

Freedom of Information Policy

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Related Policies	Code of Conduct, Standing Orders, Financial Regulations and associated Operating Procedures Guidance - www.ico.org.uk

Version Control

Version	Date approved	Minute Ref	Website updated	Next Review
V1	13/06/2023	043/23	10/07/2023	Q2 2025

1. Introduction

The Freedom of Information Act 2000 (FOI) Section 1 gives a general right of access to all types of recorded information held by public authorities. It sets out exemptions from that right and places a number of obligations on authorities.

The Information Commissioners Office (ICO) is an independent regulator of the Freedom of Information regime. The Information Commissioner is a public official reporting directly to Parliament.

2. Rights of access

Any person both natural and legal (e.g. Corporate body) worldwide can make a request for information already in existence and is entitled to

- a) To be informed in writing whether it holds information specified in the request
- b) If that is the case to have the information communicated to them

These rights apply unless an exemption exist as set out in legislation.

3. Making a request

All requests must be made in writing, to Boyatt Wood Parish Council (BWPC) this can include electronic format and must be in legible form. This is more commonly known as a Subject Access Request (SAR)

The request must contain sufficient information to enable the council to identify the information requested. The applicant can request a copy of the information, to inspect the records or to be provided with the summary of the information held.

4. Exemptions

The FOI Act sets out specific exemptions under Part II of the Act, where the general right of access is disapplied or qualified. This may apply to some, or all of the information requested.

There are two categories of exemptions:

Qualified exemptions - Exemptions where the public interest test applies

Absolute Exemptions – Public interest does not apply

If BWPC decides not to release information because an exemption applies. The requester will be notified of the reasons why the request is refused.

In the case where an exemption applies but BWPC considers that it is in the public interest to release the information, then this will be done in a reasonable timescale.

5. Response to a request.

Information is held by BWPC if it is retained for the purpose of the council's business.

Upon receipt of a request, the Council needs to satisfy itself that:

- I. The request is in written format

- II. The applicants name and address for correspondence is contained in request
- III. The information requested is able to be identified.
- IV. BWPC holds the information.

BWPC will respond promptly and in any case within 20 working days from the day of receipt. The first day commences the working day after the request is received.

The initial response will contain the below details;

- A statement that the request has been dealt with under the FOI Act;
- Confirmation that the requested information is held or not held by BWPC or a statement neither confirming or denying whether the information is held;
- The process, contact details and timescales for BWPC's internal review appeals process;
- Information about the applicant's further right of appeal to the Information Commissioner and contact details for the Information Commissioner's Office.
- If some or all of the information cannot be disclosed, details setting out why this is the case, including the sections (with subsections) BWPC is relying on if relevant.

BWPC will supply the information in the format requested unless it is unreasonable to do so.

6. Refusing a request

The council is required to provide assistance and advice to anyone making a request for information, however a response is not required if the request is found to be a

- Vexatious requests
- Repeated requests – recently responded to substantially similar request to the same person.

BWPC is not required to comply with requests, if to do so would exceed the statutory cost limit as set out in BWPC Publication Scheme.

If BWPC issues a fees notice, the fees must be paid within 3 months. If payment is not received BWPC do not have to respond to the request.

7. Internal Review

If the requester is not satisfied with the response received, they must first complain in writing to BWPC, detailing why they are unhappy with

- the way in which their request has been handled;
- the decision made regarding disclosure or non- disclosure of information; and/or
- BWPC non-compliance with its Publication Scheme.

they can request an internal review. The request for internal review must be made within 20 days of the date of the response to the requester.

BWPC will instigate a review of the process within 20 working days in receipt of request. If necessary, an external independent reviewer will be appointed.

The internal reviewer will review the manner in which the request was dealt with and is empowered to either uphold or overturn the original decision.

If it becomes clear at any stage of the internal review that there will be a delay in the process, the requester will be notified. The requester will be notified as to the outcome of the review within a reasonable timescale.

If the requester remains dissatisfied with the response they may complain to the ICO who will decide if the request was handled properly.

Both the applicant and BWPC will be informed of the ICO's decision in a decision notice. Where appropriate the decision notice will instruct the BWPC what steps it needs to take to comply with the Act, which may include the release of the information. Both the applicant and BWPC may appeal against a decision notice to a tribunal.

The ICO can also issue an enforcement notice BWPC stating what steps it should take to comply with the Act. Although similar to a decision notice in some respects, the ICO does not need to wait to respond to a complaint from an applicant that a request has been incorrectly handled before taking this form of enforcement action. BWPC may appeal to the tribunal against such a notice.

Freedom of information Flowchart





