



Whitchurch-on-Thames Parish Council

FOI Policy

The Parish Council endeavours to be open and accountable and is happy to make the documents you require available. A request can be made in any written form (eg. letter, e-mail) to the Clerk in the first instance. It is also important to be aware that requests can be made to anyone, at any level, within a public authority. The request must state the name and address of the person applying for the information and information required.

The information requested, unless exempted under the Act, must be supplied (if held) by the Parish Council within 20 working days of being requested. A refusal to release the information must be given in writing and the reasons for refusal specified along with the applicant's right to appeal.

The information should be disclosed unless it falls under one of the exemptions in the Act. The Act provides for public access to information which may be supplied in any format, unless the applicant has specified a preferred format for receiving it - this can include copies of or access to (i.e. viewing at offices) actual records if that is what the applicant requests.

There is a range of exemptions under the Act that will allow certain types of information to be withheld under certain circumstances. The majority of these exemptions require a 'public interest test' to be applied. For those exemptions where the public interest test applies, a request may only be refused if the public interest in withholding the information outweighs that in disclosing it.

What are the exemptions?

There are 23 exemptions from the general rights of access. For example:

Certain information relating to national security, information that would prejudice international relations, commercially sensitive information and confidential information.

Environmental information is exempt as access rights are covered by the Environmental Information Regulations 2004.

An applicant wishing to access information about themselves should use their rights under the Data Protection Act 2018. Personal data about other people cannot be released if to do so would breach the Data Protection Act 2018.

If the applicant already has reasonable access to the information they want, then they should use that means. Therefore, if information is available through a publication scheme the public authority can simply direct the applicant to its scheme.

Some of the exemptions require the public authority to consider whether it is in the public interest to withhold information. Consideration of the public interest may take longer than the 20 days normally allowed for responding to requests. In these cases, the public authority must give the applicant an estimate of when it will have reached a decision on where the public interest lies within 20 days of receiving the request.



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The applicant can either ask for a copy of the information they seek, the chance to inspect the records, or even to be provided with a summary of the information. The public authority should try and provide the information in the form requested unless it is unreasonable to do so. If any of the information requested is exempt, the applicant should be told which of the exemptions has been relied on to withhold the information.

Photocopies or an electronic version of documents requested under this scheme will be forwarded within 20 working days. If a request for information is refused, a reason or explanation must be supplied. Appeals against any refusal can be made using the Parish Council's existing complaints procedure. Details of the complaints' procedure is explained on the Parish Council's section on the village's website.

If the applicant is not satisfied with that response, there is a procedure to appeal to the Information Commissioner. Further information on the procedures and the scheme can be found at www.ico.gov.uk.

Are there any charges for information?

The Act only allows the Council to charge for answering Freedom of Information requests in the following circumstances:

1. disbursement costs such as printing, photocopying and postage and
2. when estimated staff costs involved in locating and or compiling the information exceed £450. Under these circumstances, the Council can refuse the request on the grounds of cost, or charge the applicant £25 per hour, plus disbursements for the estimated work up to the maximum amount of £450.

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), the Council can decide to:

- refuse the request or
- comply with the request and charge for allowable costs as prescribed in the regulations or
- comply with the request free of charge.

If the estimated cost of a request is more than £450 and it is decided to release the information and make a charge for the information then:

- a fee notice will be sent to the applicant requesting the appropriate fee and
- the request will not be answered until the fee has been received.
- If the actual cost of completing the request is more than the estimate then the Council will incur the additional cost.
- Where the cost is less than the estimated cost then the difference will be refunded to the applicant.



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For disbursements costs the Council will charge 10p per sheet for black and white photocopying and printing of documents and 20p per sheet for colour. We would also recover the actual cost of postage (ordinarily posted second class) or any other transmission costs from the applicant.

When dealing with issues, such as charging or vexatious requests, the Parish Council will use the guidance published by the Information Commissioner's Office to reach a decision.

What if you are not satisfied with our response - how can you complain?

Responses to requests for information should be as detailed as possible, taking each individual request and responding with either:-

- a) the requested information;
- b) a request for clarification or
- c) a written Refusal Notice.

Where you are dissatisfied with the way in which your request has been handled, please follow the complaints procedure outlined on the village website and we will do everything we can to resolve your complaint on an informal basis in the first instance.

If, after pursuing the above complaints process, you are still dissatisfied with the response you have been given, you may refer the matter to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

The Information Commissioner's contact details are:

By Post:

Information Commissioner's Office, Wycliffe
House, Water Lane,
Wilmslow, Cheshire SK9 5AF.

Telephone: 01625-545745

Fax: 01625-524510

E-mail: mail@ico.gsi.gov.uk

Classes of Information

- Who we are and what we do.
- Organisational information: locations and contacts, constitutional and legal governance.
- What we spend and how we spend it.
- Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- What our priorities are.
- Strategy and performance information: plans, assessments, inspections and review.
- How we make decisions: decision making processes, internal criteria and procedures, consultations.
- Our policies and procedures.
- Current written protocols for delivering our functions and responsibilities.
- Lists and registers.