

# Colburn Town Council

## POLICY FOR HANDLING INFORMATION REQUESTS

The Freedom of Information Act 2005 was created to improve the public understanding and transparency of the operation, decision-making and expenditure of public authorities. Colburn Town Council routinely publishes all agendas, minutes, accounts, annual return and public rights on their website.

Environmental Information Regulations 2004 cover land development, pollution levels, energy production and waste management. EIR requests need not be in writing eg could be verbal via a council office and the time limit for response can be extended from 20 to 40 days for complex requests.

FOIA Requests for additional information will be considered for release on receipt of a written request and the clerk will respond with the statutory 20 working days as per legislation.

### **Procedures**

The individual (who could be representing a group, organisation or company) is asked to put their request in writing (email) stating the name of the applicant, correspondence address and details of information requested. The name can be in an abbreviated form ie John Smith but not just a first name.

The Council's response will be in writing and as helpful as possible. The clerk will check that the information requested is held or whether the request should be transferred to another public body. The applicant will be informed as to why the information is not held including if destroyed or whether there is a legitimate reason for refusal or if the information is exempt from disclosure.

Exemptions include information accessible by other means ie elsewhere, personal information ie employees or information that has been provided to the Council in confidence.

A public authority can only withhold information if the public interest in maintaining the exemption outweighs the public interest in disclosure.

Refusal reasons include the cost of complying would exceed the prescribed fees limit; the request is a repeated request which the Council has already responded to or the request is deemed vexatious or a campaign.

A Fee's Notice (if applicable) will be issued confirming that the information is held and giving an estimate of the cost of providing the information with a limit of £450. Where a fee is to be charged, the 20 working day response time will stop until the fee is paid and then resumes.

Provided the requested fee is paid, the Council is obliged to disclose the information.

### Right of Appeal

The person seeking the information has a right of appeal first to the Council by way of the Council's complaints procedure. If the person is not satisfied, the matter can be referred to the Information Commissioner's Office who will ask the Council to provide an explanation of what transpired and will rule.

It is a criminal offence under Section 77 of FOIA for a public authority to deliberately block, erase, destroy or conceal records with the intention of preventing disclosure.

A formal system of logging requests and recording key actions will be kept by the Council.