

# **PADDOCK WOOD TOWN COUNCIL**

## **POLICY AND PROCEDURES FOR HANDLING REQUESTS FOR INFORMATION**

### **POLICY**

The Freedom of Information Act 2000 grants to members of the public rights of access to all kinds of recorded information held by a wide range of public authorities. The Act places a duty on public authorities to adopt and maintain an approved publications scheme. The Council adopted a Model Publication Scheme with effect from December 2008. This represents the Council's commitment to release information proactively. The Scheme is published on the Council's website.

Information which is not routinely published will be considered for release only on receipt of a written request. The Clerk will respond to the request within 20 days as required by the legislation.

Advice and assistance will be given to help people who are proposing to make, or have already made, a request for information.

Details of information which has been provided by the Council in response to requests will be published on a Disclosure Log under the Council's Publication Scheme.

### **PROCEDURES**

Requests for information fall to be dealt with under either the Freedom of Information Act 2000 (FOI) or the Environmental Information Regulations 2004 (EIR). Submitted requests for information do not themselves need to refer specifically to either FOI or EIR but if the requested information relates to the

environment eg plans and activities which have an impact on the use of land and landscape, the EIR procedures apply.

Requests for information under the FOI must be made in permanent form (email will be accepted) giving the applicant's name, correspondence address and sufficient information to enable the Council to identify the information required. Requests for information made under EIR do not necessarily need to be in writing but a written record of the conversation must be kept.

The Clerk may ask for a request to be reformulated to ensure that the description of information requested is valid. If there is difficulty in identifying or locating information the applicant will be asked to provide further details

Responses to requests must be made within 20 days. If an exemption is being considered the applicant must be advised and given an estimated date of response. The Freedom of Information Fact sheet will be issued with the response.

The Clerk will check whether the Council holds the information requested. If the Council do not hold the information (or the request is to be transferred to a more appropriate public authority) the applicant will be advised giving details as to why the information is not held.

If the information is to be released, consideration will need to be given as to whether a fee needs to be charged. Charges must be made in accordance with a published schedule of fees which is readily available to the public.

Charges may be made for actual disbursements incurred such as: photocopying; postage and packaging; costs directly incurred as a result of viewing information.

The Council does not have to comply with requests which will cost in excess of £450. In such cases a refusal notice will be issued which will include confirmation as to whether the information is held or not (unless the costs of this

will exceed the limit) and the cost of retrieving the information. The applicant may reformulate the request in which case the Council will provide advice and assistance as appropriate.

If a fee is to be charged a fees notice stating the amount of payment due must be sent to the applicant before the information is released. No information will be released until after the fee has been received but the 20-day period will be extended by up to three months whilst payment is awaited. Once the fee is received a response will be given within 20 days.

The Information requested will be checked for exemptions under FOI or EIR as appropriate. If an exemption applies the Council will issue a Refusal Notice stating upon which exemption it is relying and the reason why the exemption applies (if not apparent). The Council is not required to confirm or deny whether it holds information if this constitutes disclosure of exempt information. The refusal notice will be issued together with the Council's procedures for dealing with complaints and details of the Information Commissions Office should the applicant wish to exercise the right to complain to them (see below).

Provided the fee has been paid (where applicable) and no exemptions apply the Council is obliged to disclose the information.

A formal system of logging requests and recording all key actions will be kept by the Council.

#### APPEAL PROCEDURE

Where the Council has decided that the information originally requested should not be released the applicant has the right to appeal against the decision. Any such appeal must in the first instance be submitted in writing to the Clerk by the appellant no later than 40 working days following receipt of the Council's decision.

The Information Commissioner has advised that the next step in the appeal process is for an internal review to be undertaken by the Council of its original decision. The internal review will be free of charge to the appellant and must be conducted by a person senior to the person who handled the original request. The review will consider the representations made by the appellant together with any supporting evidence and will decide whether it has complied with the statutory requirements. The appellant must be notified of the Council's decision as soon as possible and no later than 40 working days after the date of receipt of the representations. The appellant must also be advised that if they are dissatisfied with the outcome of the Council's internal review they have the right to appeal directly to the Information Commissioner for further investigation of the matter. The appeal must be made in writing and as soon as possible after the outcome of the Council's internal review has been made known.

There is no statutory time limit for the Information Commissioner to complete consideration of the appeal. The Information Commissioner should, however, respond in an efficient and timely manner. Unless the authority appeals against the decision of the Information Commissioner the authority must comply with the decision of the Information Commissioner.

The outcome of an appeal to the Information Commissioner may subsequently be referred to the Information Tribunal by either the original applicant or the Council for final resolution.

Reviewed 21<sup>st</sup> May 2018