

Woodwalton Parish Council

Freedom of / Access to Information Policy

The Freedom of Information Act 2000 has created a new level of openness and transparency between the public and local government and encourages engagement of the public in local democracy.

The Act brings a wider right of access to information held by Public Authorities and a higher level of accountability from Public Authorities.

The Council wants the parishioners of Woodwalton to have access to all the information they need, in order that they can become involved in the Council's work.

Woodwalton Parish Council already makes a large amount of information available to its parishioners. Information can be obtained through the Parish Council website and in the publication, 'RAN'.

If you make a request under the Act, we will tell you whether or not we hold that information and, subject to any exemptions which may apply, we aim to provide you with the information within 20 working days.

Requesting information from our Publication Scheme

Our Publication Scheme is an extensive list of all of the types of information that Woodwalton Parish Council makes available to the public as a matter of course. It shows:

- The information which we publish or intend to publish
- The format the information is available in
- Whether there is a charge for that information

The scheme describes each type or class of information, the documents themselves and where they can be obtained.

Our publication scheme can be found on the Parish Council website,
<http://woodwaltonparishcouncil.btck.co.uk/>.

If you do not have Internet access at home, you can gain free access to the Internet at public libraries and access points.

Hard copies of the Publication Scheme are available on request, by contacting the Parish Clerk;

- by email woodwaltonnpc@gmail.com
- in writing c/o 34 Hillside Walk, Yaxley, Peterborough PE7 3ES
- or by phone 01733 662805/07588873441

Requesting information under the Freedom of Information Act

The Freedom of Information (FOI) Act entitles you to ask us for any recorded information which we keep.

As an organisation, we are committed to being open and inclusive so we welcome such requests and will only withhold the requested information if there is a very good reason to do so.

The Freedom of Information Act 2000, says that any request for information must fulfil the following criteria:

- The request must be in writing - either post, fax or email.
- A name and contact address should be provided for correspondence. (This can be an email address if preferred, however, a postal address will be required if you request paper copies of the information).
- The requestor needs to provide details about the information that is being requested. This should be as clear as possible to enable us to quickly locate the information you require.

There is no need to make reference to the Freedom of Information Act 2000, however, doing so will assist in ensuring your request is dealt with correctly.

What if I'm unable to make a request in writing?

Access to Information is available for all, regardless of ability.

Please contact us on 07588873441. We will complete the request on your behalf and send it to you for approval. Then you can email or post it to us.

What information can I request?

Anyone who makes a request under the Freedom of Information Act can ask for any information that Woodwalton Parish Council may hold.

Is there anything I can't have?

FOI gives the rights of access to information; however, in some instances we can withhold that information if an exemption applies. There are two types of exemption under FOI:

- Qualified Exemptions
- Absolute Exemptions

Where a qualified exemption applies, we are required to undertake a Public Interest Test where we must consider whether "in all circumstances...the public interest in maintaining the exemption outweighs the public interest in disclosing it".

If we decide that the public interest in disclosing the information is sufficient, then we will release the information. If we decided that the need to withhold the information outweighs the public interest in disclosing it, then we will contact you and explain our reasons for withholding it.

Examples of Exemptions

Absolute Exemptions: We are not required to undertake a public interest test when the information requested is:-

- Personal Information
- Information provided in confidence
- Information which is easily accessible by other means; for example, via our Publication Scheme
- Information otherwise prohibited from release by law

Qualified Exemptions: A Public interest test is required where the information might be withheld on the grounds of:-

- Health and safety
- Legal Professional Privilege
- Commercial interests

What are the time limits for an FOI request?

Under the Freedom of Information Act 2000, Woodwalton Parish Council must respond to your request within 20 working days.

This “clock” can be stopped if we need to come back to you for clarification of your request or for payment of a disbursement fee. It won’t start again until we have received your clarification or fee.

Are there any limits to the number of requests a person can make?

There are no limits on the number of requests a person can make, although there may be charges levied for multiple requests received from the same individual or organisation. Details of the charges and when they apply can be found in our Charging Policy.

Repeated requests from the same person regarding the same information can also be refused.

Also, requests which are considered to be vexatious or intended to disrupt the Council’s work may also be refused.

Will I have to pay for the information I request?

Most of the information in our Publication Scheme will be supplied free of charge. If there is a charge, details of it will be included in the Scheme.

Where your request has been made under FOI and you want a copy of the information, we may charge you 10p per sheet for photocopying and the actual cost of postage and packing. If the information is available electronically and you are happy to receive it by email, there will be no charge.

If you prefer to view the documents or we are unable to copy them for you, we can arrange supervised access to the information. This is charged at £25.00 per hour or part thereof and is payable in advance.

Requests which will take longer than 18 hours to locate and prepare will be refused. However, we will assist you in refining your request so it can be completed in less than 18 hours.

What if I'm not happy with the Council's response?

If you are unhappy with the FOI response you have received from Woodwalton Parish Council, you can lodge your complaint by writing to:-

The Parish Clerk, Woodwalton Parish Council, c/o 6 Beville, Woodwalton PE28 5YP

The request will be looked at again by the Chairman / Vice-Chairman who will have had no part in dealing with your initial request.

This needs to be done within 40 days of the initial response.

If the complaint is not upheld and you are still not satisfied, you can approach the Information Commissioner's Office and request that they look into the decision. The address to write to is:

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

Please note that the Information Commissioner will not generally look at a complaint under FOI until the internal procedure has been exhausted.

Frequently Asked Questions

Q: Right of Access

A: The Act gives everyone the right of access to all recorded information held by, or on behalf of, the Council, unless one of the exemptions to the Act apply. The request must be in writing or another "recordable" format (email is acceptable); provide a name, provide an address for correspondence and specify the information required.

Q: What is the Freedom of Information Act?

A: The Freedom of Information Act 2000 came into force on 1st January 2005 and changed the way that Council's approach the handling and disclosure of all

recorded information and transparency in public life, by creating an unprecedented right of access to the information held by public authorities.

Q: How we will requests be responded to?

A: We are under a statutory duty to initially confirm or deny that we hold the information and then communicate the information within 20 working days of receipt of written request, unless one of the exemptions apply.

Q: Exemptions to disclosure

A: The FOI Act exempts certain types of information from the *Rights of Access*. There are two types of exemptions:

Absolute Exemption, such as information that is reasonably obtainable elsewhere, (i.e. in a publication scheme, or on the internet), information provided in confidence and where release would amount to contempt of court. Where information falls within the terms of *Absolute Exemption* the Council may refuse to disclose the information and in some circumstances, can also refuse to confirm or deny whether the information exists.

Qualified Exemptions, such as information intended for future publication, (i.e. there are plans to publish the information in the future, and it is reasonable, at the time of the request, not to disclose it immediately) and information relevant to criminal investigations and criminal/civil proceedings. *Qualified Exemptions* will only apply in circumstances where the Council can prove that there would be a real and significant damage (prejudice) to the Council or to other people if the information were made public (“Public Interest Test”)

Q: Likely refusal under FOI Act

A: All requests that are subject to one of the exemptions applying and where there is also no overriding public interest in releasing information are likely to be refused. For example:

- Trade secrets (secret formula or recipe, sensitive commercial interests which could prejudice either the Council, Suppliers/Contractors)
- Unit prices of goods or information that could identify profit margins
- Personal privacy - disclosure of which would breach the Data Protection Act 1998
- Information given in confidence and disclosing would constitute an actionable breach of confidence, (technical business information)

Q: Types of Information covered

A: The Act is fully retrospective, which means it covers all information already held in a recordable format, irrespective of how old it is. It therefore covers information contained in:

- Hard copy
- Electronic format, including emails
- Video and audio formats (including CCTV but subject to many restrictions)

- As well as any information created after January 2005, subject to certain exemptions

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Adopted by Woodwalton Parish Council on 30th March 2016