

# **Braishfield Parish Council: POLICY FOR HANDLING REQUESTS FOR INFORMATION**

## **Adopted 3 May 2016**

### INTRODUCTION

The **Freedom of Information Act 2000** provides public access to information held by public authorities.

It does this in two ways:

- a) public authorities are obliged to publish certain information about their activities; and
- b) members of the public are entitled to request information from public authorities.

The requirement to publish certain information is covered in the council's document "Freedom of Information: Information Available From Braishfield Parish Council Under Model Publication Scheme".

The Information Commissioner's Office have published "**The Guide to Freedom of Information**" ( version 1.0 January 2012) and this policy makes reference to it as "the Guide".

**This policy covers requests for information, made to the council by members of the public. It is intended:**

- **to inform officers and members as to the scope of the Act;**
- **to briefly describe the process for response;**
- **and to point to the Guide for more detailed information.**

### DUTIES

There are two duties under the Act:

- to tell the applicant whether you hold any information falling within the scope of their request; and
- to provide that information.

### IDENTIFYING REQUESTS

Officers or Councillors who receive correspondence from the public must be able to identify requests for information under the Act. To be valid under the Act, the request must:

- be in writing (letter, email, web or social media);

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- include the requester's real name;
- include an address for correspondence;
- describe the information requested. The Act covers information not documents, so a requester does not have to ask for a specific document (although they may do so). They can, for example, ask about a specific topic and expect you to gather the relevant information to answer their enquiry.

Many requests for information can be answered by referring the enquirer to the council's published documents. If you need to deal with a request more formally, it is important to identify the relevant legislation:

- If the person is asking for their own personal data, you should deal with it as a subject access request under the Data Protection Act.
- If the person is asking for 'environmental information', the request is covered by the Environmental Information Regulations 2004.
- Any other non-routine request for information you hold should be dealt with under the Freedom of Information Act.

#### TIME

The council has **20 working days to respond** to a request, except in certain circumstances. Refer to the Guide for details.

#### CHARGING FOR THE INFORMATION

In certain circumstances it is permissible to charge for providing the information. This is explained in the Guide.

#### DRAFTING THE RESPONSE

- Refer to "The Guide to Freedom of Information" for detailed guidance.
- Ensure you know what is being asked for. Consider all the information that falls within the scope of the request.
- Contact the applicant for clarification if necessary. You do not have to deal with the

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request until you have received whatever clarification you reasonably need.

- Read a request objectively.
- Under the law you must release the information unless there is good reason not to.
- If finding the information and drawing it together places an unreasonable burden on time and resources, it may be possible to refuse the request.
- In certain circumstances it is appropriate to “neither confirm nor deny” that you hold information.
- Where you know that the recorded information is out of date or inaccurate for some other reason, you should normally still release it, but with an explanation. In a few cases there may be strong and persuasive arguments for refusing a request on grounds that the recorded information is inaccurate.
- You must not make any changes or deletions as a result of the request, for example, because you are concerned that some of the information could be embarrassing if it were released. This is a criminal offence.
- Disclosures under the Act are ‘to the world’. However, you can restrict the release of information to a specific individual or group at your discretion, outside the provisions of the Act.
- The Chairman and Clerk, together with other councillors who may have particular knowledge of specific request, will compile the response and will notify the council.