

**HOOE PARISH COUNCIL
FREEDOM OF INFORMATION POLICY**

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1. Introduction

The **Freedom of Information Act 2000 (FOI)** sets out the statutory right for the public to access information held by the parish council. The principles of the Freedom of Information Act 2000 (FOI) are to provide access to information, promote greater openness and accountability across the public sector.

The parish clerk and council members have the overall responsibility of the management of the parish council's information and will disclose information to the public upon request unless an exemption applies. The parish council will treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data.

2. The Parish Council's Responsibilities to Retain Information

The parish council is responsible to have good management practices in place to manage and handle information held by the parish council that includes:

- To implement procedures to demonstrate all parish council information is retained, managed and archived correctly under the supervision of the clerk
- The parish council may only dispose of information as per the requirements set out in the parish council's **Document Retention Policy** or unless otherwise required by law
- All parish council's records shall be retained by the clerk and not be held by any third party
- The parish council will maintain regular checks to ensure the documentation management process is being managed effectively. The clerk must report to the parish council where any information or records are missing, removed without authority, or has been disposed of inappropriately.

3. Requesting Information under the Freedom of Information Act

- The parish council will respond to requests to information under the **Freedom of Information Act 2000** within 20 working days unless an exemption applies. Such exemptions may include for example, commercial sensitivity or data protected under the **Data Protection Act 2018**.
- Where environmental information is requested, such a request shall be considered under the **Environmental Information Regulations 2004**.
- A large amount of the parish council information will be found on the parish council's website www.hooe-pc.gov.uk which is available for immediate public access
- A freedom information request shall only be accepted if made in writing to the clerk that states the name of the applicant, address for correspondence (can be an email address) and to describe the information requested.
- Subject to exemptions, any person who makes a request for information must be informed whether the parish council holds the information, and if the parish council does, the parish council will provide the information, but may impose a charge for copying or postage costs. Such charges are set out in the parish council's **Model Publication Scheme**

4. Refusing a Request for Information

The Freedom of Information Act contains 23 exemptions whereby information can be withheld. There are two categories of exemptions, absolute and non-absolute:

- Under non-absolute the information can be withheld where the parish council decides that the public interest is best served by withholding information. The parish council must demonstrate good reason for why the information is to be withheld
- Other exemptions contain a “prejudice test” which means by disclosing the information would prejudice the interest protected by the exemption
- Where information is withheld under an exemption, the parish council will provide the applicant an explanation for the refusal. The applicant has a right of appeal made through the Information Commissioners’ Office.
- The parish council will refuse to supply information under the Freedom of Information Act where requests are of a “vexatious nature” or “repeated” and under the Environmental Information Regulations where the request is considered “unreasonably”.

5. Third Party Information

The release of third party information must be considered carefully to prevent a breach of confidence, or a breach of the **General Data Act 2018** or the **General Data Protection Regulations 2018**.

The parish council will notify the individual or organisation that information may be released following an information request, and where appropriate, will provide the supplier the opportunity to request confidentiality, or advise reasons as to why the information should be treated confidentially.

The parish council must consider the disclosure of commercially sensitive information carefully as such a disclosure could be treated as an actionable breach of confidence.

Where possible the parish council should obtain clauses obliging suppliers or contractors to co-operate fully and in a timely manner where assistance is required to respond to a Freedom of Information Request.

In commercially sensitive situations, the parish council may include a non-disclosure clause in a contract with a supplier or contractor, however the schedule of the contract shall clearly state what information should not be disclosed.

6. How Information Will be Published

The parish council’s information will be published on the parish council’s website via a **Publication Scheme**. It is the responsibility of the clerk and the parish council that the information covered by this Publication Scheme is available.

In exceptional circumstances some information may available only be viewing in person. An appointment to view the information can be arranged with the clerk within a reasonable timescale.

The parish council will keep a register of Freedom of Information Requests made.

7. Request For Review

The parish council may carry out a review of a request whenever the applicant expresses dissatisfaction with the outcome. Such a request must be made within 20 working days of the receipt of the parish council's written response and the applicant should set out with the reason to their dissatisfaction.

The parish council shall conduct a review within 20 working days and provide a response in writing to the applicant. The applicant may thereafter submit a complaint to the Information Commissioner's Office and can be contacted at:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Website: www.ico.org.uk