



High Offley Parish Council

(including the Wards of Shebdon & Woodseaves).

Freedom of Information Request Policy 2024.

Formally adopted by Council: 11 July 2024 (Minute 24/074).

Next Review: June 2027, or before.

Policy Statement

High Offley Parish Council will use all appropriate and necessary means to ensure that it complies with the Freedom of Information Act 2000 (FOI Act).

The Freedom of Information Act 2000.

The Freedom of Information Act 2000 enables public access to information held by public authorities. Consequently:

- Public authorities are obliged to publish certain information about their activities, and
- Members of the public are entitled to request information from public authorities.

The FOI Act gives two related qualified rights:

- the right to be told whether the information is held, and
- the right to receive the information, subject to exemptions.

The right of access applies, regardless of the purpose of the application.

The Act covers any recorded information held by a public authority in England, Wales and Northern Ireland and by UK-wide public authorities based in Scotland. Recorded information includes printed documents, computer files, letters, emails, photographs, hand written notes and sound or video recordings.

The Act does not give people access to their own personal data (information about themselves). Individuals wishing to see information about themselves need to make a Subject Access Request under the Data Protection Act 2018.

High Offley Parish Council will:

- Respond to requests for information promptly and within twenty (20) working days from the day after the day of receipt. Where we are not able to do so, we will inform requesters of the reasons and keep them updated of progress in dealing with their request.
- Maintain a 'Publication Scheme' that provides information which is readily accessible, without the need for a formal FOI request.
- Continue to protect the personal data entrusted to us, by disclosing it only in accordance with the Data Protection Act 2018.
- Consult with third parties before disclosing information that could affect their rights and interests. However, we reserve the right to take the final decision on disclosure.
- Reserve the right to make reasonable charge for information requests, in line with the FOI Fees Regulations, or other applicable regulations, including charging for requests made under the Data Protection Act 2018.

- Where High Offley Parish Council will not disclose information, as exemption(s) apply, it will seek to explain the exemption and how it is being applied.
- Provide a review process for requesters.
- Ensure that the Clerk, as the only member of staff, is aware of their obligations under the Act to make information available.

Making a Request for Information.

To be valid under the FOI Act, requests:

- Must be in writing;
- Must clearly describe the information being sought;
- Can be made by an individual or an organisation;
- Can be made by letter, or email;
- Must be legible; and
- Must contain the name of the applicant and a return address.

To be valid under the FOI Act requests do not:

- Have to be written in a special form;
- Need to mention the FOI Act; or
- Need to refer to “Freedom of Information”.

When making a request, you should include:

- Your preferred correspondence details e.g., name and email or postal address; and
- A clear description of the information you are requesting, in as much detail as possible. If we need to clarify your request, it may take longer to provide the information to you.

The High Offley Parish Council has a duty to provide advice and assistance to applicants under Section 16 of the FOI Act, so far as it would be reasonable to expect the High Offley Parish Council to do so. High Offley Parish Council must advise whether it holds the information, and must normally supply it within twenty (20) **working** days. However, if your request is unclear and further details are required to establish if the information sought is held, you may be asked for clarification. The time limit will stop, and will not restart, until we receive the additional detail from you.

If you wish to request information which is not already published on our website through our Publication Scheme, please email hopc.clerk@gmail.com

Any information we supply to you under the FOI Act should be for your personal use. High Offley Parish Council retain copyright to all information it discloses.

Repeat Requests.

Where a repeated request is received that is identical, or substantially similar to a previous request from the same person, High Offley Parish Council will consider this as a repeated request. High Offley Parish Council is not obliged to comply with repeat requests for information under the FOI Act, unless a reasonable interval has elapsed between compliance with the previous request, and the making of the current request.

In reaching a decision about whether an application for access should be categorised as a repeat request, High Offley Parish Council will have regard to:

- The time that has elapsed since the previous request;
- Whether the request is identical, or substantially similar to the previous request; and
- Whether any relevant, new information has been generated, since the previous request.

A 'reasonable interval' will be deemed to be forty (40) working days.

Vexatious Requests.

High Offley Parish Council is not obliged to comply with vexatious requests under the FOI Act.

In determining whether a request should be refused, because it is vexatious, High Offley Parish Council will consider all the circumstances of the request, including:

- The context and history of requests submitted by an applicant;
- Whether the request is likely to cause unjustified distress, disruption or irritation;
- Whether the request could fairly be seen as obsessive;
- Whether complying with the request imposes a significant burden;
- Whether an applicant is habitually and persistently submitting requests, where there appears to be no reasonable grounds for them to do so; and
- Whether there is a strong likelihood that such requests are being made to intentionally cause harassment, cause distress to staff, divert resources, or to disrupt the proper workings of High Offley Parish Council.

Fees.

Section 9 of the FOI Act allows High Offley Parish Council to charge a fee for providing information in response to a request. The fee is determined in accordance with the Fees Regulations. The Fee Regulations set out what charges are permissible for

information requests. These charges are currently defined as two elements: prescribed costs and disbursements.

Under section 12 of the FOI Act, High Offley Parish Council does not have to comply with a request for information, if the cost of compliance exceeds the Appropriate Limit. The Appropriate Limit is for the estimated, or calculated prescribed costs. The regulations currently define the 'Appropriate Limit' for non-central Government as £450.

High Offley Parish Council must still confirm, or deny, whether it holds the information requested, unless the cost of this alone would exceed the appropriate limit.

High Offley Parish Council can only take into account the costs it reasonably expects to incur in:

- Determining whether it holds the information requested;
- Locating the information, or document containing the information;
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it.

The cost will be calculated at £25 per hour, per person, regardless of the actual cost, or rate of pay. The calculation of the Appropriate Limit of £450 is equivalent to about 2.5 days of one person's time, charged at the £25 per hour rate.

Where a reasonable estimate is made that the Appropriate Limit of £450 for the costs of preparation would be exceeded, then High Offley Parish Council will either:

- Refuse to comply with the request; and/or
- Issue a 'fees notice' to the applicant for the estimated amount.

Where appropriate, the applicant may be asked whether they would like to reframe their request, so that it does not exceed the appropriate limit of £450. In this circumstance the applicant will have the choice of amending the request, or alternatively paying the preparation fees.

Where the limit is exceeded, there is no requirement for High Offley Parish Council to undertake work up to the limit. High Offley Parish Council can also include the costs of disbursement, as a separate fee.

Round Robin Requests

Round Robin requests are those which are generic in nature and are designed to be 'catch all' requests submitted to a number of similar organisations.

All written requests for information received by High Offley Parish Council, may be FOI requests. Upon receipt of a circular, a questionnaire or any other 'round robin' request for information, High Offley Parish Council will:

- Work with those organisations to whom the request has been submitted to ensure a consistent and cohesive approach is applied
- Identify which questions are requests for information
- Provide, if necessary, advice and assistance that is reasonable in the circumstances
- Provide a response in line with the requirements of the Act

Where questions invite comment, or opinion not held on record, High Offley Parish Council will, dependent on the question, advise the applicant the information is not held.

Meta Requests

A Meta request is a request for recorded information about the management and/or handling of a previous FOI request.

High Offley Parish Council will process all Meta requests as individual FOI requests, as outlined in this Policy and associated procedures.

Register of Requests.

A register of all responses to FOI requests will be maintained by High Offley Parish Council, regardless of whether information is disclosed. The register will help to:

- reduce unnecessary requests for information that has already been published;
- identify repeat requests;
- identify vexatious requests; and
- monitor time spent on individual requests.

Requests for Review.

If you have not received the information you requested, or if some of it has been withheld, High Offley Parish Council has a procedure for reviewing FOI requests.

You must put your request for review in writing within forty (40) working days of receiving High Offley Parish Council's response, giving the reasons for your review request and send it, via email to hopc.clerk@gmail.com

Appealing to the Information Commissioner's Office.

If you are not happy with the way your request has been handled or your review response you may appeal to:

The Information Commissioner
Wycliffe House
Water Lane

Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113

Further information about your rights under the Freedom of Information Act is available from the website of the Information Commissioner's Office at ico.org.uk