

	<b>BERKSWICH PARISH COUNCIL</b>  <b>MANUAL</b>	Section 7.10  Issue no. 2
--	--	---------------------------------

## Freedom of Information Policy

Section 1 of the Freedom of Information Act gives a general right of access to information held by the Parish Council. The right applies to all information, obtained from any source. The right of access includes both the right to be told whether the information exists, as well as the right to receive it.

Since the right of access applies to all information which is “held” by the Council, the Act is effectively retrospective. There is no exemption for old records. However, the Act does not require the Council to hold onto information for longer than is necessary, or is otherwise required by law, simply because it might be the subject of a request sometime in the future.

A request for information (unless for environmental information) needs to be in writing, although an e-mail request is sufficient. The request must give enough details about the information to enable the Council to identify it and basic contact details must be provided so that a reply can be sent. The Information Commissioner takes the view that this need not be a postal address and that an e-mail address is sufficient. There is a duty on the Council to advise and assist applicants, which would normally require the Council to give some help to an applicant to better identify the information they request.

The right of access to information is subject to a range of exemptions. Some of the exemptions are “absolute”. Once the Council decides that an absolute exemption applies to information requested the Council does not have to release it under the FOI Act, although discretionary release is still possible. In the case of all other exemptions, once it is decided that one or more of them applies, the Council will still release the information unless it judges that the public interest in withholding the information is greater than the interest in disclosure (the “public interest test”).

Two statutory Codes of Practice, one covering aspects of compliance, and the other covering the management of records, have been produced and the Council will comply with these Codes.

The Act includes provisions for enforcement and appeal. The Information Commissioner has a substantial role to promote the Act to the public, to set standards of good practice which authorities must follow, and the power to over-rule an authority’s judgement that the balance of the public interest lies in favour of refusing to disclose information, and to impose his own view. There is also an appeal process for a dissatisfied applicant to the Information Commissioner, and from the Commissioner to a new Information Tribunal.

Generally requests will be dealt with within 20 working days from the receipt of the request, but if it is necessary to apply a public interest test, this time limit does not apply and the Council will respond within a reasonable period.

If a request is refused, the refusal notice will give the reasons for refusing the request and advise the applicant as to their rights of appeal – both internally by way of a complaint and, following that, by way of an appeal to the Information Commissioner.

Fees. Unless the work involved in satisfying a FOI request exceeds 18 hours the Council will only charge the disbursements set out in the Publication Scheme.

This Policy will be reviewed at the Annual Meeting as required by Standing Order 5 j xvii

Sheet 1 of 1	Approved by Parish Council Minute Number	Date 05/1/2016
--------------	---	----------------