



## **COUNTESTHORPE PARISH COUNCIL**

### **POLICY AND PROCEDURES FOR HANDLING REQUESTS FOR INFORMATION**

#### **POLICY**

The Parish Council has adopted a Model Publication Scheme with effect from 1st January 2009. This represents the Council's commitment to release information proactively. A guide detailing the information routinely published and how this information can be accessed is available on the Council's website or as a hard copy.

Information which is not routinely published will be considered for release on receipt of a written request. The Parish Council Manager will respond within 20 days as per legislation.

Advice and assistance will be given to help people proposing to or who have made a request for information.

Details of information that has been provided by the Council in response to requests will be published on a Disclosure Log under the Council's Publication Scheme.

#### **PROCEDURES**

Verbal requests for information under the Freedom of Information Act 2000 (FOI) will be asked to be put in written form (email will be accepted) giving their name, correspondence address and details of information required. Information requests under the Environmental Information Regulations Act 2004 (EIR) do not necessarily need to be in writing; however a written record of the conversation must be kept.

Requests for information do not need to refer to FOI or EIR.

The Parish Council Manager may ask for the request to be reformulated to ensure that the description of information requested is valid. If there is difficulty in identifying or locating information the applicant will be asked to provide further details

Responses to requests must be made within 20 days. If an exemption is being considered the applicant must be advised and given an estimated date of response.

The Parish Council Manager will check whether the Council holds the information requested. If the Council does not hold the information (or the request is to be transferred to a more appropriate public authority) the applicant will be advised giving details as to why the information is not held including if destroyed; provided that to confirm or deny information is held is not exempt.

If requests for CCTV images are of the person making the request then this will be treated as a data protection subject access request and is exempt from the Freedom of Information Act.

CCTV images, which include identifiable people other than the applicant, which would involve unfair intrusion into the privacy of the third party, or cause unwarranted harm or distress, and where the third person cannot be disguised or blurred would require a Refusal Notice to be issued stating the reason for the exemption. Requests regarding CCTV images are covered under the Council's CCTV Policy.

A Fees Notice will be issued (if applicable) confirming that the information is held and giving an estimate of the cost of providing the information with a limit of £450; the Council may refuse requests which exceed this limit. In this instance a refusal notice will be issued which will include confirmation as to whether the information is held or not (unless the costs of this will exceed the limit) and the cost of retrieving the information. The applicant may reformulate their request; the Council will provide advice and assistance as appropriate.

Where a fee is to be charged no information will be released until after the fee has been received; the 20 day period will be extended by up to three months awaiting pay. After the fee is received a response will be given within 20 days.

The Information requested will be checked for exemptions. If an exemption applies the Council will issue a Refusal Notice stating upon which exemption it is relying and the reason why the exemption applies (if not apparent). The Council is not required to confirm or deny whether it holds information, if this constitutes disclosure of exempt information. The refusal notice will be issued together with the Council's procedures for dealing with complaints and details of the Information Commissions Office should the applicant wish to exercise their rights to complain to them.

Provided the fee is paid (if applicable) and no exemptions apply, the Council is obliged to disclose the information. A formal system of logging requests and recording all key actions will be kept by the Council.