



FREEDOM OF INFORMATION ACT POLICY & PROCEDURE

Attleborough Town Council supports the principle of openness, transparency and accountability and will continue to improve access to information.

1 Introduction

This Freedom of Information Policy ensures that the Council acts in compliance to the Freedom of Information Act 2000 (FOIA).

The aim of this Policy is to:

- Promote a more open council;
- Promote a better informed public debate;
- Improve public confidence in operations of the council;
- Improve decision making to promote accountability;
- Improve regulation;
- Increase public participation to enhance democracy;
- Promote the FOIA, in terms of accuracy and objectivity; and
- Improve information management.

2 Legislation or Executive Summary

The FOIA provides public access to information held by the Council. It does this in two ways:

- The Council is obliged to publish certain information about their activities; and
- Members of the public are entitled to request information from the Council.

The Act covers any recorded information held by a public authority. The Act does not, however, give people access to their own personal data - these requests should be made under the Data Protection Act 1998.

The Council seeks to demonstrate its commitment to all aspects of the FOIA and will continue to promote its values and ensure that the Council is compliant with legislation.

3 Requests for Information

A request for information under the FOIA must be;

- In writing;
- State the name of the applicant and an address for correspondence; and
- Describe the information requested.

4 Fees

Wherever possible, the Council will provide information free of charge. However, in some cases this is

not possible. We are entitled to charge for information under Section 9 of the FOIA and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the Council will issue an appropriate fee notice which must be paid within 3 months. If no payment is received we will close the request for information.

5 Time of Compliance

The Council aims to comply with requests for information as quickly as possible. Section 10 of the FOIA states that a public authority must respond to a request promptly and, in any event, no later than the twentieth working day following the date of receipt. Working day means any day other than Saturday, Sunday, or bank holidays. The time for compliance is subject to change if:

- The Council seeks clarification under Section 1(3) of the FOIA;
- There is a need for an extension to consider the Public Interest Test under Section 10(3) of the FOIA; or
- A fees notice is issued under Section 9.

6 Appropriate Limit

Under Section 12 of the FOIA the Council does not have to comply with requests where the cost of compliance exceeds the appropriate limit. Section 12 applies if the following factors would cost the Council more than four hundred and fifty pounds or 18 hours of officer time:

- Determine whether the information is held;
- Locating the information;
- Retrieving the information; and
- Extracting the information.

Under Section 13 of the FOIA and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 the Council is able to charge for the cost of disbursements.

7 Vexatious or Repeated Requests

Under Section 14, the Council will not comply with vexatious requests where there is a strong likelihood that such requests are being made to intentionally cause disproportionate or unjustified levels of disruption, irritation, or distress.

The Council will not comply with a request where it has received an identical or similar request from the same individual unless a reasonable interval has elapsed between compliance with the original request and the current request.

8 Advice & Assistance

In compliance with Section 16 of the FOIA, the Council will provide advice and assistance in response to all requests for information as far as reasonably practicable.

9 Refusals

In some cases, the Council may refuse requests for information under Section 17 of the FOIA. The Council may issue a refusal notice for the following reasons;

- Information is not held; or
- An exemption applies (see Part II of the FOIA).

In some cases, we may not hold the information requested - it may be that it is held by another party. If possible, the Council shall provide the requestor with information to re-direct the request. However, for Data Protection reasons the Council will not transfer the requestor's request.

10 Exemptions

There may be certain circumstances under which the Council is not obliged to release information. The Council may decide to apply exemptions under Part II of the FOIA. The exemption, if relied upon, will be explained thoroughly in the Council's refusal notice under section 17.

Some exemptions are 'absolute', which means that the exemption applies to any information falling within a defined type. Other exemptions are 'qualified' and require a public interest test to be applied. The Council will ensure that the public interest test is carried out for each of the qualified exemptions. If an exemption is applied, it will be authorised by the Proper Officer.

11 Internal Review

If a requestor is unhappy with a decision that the Council has made, or with the information provided by the Council, it may request an internal review.

The Council's internal review comprises one stage, an independent review by the Chairman of the Council, or deputy chairman if the Chairman is not available. The Council has 20 working days to complete the review and respond to the requester. Additional time may be requested if the review is particularly complex (the requester shall be notified in such cases).

The Personnel Committee will periodically review Freedom of Information requests and report any issues to the full Council. They will also ensure appropriate staff are trained to handle these requests.

12 Data Protection

A request for information may relate to personal data of the requestor or third parties. The Council may refuse the request if to disclose information in relation to third parties would be an actionable breach of confidence or would breach one or more of the data protection principles.

In cases where the request relates to personal data of the requestor, the authority will refuse under Section 40(1) and shall ask for the request to be submitted as a Data Subject Access request under the Data Protection Act 1998 Section 7. This process is detailed within the Council's Data Protection Policy.

13 Information Commissioner

The Council will consult with the Information Commissioner when required. The Council will refer to Commission guidance and ensure that it is compliant with any good practice that the Commissioner promotes. The Commissioner will investigate complaints in relation to Freedom of Information requests.

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