government

Refusal by the council to provide information requested ⁽¹⁾

Public authorities need not comply with all requests, particularly vexatious or repeated ones. (See Appendix 2 for some of the indicators that the Council will use to identify a vexatious request).

The 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.

If the Council believe a request is manifestly unfounded or excessive, the Council will inform an applicant:

- the reasons why;
- their right to make a complaint to the ICO; and
- their ability to seek to enforce this right through the courts.

Charges

Information listed in our Publication Scheme is supplied free of charge, unless otherwise stated. For other information, a charge may be made for photocopies or other disbursements e.g. printing, postage.

For the majority of requests, or a series of requests from the same applicant within a 12-month period, it is expected that the charge for locating and compiling information will be less than £450 and therefore, except for disbursement costs, no reimbursement can be sought.

However, where costs are estimated to exceed £450 (based on an hourly charge-out rate of £25)⁽²⁾, the Council can decide to:

- i. refuse the request on the grounds of cost (see Appendix 3)
- ii. comply with the request and charge for allowable costs as prescribed in the regulations
- iii. send to the applicant a request for the appropriate fee (the request will not be answered until the fee has been received) - where the cost is less than the estimated cost then the difference will be refunded to the applicant

Records of requests

The Council will keep records of all requests made under the Freedom of Information Act to assist improvement of data recording and management and to provide information about repeat requests in order to consider whether it is in the public interest to publish the requested information routinely.