

BRIMPSFIELD PARISH COUNCIL FREEDOM OF INFORMATION POLICY

1. Policy Statement

Brimpsfield Parish Council is committed to transparency and accountability. This Freedom of Information (FOI) Policy sets out how the Council will comply with its obligations under the Freedom of Information Act 2000 (FOIA) and relevant local government legislation.

The FOIA provides individuals with the right to request access to information held by public authorities, including Parish councils.

The aim of this policy is to ensure that the Parish Council provides a clear framework for handling FOI requests, including how information is made available, what exemptions may apply, and how requests will be processed within statutory timescales.

2. Scope of the Policy

This policy applies to all recorded information held by the Parish Council, regardless of format. This includes information held in emails, minutes, reports, letters, electronic files, or any other form.

Under the FOIA, the Parish Council is obliged to:

- i. Confirm or deny whether it holds the information requested (subject to exemptions).
- ii. Supply the requested information (subject to exemptions), where it is held and where it is not subject to limitations or prohibitive costs.

3. Legislation

The key legislation underpinning this policy includes:

- i) Freedom of Information Act 2000: Grants public access to information held by public authorities.
- ii) Environmental Information Regulations 2004 (EIR): Relates to requests for environmental information.
- iii) Data Protection Act 2018 (DPA) and UK General Data Protection Regulation (UK GDPR): Governs the processing of personal data and works alongside the FOIA where requests involve personal data.
- iv) Local Government Act 1972: Sets out the statutory framework for how public information is published, particularly relating to Parish Council minutes, agendas, and reports.

4. The Publication Scheme

Under Section 19 of the FOIA, the Parish Council is required to maintain and regularly update a Publication Scheme. The scheme outlines the types of information that the

Parish Council routinely makes available to the public and how that information can be accessed. The scheme categorises information into the following areas:

- i) Who we are and what we do: Information about the Parish Council, its members, and its governance.
- ii) What we spend and how we spend it: Financial statements, budgets, audit reports, and details of contracts.
- iii) What our priorities are and how we are doing: Strategic plans, performance reports, and service reviews.
- iv) How we make decisions: Decision-making processes, meeting agendas, minutes, and reports.
- v) Our policies and procedures: The Parish Council's policies, procedures, and guidelines.
- vi) Lists and registers: Any statutory registers or records the Parish Council is required to maintain.
- vii) Services we offer: Information about the services the Council provides.

The Publication Scheme is available on the Parish Council's website or upon request from the Parish Clerk. Where information is available online, a direct link will be provided.

5. Making a Request

Anyone can make a FOI request to the Parish Council. Requests must:

- i) Be made in writing (this includes email).
- ii) Provide the name of the applicant and a contact address.
- iii) Clearly describe the information being sought.

The Parish Council may ask for further clarification if the request is unclear or too broad. Requests should be sent to the Clerk of the Council Brimpsfield Parish Council
Email: clerk@brimpsfieldparishcouncil.gov.uk

6. Processing Requests

Upon receiving a valid FOI request, the Council will:

1. Acknowledge the Request: The Parish Council will acknowledge receipt of the request in writing within 5 working days.
2. Timeframe for Response: The Parish Council is required to respond to the FOI request within 20 working days from the date of receipt. If an extension is required due to complexity, the applicant will be informed.
3. Confirmation: The Parish Council will confirm or deny whether it holds the requested information, subject to any applicable exemptions.

4. Providing the Information: Where the information is held and no exemptions apply, the Parish Council will provide the requested information in the preferred format, where reasonable.
5. Fees: In accordance with Section 12 of the FOIA, the Parish Council may charge a fee if the cost of fulfilling the request exceeds the statutory cost limit. If this is the case, the applicant will be informed, and they may choose to refine their request to reduce costs.

Exemptions

Under the FOIA, certain information is exempt from disclosure. The Parish Council will apply exemptions where appropriate, as outlined in Part II of the FOIA, including but not limited to:

- i) Personal Data: Information covered by the Data Protection Act 2018 and UK GDPR.
- ii) Confidentiality: Information provided in confidence, including correspondence between the Council and its legal advisors.
- iii) Commercially Sensitive Information: Information that could harm the Council's commercial interests or that of third parties.
- iv) Law Enforcement: Information that could prejudice law enforcement or legal proceedings.

If an exemption applies, the Parish Council will issue a Refusal Notice within 20 working days explaining why the information cannot be disclosed, citing the relevant section of the FOIA.

6. Vexatious and Repeated Requests

Under Section 14 of the FOIA, the Parish Council is not obliged to comply with vexatious or repeated requests. A request may be deemed vexatious if it is designed to cause disruption, is abusive, or imposes an unreasonable burden on the Council's resources.

If the Parish Council deems a request to be vexatious, it will issue a Refusal Notice explaining its decision. Guidance from the Information Commissioner's Office (ICO) will be followed to determine when a request is considered vexatious or unreasonable.

7. Charges and Fees

The Parish Council may charge a fee for responding to FOI requests that exceed the appropriate cost limit, as specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The appropriate limit is currently set at £450, which is equivalent to 18 hours of work at £25 per hour.

If the cost of complying with a request exceeds this limit, the Council will inform the applicant, offering them the opportunity to refine their request to reduce the cost. Where applicable, charges for photocopying, printing, and postage will be communicated to the applicant in advance.

8. Complaints and Internal Review

If an applicant is dissatisfied with the handling of their FOI request, they may request an internal review. Complaints should be directed to the Clerk to the Parish Council at the address provided under making a request. An internal review will be conducted, and a response will be provided within 20 working days.

If the applicant remains dissatisfied after the internal review, they may escalate the complaint to the Information Commissioner's Office (ICO) at:

Information Commissioners' Office Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Website: <https://ico.org.uk/>

Telephone Helpline: 0303 123 1113

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Notes

This policy should be adjusted to reflect changes in legislation and the procedures and policy of Brimpsfield Parish Council. It is important that any commitment made in the policy is applied in practice.

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Approving body: Brimpsfield Parish Council

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