

HEMSBY PARISH COUNCIL

FREEDOM OF INFORMATION POLICY

Hemsby Parish Council (HPC) has a commitment to openness and transparency and has always been concerned to make relevant information available wherever possible to individuals who may request it, subject to safeguarding the privacy of individuals and to legitimate considerations of national security, law enforcement and commercial interests where relevant.

1. The Freedom of Information Act 2000

The Freedom of Information Act 2000 (FOIA) “provides an over-arching right of access to all information held by a local authority, over and above existing statutes relating to specific service areas where authorities hold a large range of information”. Individuals already have the right of access to information under the Data Protection Act 1998. The FOIA extends this right to allow public access to all types of recorded information held by public authorities. The FOIA allows access to information regardless of when that information was created or how long it has been held, and also sets out exemptions from that right and places a number of obligations on public authorities. The FOIA requires the Council to produce and maintain a Publication Scheme and to comply with requests for information (unless exempt from disclosure).

2. The Aim

The aim of this policy is to:

- provide a framework that ensures that the Council complies with the FOIA;
- promote transparency of decision making by the Council;
- improve and enhance the democratic process; and build public trust and confidence.

This policy is available to everyone and is on the Council’s website at:

<http://hemsbyparishcouncil.norfolkparishes.gov.uk/>

3. Scope

Records can be defined as “information that is written on paper or stored on computer so that it can be used in the future”. Records covered by this policy include all records (irrespective of the medium on or in which the information is carried) which belong to or are in the custody of the Council or any of its officers and members. This policy applies to all Hemsby Parish Council officers, members, contractors, partners, consultants and service providers who have access to the Council’s records. Failure of a contractor/partner/consultant/service provider to comply could lead to legal action and the cancellation of a contract.

4. Objectives

Hemsby Parish Council will ensure that:

- the Clerk to the Council is specifically responsible for Freedom of Information (FOI) on behalf of the Council and that he/she is provided with appropriate training on how to handle FOI requests;
- anyone wanting to make enquiries about FOI requests, whether a councillor, member of staff or a member of the public, knows what to do;
- queries about handling FOI requests are promptly and courteously dealt with;
- methods of handling FOI requests are regularly assessed and evaluated, and • the Council will continue to provide access to information to promote openness and transparency of decision making by the Council.

5.0 Publication Scheme

As required by the FOIA, Hemsby Parish Council has adopted and maintains a Publication Scheme as a guide to the information that it holds and which is publicly available. Any individual or organisation who requests it will be informed whether the Council holds the information and, subject to exceptions, be supplied with it. The Publication Scheme (based on the Model Publication Scheme), is available on the Council's website at <http://hemsbyparishcouncil.norfolkparishes.gov.uk/> and is reviewed on a regular basis.

5. Responding to Requests

HPC will inform the person requesting the information in writing if HPC hold the information requested and if so, will provide the information no later than 20 working days after receipt of the request.

6. Information Exempt from the Act

The Freedom of Information Act does identify a number of categories of information which HPC is not required to disclose under the Act. In this case, HPC will write to the person requesting the information, stating the exemption which provides the basis for refusal within the Act and why it applies to the information requested. HPC will communicate this within 20 working days.

7. Charges

There is no "flat rate" fee to receive information requested under the Freedom of Information Act and in many cases HPC will provide the information free of charge. However, if the information requested is not readily available in the media in which it is requested, HPC may charge a fee based on the costs associated with providing the information e.g. photocopying and postage (known as 'disbursements').

8. Refusal of Requests

The Freedom of Information Act does permit HPC to refuse a request if HPC estimate that it will cost HPC in excess of the appropriate cost limit (currently £450) to fulfil the request.

9. Freedom of Information Fees Notice

If a fee is required for disbursements or because the costs exceed the appropriate cost limit, HPC will write advising of the fee required within 20 working days of receipt of the request. This is known as a "Fees Notice". When a Fees Notice has been issued, the 20 working day limit for responding stops, and then will start again when HPC receive payment. If HPC do not receive the fee within three months HPC are not obliged to comply with the request.

10. Complaints

If persons requesting information are dissatisfied with the way HPC has responded to a request for information, please write to: The Clerk, Hemsby Parish Council, Parish Office, Kingsway, Hemsby, NR29 4JT.

The Information Commissioner's Office (ICO) is responsible for enforcing the operation of the Act, and you may raise issues with this office at any time. More information can be found on the ICO website or by writing to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Reviewed and adopted by Parish Council on 18.11.19