



FREEDOM OF INFORMATION POLICY

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CONTENTS

1. INTRODUCTION	page 2
2. FREEDOM OF INFORMATION	page 2
3. PROCESS	page 3

BEMBRIDGE PARISH COUNCIL

FREEDOM OF INFORMATION POLICY

1. Introduction

1.1 What is Freedom of Information?

Freedom of information provides public access to information held by public authorities under the Freedom of Information Act 2000 (The Act). Bembridge Parish Council (the Council) provides this public access in two ways:

- publishing certain information proactively;
- responding to requests for information from members of the public or organisations.

The Act covers any recorded information that is held by the Council. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

1.2 What is the difference with Data Protection?

The Freedom of Information Act and the Data Protection Act come under the heading of information rights and are regulated by the Information Commissioner's Office.

Data Protection legislation gives rules for handling information about people. It includes the right for people to access their personal data. When a person makes a request for their own information, this is a Subject Access Request under the Data Protection Act.

The Data Protection Act exists to protect people's right to privacy, whereas the Freedom of Information Act is about getting rid of unnecessary secrecy.

2. Freedom of Information

2.1 What can be requested?

The right to ask for information only relates to information held by the Council at the time the request is made. A request under the Freedom of Information Act gives a right to 'information' rather than specific records or documents.

The Council publishes a wide range of information on its website as per the Council's Publication Scheme. Before submitting a request for information, the Council would urge individuals to visit the Council's website as the information required may already be published.

2.2 Refusal of a request

In certain circumstances the Council may refuse a request for information. Vexatious and repeated requests and/or applications made with the aim of frustrating the operations of the Council may be refused; Section 14(1) of the Freedom of Information Act.

The Council may refuse to meet a request where the Council estimates that the time to comply with the request would be in excess of £450.00.

The Council may also refuse to accede to a request for information where the information is considered to be exempted under the Freedom of Information Act.

Similarly, some parts of a request response may be redacted where the release would breach the Data Protection Act. All requests will be considered on their merits and with the aim that information should be made available unless it is clearly not in public interest to do so. A written explanation for any refusal of a request for information will always be given.

3. Process

3.1 Making a Request

A request must be made in writing to the Council and include as much information as possible to identify and locate the information being requested. Requests should be made in writing to the Clerk, Bembridge Parish Council, 5 Foreland Road, Bembridge PO35 5XN or by email to clerk@bembridgeparishcouncil.gov.uk

Where an individual is not able to make a request in writing, they may ask another person or agency (such as the Citizen's Advice Bureau) to help them or make the request of their behalf.

3.2 Response

The request will be dealt with by the Clerk or in their absence, the RFO or chair of Council. The Clerk will do so in accordance with this policy and the guidance set by the Information Commissioners Office for dealing with requests.

Timescale

The Council will respond promptly to a request for information and in any event, not later than 20 working days after the request has been received. If for any reason the request is likely to take longer to deal with, the Council will inform the requester of this.

Method

The requester is entitled to say how they wish the information to be communicated to them. This may be by letter, email, in the form of a summary of the information or by inspection at the Council's offices (as long as the request is not in breach of any other Council Policy). Where an inspection of documents is required, this will be arranged with the Clerk for a mutually convenient date and time.

Charges

In certain circumstances, the Council may charge a fee for any retrieval and provision of information. Full details of any charges will be notified to the requester by the Clerk before the request is processed. The Council's Publication Scheme has full details of charges for the provision of hard copies of documents. The Clerk may waive these charges where it is felt the information sought would be of particular assistance to the understanding of an issue of local importance.

3.3 Appeal of a response

If the requester is unhappy with the outcome of their request; usually where a request has been refused or they do not feel that the request has been properly handled, they should first attempt to resolve this directly with the Clerk.

If it cannot be resolved in discussion with the Clerk, then an appeal should be submitted to the Information Commissioner. The contact details for the Information Commissioner Office can be found online at www.ico.org.uk



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Opening hours: Tuesday to Friday 09.30 – 12.30