

SHEPHERDSWELL WITH COLDRED PARISH COUNCIL

The Freedom of Information Act 2000 Policy

1. Introduction

1.1. The Freedom of Information Act (the FOI Act) was passed on 30 November 2000 and came into full effect on 1 January 2005. It will be enforced by the Information Commissioner, a new governmental post that combines responsibility for Freedom of Information Act 2000, Data Protection 1998 and Environmental Information Regulations 2004.

1.2. The FOI Act aims to increase openness and accountability in government and across the public sector by ensuring people have the right to all types of 'recorded' information held by public authorities. As a parish council Shepherdswell with Coldred Parish Council must comply with the Act.

1.3. The aim of this Policy is to provide Council employees with summary guidance of what is expected of them and a framework for dealing with requests for information and to inform the public of their right of access to such information under the Act.

2. Publication Scheme

2.1. We have an approved Publication Scheme as required by the Act. The purpose of this scheme is to let everyone know what information will automatically or routinely be published by the Council. It sets out:

- classes of information
- whether an exemption applies
- where the information can be located
- whether a fee applies

2.2. To ensure we meet the requirements of the Act, we will periodically review the scheme and increase the range of information covered by it.

2.3. The Publication Scheme is available on the Council's Website at <http://www.shepherdswellwithcoldredpc.kentparishes.gov.uk/>

3. Dealing with Requests for Information

3.1. The FOI Act gives people access to information which does not already fall under the Data Protection Act 1998 or the Environmental Information Regulations 2004.

3.2. An FOI request must be in writing, including fax and email. In all cases, it must clearly state the applicant's name, address and details of the information required. The applicant does not have to mention the FOI Act or give a reason for requesting the information. If the request is unclear, we must try and contact the applicant to clarify what is required.

3.3. We will process an FOI request within 20 working days of receipt unless:

- the information requested is exempt from disclosure
- the request is considered a nuisance, unreasonable or repeated
- where the request is subject to a fee, the required amount is not paid within three months.

3.4. If a request is particularly complex and will take longer than the 20 working days to process, the applicant must be kept informed.

3.5. An applicant has the right to request a preferred format for the information to be supplied. Where practicable, we will provide the information in the manner requested.

3.6. The Council will put in place a system for logging and monitoring requests that fall within the FOI Act to ensure they are being answered within the timeframe.

4. Exemptions

4.1. There are 24 exemptions to the general right of access to information under the FOI Act.

4.2. Exemptions will only be applied in appropriate cases.

4.3. If a document contains some exempt information, those pieces of information can be withheld but the rest of the document must be released.

5. Fees

5.1. Most of the information we provide does not incur a fee, for example information on the Council’s website can be downloaded free of charge.

5.2. If a fee is payable, an applicant must be notified within 20 days and the time for compliance to provide the information will be extended to three months to give the applicant time to pay. The request for information will lapse if the fee has not been paid within this period. We will not commence work to process the request until the fee has been received.

6. Turning down a Request

6.1. If we find it necessary to turn down a request for information, we will inform the applicant in writing giving details of whether or not we hold the information and the reason why the request has been refused. We must also give details of the relevant exemption.

7. Transferring a Request to a Third Party

7.1. If we receive a request and believe that all or some of the information is held by another public body then we will either transfer the request to that organisation or inform the applicant where the information can be obtained.

8. Responsibilities and Contacts

8.1. The Clerk has overall responsibility for Freedom of Information and for the day-to-day management of such information.

9. Review and Update

9.1. This Policy will be reviewed and updated periodically.

Adopted this (date) 15th October 2008.....

Signed Clerk

Chairman