

# Crowle & Ealand Town Council

## Freedom of Information (Fol) Policy



### 1.0 Overview

1.1 Crowle & Ealand Town Council is committed to complying with the provisions of the Freedom of Information Act 2000 (FOIA) and related legislation.

1.2 This legislation enables anyone, anywhere in the world, to request any recorded information held by, or on behalf of, Crowle & Ealand Town Council.

1.3 Information will be provided if it is held, unless one or more of the exemptions listed in the legislation applies. Information which is exempt does not have to be provided.

1.4 Full details can be found at <http://www.legislation.gov.uk>

### 2.0 Scope and responsibilities

#### 2.1 Scope

2.2 This policy applies to all recorded information held by the council or by someone else on behalf of the council.

#### 2.2 Responsibilities

2.4 Anyone working for, on behalf of this Council is responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the FOIA and in compliance with this policy.

2.5 The Council's Staff manages and coordinates all requests for information received by the council. Any requests for information should be sent directly to the office or email addresses.

2.6 Where an applicant indicates that they would like the requested information in a particular form i.e. paper, electronic or inspection at council offices, compliance with their preference is to be adhered to where reasonably practicable.

### 3.0 Dealing with requests

3.1 The Staff will provide advice and assistance to help people make requests under the FOIA.

3.2 Staff will respond to all requests promptly and within the statutory response period of 20 working days following receipt of a valid request. In some instances a time extension may be requested, but this will fall within all legal parameters.

3.4 This Council aim to publish as much information as possible, both proactively and in response to requests under the FOIA. However exemptions will be applied where appropriate to ensure that information which is not suitable for publication is protected.

3.5 Written requests for information received via post, email or other means will be treated as requests under the FOIA in cases where the information is not already publicly available or routinely disclosed on request.

3.6 Applicants making requests must provide their real name and an address for correspondence (email or postal). If a request is unclear, clarification will be sought to enable us to proceed with considering the request.

3.7 This Council reserve the right to refuse requests where the cost of providing the information would exceed the statutory cost limit. This limit is currently £450, which equates to 18 hours' work at a statutory rate of £25 per hour.

3.8 Where estimation that complying with a request will take more than 18 hours of officer time, assistance will be given to applicants to make refined requests which are more manageable.

#### **4.0 Relationship with the Data Protection Act**

4.1 This Council have a legal duty to protect personal data as required by the Data Protection Act 2018 (DPA).

4.2 All necessary authority will be sought in accordance with our responsibilities under the DPA before disclosing personal data about living individuals, including current and former officers, members, and users of our services.

#### **5.0 Publication scheme**

5.1 The council has adopted the Information Commissioner's Model Publication Scheme for Local Authorities and will maintain the scheme to ensure that the information it refers to is up to date.

5.2 All of the information referred to in the publication scheme is readily available to the public, either via the council website, in hard copy on request or by inspection at council offices.

5.3 Some information contained within the scheme is only available on payment of a fee.

5.4 The council publishes certain categories of information as a matter of routine in accordance with the Local Government Transparency Code.

#### **6.0 Charges for requests**

6.1 Any charges for information contained within the publication scheme are detailed within the guide to information and/or the council's schedule of charges. Any other type of information will be provided electronically and free of charge where possible.

6.2 There may be circumstances where charges for information are necessary. For example, this may be if it is only available in paper form and there is a large amount of copying involved.

6.3 Applicants will be informed if there will be a charge for disbursements such as photocopying or postage in order to provide the information. The applicant can then decide if they want to proceed. The charges will usually be waived if they amount to less than £10.

6.4 Charges under these circumstances will be calculated at a rate of 10p per sheet of A4 for photocopying. Postage will be calculated using Royal Mail's postage rates at the time the request is dealt with.

6.5 Any other similar charges which may arise e.g. larger paper sizes will be reasonable and be calculated on the basis of the actual cost to the council of providing the information to applicants.

## **7.0 Complaints about requests**

7.1 Anyone who has made a request for information to the council under the FOIA is entitled to request an internal review if they are unhappy with the way their request has been handled. Internal reviews will be carried out by the Mayor or a member of staff who was not involved with the original decision.

7.2 Any internal review will consider whether or not the request was handled appropriately, in line with the requirements of the FOIA. Applicants wishing to ask for an internal review must do so within 40 working days of the date of the Council's response to their request.

7.3 Any requests for internal review should be sent through to the FOI Officer at [clerk@crowleanddealandcouncil.org](mailto:clerk@crowleanddealandcouncil.org)

The council aims to respond to internal reviews within 20 working days of receipt. Anyone who is unhappy with the outcome of an internal review is entitled to complain to the [Information Commissioner's Office](#).

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