

Winterbourne Parish Council Freedom of Information Policy

The Parish Council has a duty under the Freedom of Information Act 2000¹ (“the Act”) to provide information that it has on record to any person or organisation that requests it.

The Parish Council’s Document Retention and Publication Policy² sets out information that the Council intends to retain and to publish. This document serves as the Council’s Publication Scheme as defined by the Freedom of Information Act 2000.

Requests for information

Requests must be set in writing to the Parish Clerk, Melanie Thomas, Windrush, 5 Kings Paddock, Winterslow, Salisbury SP5 1RZ. This may be by email to:

clerk-parishcouncil@thewinterbournes.org.uk

The request must include the applicant’s name, address for correspondence including email address, and a description of the information requested. In cases where the nature of the information requested is unclear, the Clerk may request clarification, and the request will not be progressed further until the clarification is received.

The Clerk will also respond to requests for help in obtaining information from the Parish Council under the Act.

Requests for information already provided to the same person, or which are considered to be vexatious requests, will be deemed to be invalid.

Parish Council’s Response to a Written Request

Within 20 working days of receipt of a valid written request the Parish Clerk will respond to the request as follows:

- a. to confirm whether or not the Parish Council holds the information
- b. advise if a fee will be charged
- c. in the event that the information is held by the Council either:
 - i. direct the respondent to the information if already published; or
 - ii. provide the information requested subject to receipt of payment (if any); or
 - iii. advise that the information cannot be provided as exempt from the requirements of the Act.

All information provided under the Act will be provided in electronic form (as pdf or image files) whenever possible.

¹ Available at <https://www.legislation.gov.uk/ukpga/2000/36/contents>. See also NALC Legal Topic Note 37 at <https://www.nalc.gov.uk/members-area/legal#legal-topic-notes-in-numerical-order>

² Available at

Refusal to provide information

The Council can decline to provide information when any of the exemptions set out in the Act apply. In most cases such excluded information will be that which contains personal data, is provided in confidence, or is of commercial interest.

Information intended for publication is also exempt under the Act. The Council considers that this will apply to all documents that are in preparation (i.e. working or draft documents).

Where the law requires the Council to consider whether release of information that would otherwise be exempt is in the public interest, then the Clerk may consult with the Chairman before deciding whether such information should be withheld.

Fees

The Act only allows the Council to charge for answering freedom of information requests in the following circumstances:

- a. Disbursement costs such as printing, photocopying and postage; and
- b. When estimated staff costs involved in locating and or compiling the information exceed £450.
Under these circumstances, the Council can refuse the request on the grounds of cost, or charge the applicant £20 per hour, plus disbursements for the estimated work.

For the majority of requests, or a series of requests from the same applicant within a 12 month period, it is expected that the charge for locating and compiling information will be less than £450 and therefore, except for disbursement costs, no reimbursement can be sought. However, where costs are estimated to exceed £450 (based on an hourly charge-out rate of £20), the Council can decide to:

- a. refuse the request; or
- b. comply with the request and charge for allowable costs as prescribed in the regulations in which case:
 - i. A fee notice will be sent to the applicant requesting the appropriate fee.
 - ii. The request will not be answered until the fee has been received.
 - iii. If the actual cost of completing the request is more than the estimate then the Council will incur the additional cost.
 - iv. Where the cost is less than the estimated cost then the difference will be refunded to the applicant.

For disbursements costs, the Council will charge 10p per sheet for photocopying and printing documents and recover the actual cost of postage or any other transmission costs from the applicant.

Complaints

Anyone dissatisfied with the response from the Council may contact the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Telephone: 01625 545745 or online at <https://ico.org.uk/make-a-complaint/>