



## **Buckden Parish Council Freedom of Information (FOI) Procedures**

*Based on guidance from the Information Commissioner's Office (ICO)*

The Freedom of Information Act 2000 ('the Act') extends access rights which already exist under the Data Protection Act 1998.

### **1. Understanding the Law**

- a) The Act applies to public authorities (for example Buckden Parish Council) and those providing services for them
- b) Section 1 of the Act gives a general right of access to all types of 'recorded' information held by public authorities
- c) Public authorities have two main responsibilities under the Act:
  - i. They have to produce a 'publication scheme' (effectively a guide to the information they hold which is publicly available) and
  - ii. They have to deal with individual requests for information
- d) The Act gives applicants two related rights
  - i. To be told whether the information they request exists, and
  - ii. To receive the information
- e) Public authorities are under a duty to provide advice and assistance to anyone making a request
- f) Authorities do not have to comply with 'vexatious' requests or 'repeated requests' if the authority has recently responded to an identical or substantially similar request from the same person

### **2. Requestor's Procedure**

A requestor of information under the Freedom of Information Act 2000 is required to observe the following process.

The request must:

- a) Be made in writing, in a legible form and must be capable of being used for subsequent reference (unless for 'Environmental Information' which may be verbal). This can take the form of Letter, Email, Fax, Web contact, or Social Media
- b) Include the requestor's real name
- c) Include an address for correspondence:
  - Postal address (does not need to be home or work, but a legitimate contact address)
  - Email address
- d) Include sufficient information to enable the council to identify the information requested

The council may make a charge for providing information where it would exceed the appropriate limit (£450 for a Parish Council) to comply with the request.



### **3. Buckden Parish Council Procedure**

Any letter or email to a public authority asking for information is a request for recorded information under the Act. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

The council do not have to treat every enquiry formally as a request under the Act if they are able to reply immediately or signpost the requestor to the information.

The provisions of the Act need to come into force only if:

- a) PC cannot provide the requested information immediately
- b) The requestor makes it clear that they expect a response under the Act

When a request for information is to be dealt with under the Freedom of Information Act 2000, the council will observe the flow chart procedure below as advised by The Information Commissioners Office.

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 should respond within a reasonable period.

#### **Guidance notes for use with the flow chart:**

##### Is it a valid request for information under the FOIA?

To be valid a request must:

- a) Be made in writing, in a legible form and must be capable of being used for subsequent reference (unless for 'Environmental Information' which may be verbal). This can take the form of Letter, Email, Fax, Web contact, or Social Media
- b) Include the requestor's real name. This should not need to be verified unless it is suspected that the name provided is a pseudonym or that an alternative name has been provided to avoid refusal on vexatious or repeat request
- c) Include an address for correspondence:
  - Postal address (does not need to be home or work, but a legitimate contact address)
  - Email address
- d) Include sufficient information to enable the council to identify the information requested

##### Environmental Information Regulations

Disclosure of environmental information under the EIR, rather than under FOIA.

Environmental information is any information on:

- a) the state of the elements of the environment and the interaction among these elements
- b) factors affecting or likely to affect those elements



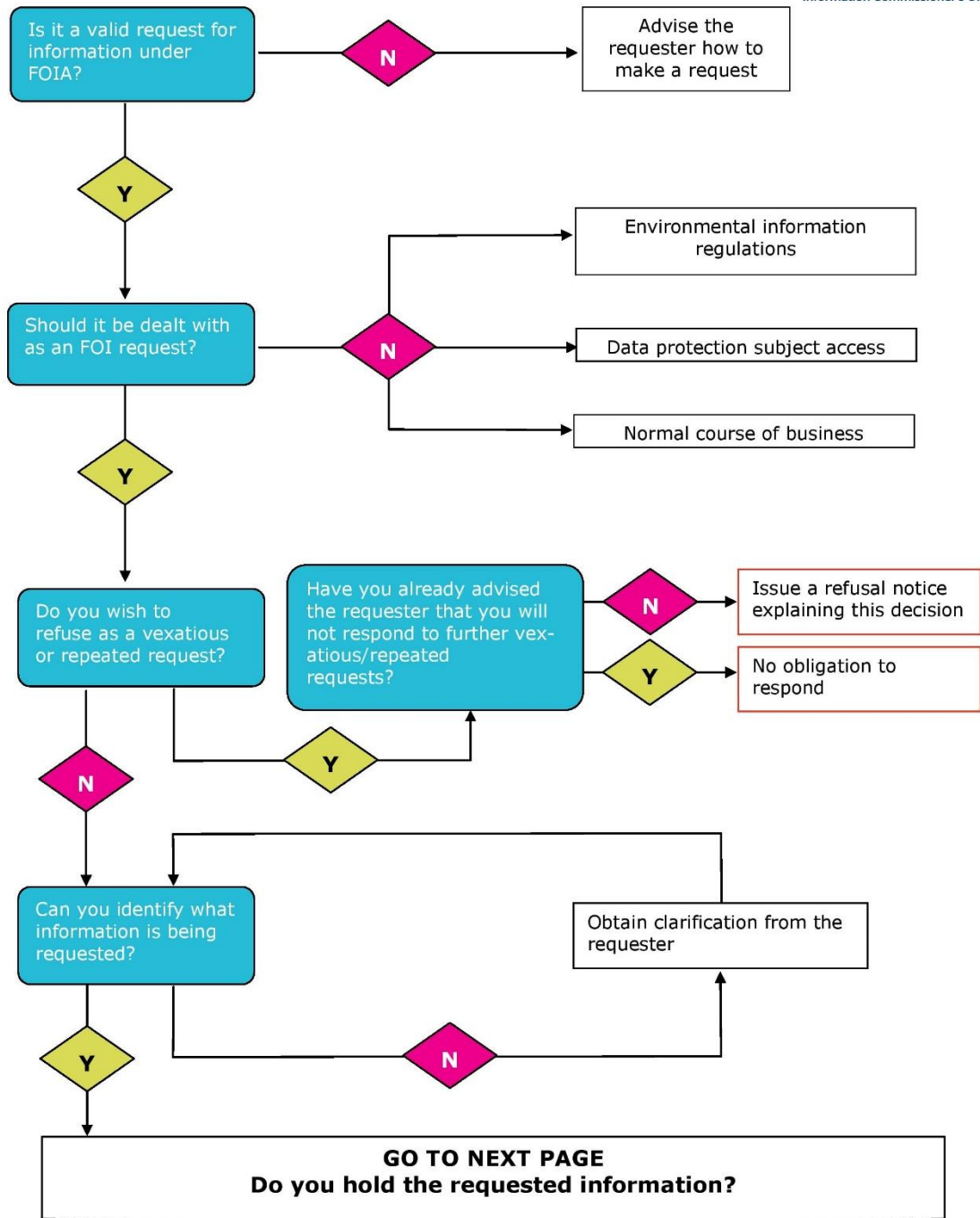
- c) measures or activities affecting or likely to affect those factors or elements, or designed to protect those elements
- d) reports on the implementation of environmental legislation
- e) cost–benefit and other economic analyses and assumptions used within the framework of those measures and activities
- f) the state of human health and safety, conditions of human life, cultural sites and built structures in as much as they are or may be affected by those elements

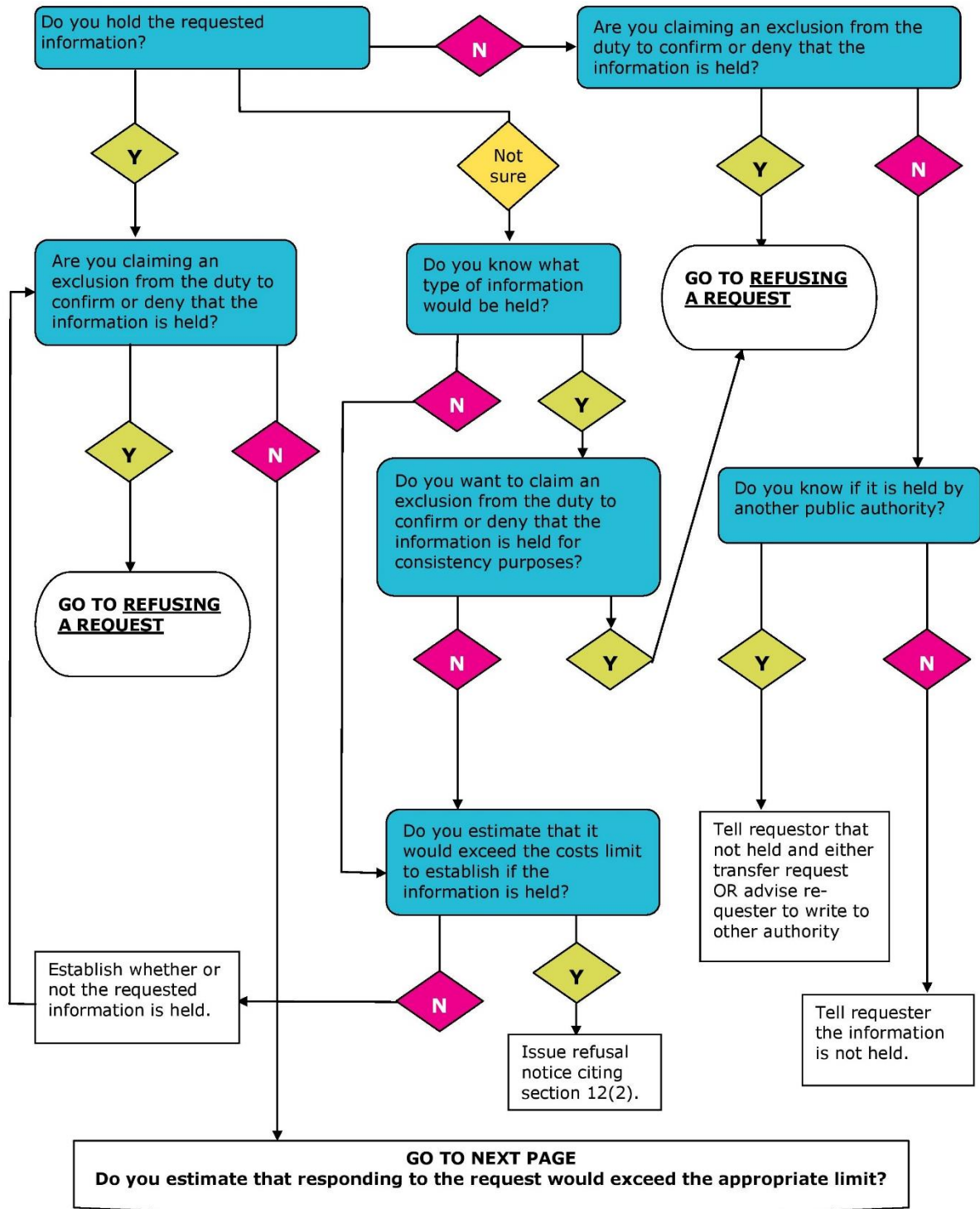
#### Data Protection Subject Access

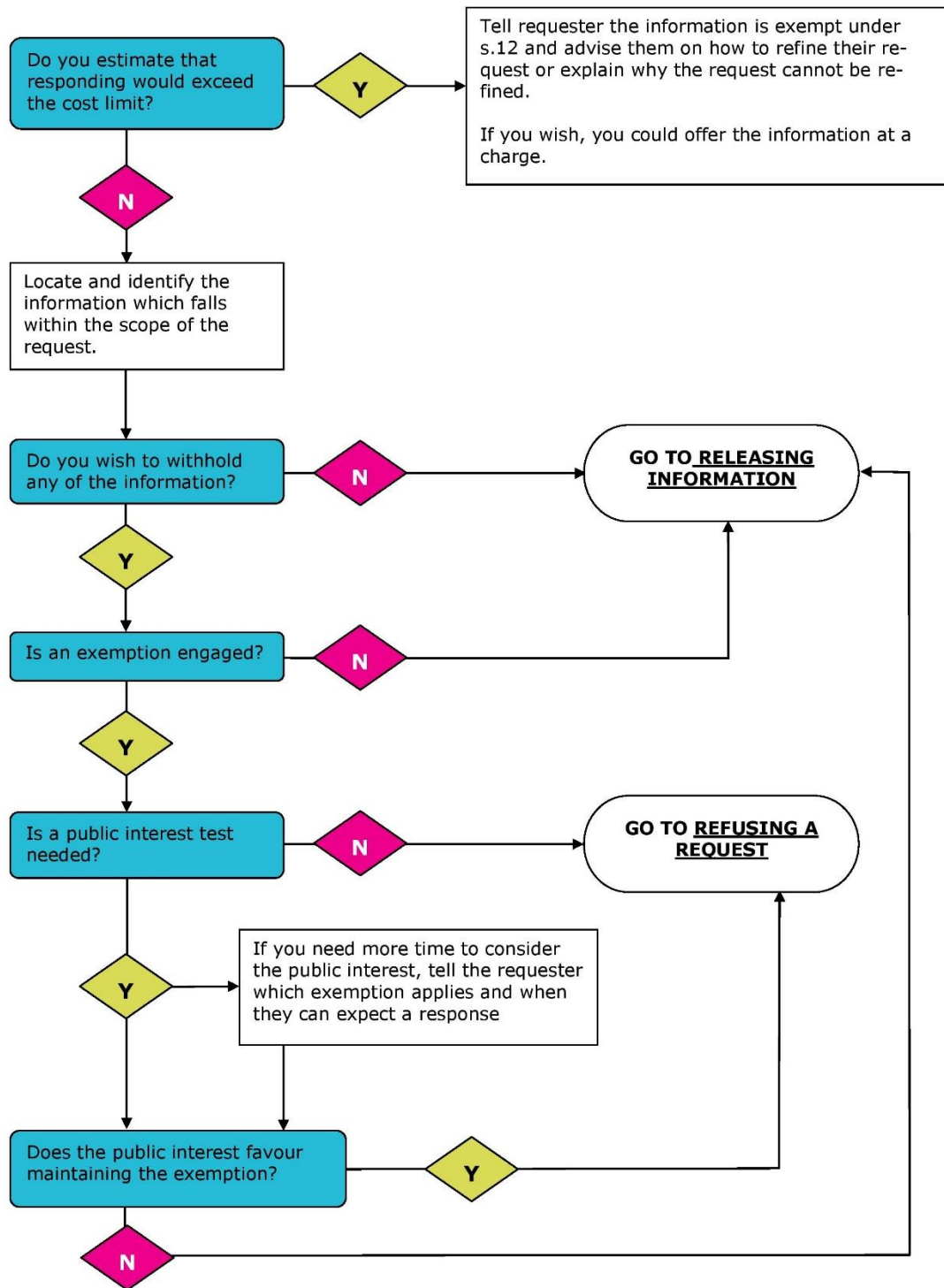
The Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a subject access request under the Data Protection Act 1998.

#### Do you hold the requested information?

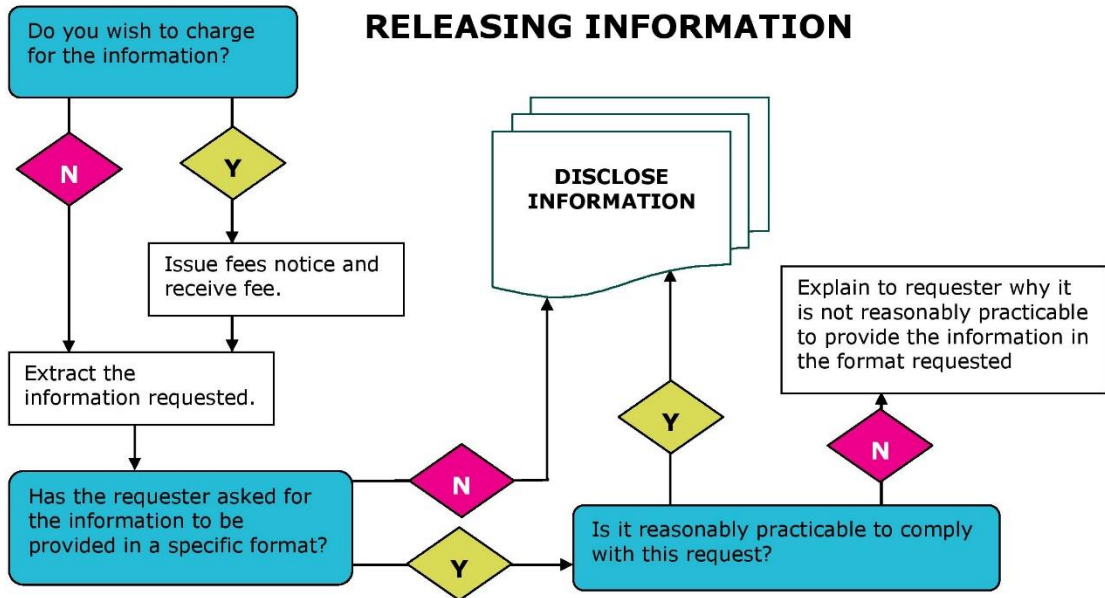
The Parish Clerk will know exactly what information Buckden PC holds.



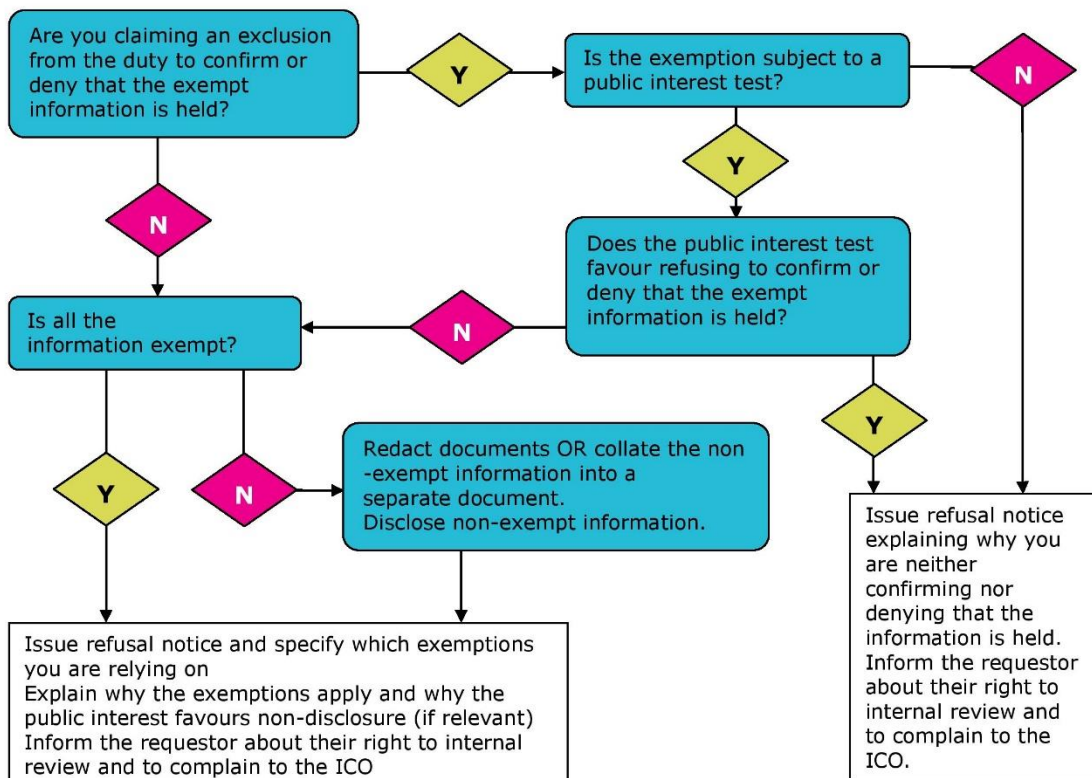




## RELEASING INFORMATION



## REFUSING A REQUEST





## Freedom of Information Procedure

### Version Control Record

| Version | Date     | Author | Reason for update |
|---------|----------|--------|-------------------|
| V1      | 8 Dec 20 | CAG    | New Document      |
|         |          |        |                   |