

Adlington Town Council Freedom of Information Act, 2000 Policy

Introduction

The Freedom of Information Act (FOIA) 2000 provides public access to information held by a public authority in two ways:

- Public authorities are obliged to publish certain information about their activities
- Members of the public are entitled to request information from public authorities

The FOIA 2000 gives two related qualified rights to:

- Be told whether the information is held and
- Receive the information, subject to exemptions.

The right of access applies regardless of the purpose of the application. Recorded information includes printed documents, computer files, letters, emails, photographs, hand written notes and sound or video recordings.

The Act does not give people access to their own personal data (information about themselves). Individuals wishing to see personal information should make a Subject Access Request under the Data Protection Act 2018.

Policy

Adlington Town Council as the lowest tier of local government will:

1. Respond to requests for information promptly and within 20 working days from the day after the day of receipt. Where we are not able to do so we will inform requesters of the reasons and keep them updated of progress in dealing with their request.
2. Maintain a 'Publication Scheme' that provides information which is readily accessible without the need for a formal FoIA request. This is on the website.
3. Continue to protect the personal data entrusted to the Town Council, by disclosing it only in accordance with the Data Protection Act 2018.
4. Consult with third parties before disclosing information that could affect their rights and interests. However, we reserve the right to take the final decision on disclosure.
5. Reserve the right to make reasonable charge for information requests in line with the FoIA fee regulations or other applicable regulations, including charging for requests made under the Data Protection Act 2018.
6. Where the Town Council is not minded to disclose information where exemption(s) apply, it will seek to explain the exemption and how it is being applied.
7. Provide a review process for requesters
8. Ensure that the Clerk is aware of the obligations under the Act to make information available on behalf of the Town Council.

Making a request for information

To be valid under the FOIA 2000, requests:

1. Must be in writing
2. Must clearly describe the information being sought
3. Can be made by an individual or an organisation
4. Can be made by letter, or email
5. Must be legible and
6. Must contain the name of the applicant and a return address.

To be valid under the FOIA, 2000 requests do not:

1. Have to be written in a special form;
2. Need to mention the FOI Act; or
3. Need to refer to “Freedom of Information”.

When making your request you should include:

1. Your preferred correspondence details e.g. name, email or postal address
2. A clear description of the information you are requesting in as much detail as possible. If we need to clarify your request it may take longer to provide the information to you

Under Section 16 of the FOIA, 2000, the Town Council has a duty to provide advice and assistance to applicants as far as it would be reasonable to expect it to do so.

The Town Council must advise whether it holds the information, and must normally supply it within 20 working days. However, if your request is unclear and we need further details to establish if we hold the information, we may ask you for clarification. The time limit will stop and will not restart until we receive the additional detail from you.

If you wish to request information which is not already published on our website through our Publication Scheme, please email clerk@adlingtontowncouncil.gov.uk or write to Adlington Town Council via the Clerk at:

Adlington Town Council,
12 Berry Square,
Blackrod,
Bolton,
BL6 5DU

Any information supplied by the Town Council to you under FOIA should be for your personal use. The Town Council will retain copyright to all information it discloses.

Repeat requests

Where a repeated request is received that is identical or substantially similar to a previous request from the same person, the Town Council will consider this as a repeated request. The Town Council is not obliged to comply with repeat requests for information, under the FOIA 2000 unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

In reaching a decision about whether an application for access should be categorised, as a repeat request the Town Council will have regard to:

1. The time that has elapsed since the previous request
2. Whether the request is identical or substantially similar to the previous request
3. Whether any relevant, new information has been generated since the previous request.

A 'reasonable interval' will be deemed to be 40 working days.

Vexatious requests

The Town Council is not obliged to comply with vexatious requests under the FOIA 2000.

In determining whether a request should be refused because it is vexatious the Town Council will consider all the circumstances of the request, including:

1. The context and history of requests submitted by an applicant;
2. Whether the request is likely to cause unjustified distress, disruption or irritation.
3. Whether the request could fairly be seen as obsessive
4. Whether complying with the request imposes a significant burden
5. Whether an applicant is habitually and persistently submitting requests where there appears to be no reasonable grounds for them to do so
6. Whether there is a strong likelihood that such requests are being made to intentionally cause harassment, cause distress to staff, divert resources or to disrupt the proper workings of the LGA.

Fees

Section 9 of the FOIA 2000 allows an organisation to charge a fee for providing information in response to a request. The fee is determined in accordance with the Fees Regulations. The Fee Regulations set out what charges are permissible for information requests. These charges are currently defined as two elements, prescribed costs and disbursements.

Under section 12 of the FOIA 2000, the Town Council does not have to comply with a request for information if the cost of compliance exceeds what is referred to as the 'appropriate limit' for the estimated or calculated prescribed costs. The regulations define an 'appropriate Limit', for non-central Government is currently £450.

The Town Council must still confirm or deny whether it holds the information requested unless the cost of this alone would exceed the appropriate limit. The Town Council can only take into account the costs it reasonably expects to incur in:

1. Determining whether it holds the information requested;
2. Locating the information, or document containing the information;
3. Retrieving the information, or a document containing it; and
4. Extracting the information from a document containing it

The cost will be calculated at £25 per hour per person, regardless of the actual cost or rate of pay. The calculation of the appropriate limit of £450 is equivalent to about 2.5 days of one person's time charged at the £25 per hour rate.

Where a reasonable estimate is made that the appropriate limit of £450 for the costs of preparation would be exceeded then the Town Council will either:

1. Refuse to comply with the request; and/or
2. Issue a fees notice to the applicant for the estimated amount

Where appropriate the applicant may be asked whether they would like to reframe their request so that it does not exceed the appropriate limit of £450, in these circumstances the applicant will have the choice of amending the request or alternatively paying the preparation fees.

Where the limit is exceeded, there is no requirement for the Town Council to undertake work up to the limit. The Town Council can also include the costs of disbursement as a separate fee.

Requests for review

If you have not received the information you asked for, or if you are not happy with the way your request has been handled you may obtain further information or appeal to:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

Website: <https://ico.org.uk>

The Town Council's policy is based on the FOIA, 2000 policy of the Local Government Association.

