



Stockton Heath Parish Council Freedom of Information Policy

This policy is supplemental to, and does not in any way override, the Parish Council Standing Orders and/or Financial Regulations.

This policy was adopted by the full parish council at its meeting on 14 May 2024(minute 24/15.6)

This policy will be reviewed every three years.

1. Introduction

1.1 This policy and its accompanying scheme sets out the ways in which Stockton Heath Parish Council will make as much information as possible available to the public in compliance with the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Transparency Codes which apply.

2. Scope

2.1 This policy applies to the information that can be requested under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

2.2 The legislation covers any recorded information that is held. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

2.3 This policy does not apply to the right of individuals to request access to information held about them (a subject access request). This request is dealt with under the council's Data Protection Policy.

3. Legislation

3.1 Freedom of Information Act 2000 – confers the statutory right to request information from a public body and places a duty on public bodies to proactively publish certain types of information.

3.2 Environmental Information Regulation 2004 – confers the statutory right of access to environmental information held by a public body.

3.3 The Smaller Authorities Transparency Code 2015 and the Public Bodies Transparency Code 2015 – require certain councils, dependent on income/expenditure levels to publish financial and other information on a website that is available to the public.

4. Dissemination and Training

4.1 The council will issue this policy to all employees as part of their induction and the policy will be included in the Employee Handbook, available on the Parish Council website.

4.2 The council will issue this policy to all its councillors as part of their induction and the policy will be included in the Councillors Handbook.

4.3 For members of the public, volunteers and contractors the policy will be available on the council's website.

5. Monitoring and review

5.1 A review of the policy shall be undertaken every three years; necessary amendments will be advised by the Parish Clerk and reported to the council for approval.

5.2 Changes in the law will be monitored and, if necessary, amendments/reviews made to the policy.

5.3 Where a request for information results in new information being made available, the publication scheme will be updated to reflect this.

6. General Statement of Policy

6.1 Stockton Heath Parish Council aims to be open and transparent at all times by:

6.1.1 Making available as a matter of routine, proactively publishing and providing electronic links to information, including environmental information, that is held by the council and falls within the classifications in the appended Publication Scheme (Appendix B).

6.1.2 Regularly reviewing and updating the information the council makes available under this scheme.

6.1.3 Proactively publishing a schedule of any fees charged for access to information.

6.1.4 Making the publication scheme available to the public through the council's website.

6.1.5 Subsequently publishing any dataset that has been requested, and any updated versions it holds, unless the council is satisfied that it is not appropriate to do so.

6.1.6 Publishing any dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the council is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act 2000, section 19.

7. Process for responding to information requests

7.1 Everyone has access to official information and requestors may be local residents, local, national or international journalists, researchers or anyone with an interest in locating information. Requestors do not have to give a reason for requesting the information. Requestors should be treated equally, with no difference in the information provided or not provided between one requestor and another.

7.2 All requests received will be tested for validity. A valid request is one which is received in writing, includes the name and correspondence address of the requestor (email or postal) and provides an adequate description of the information sought. Where possible, the council will correspond with the requestor to clarify the request or inform the requestor that the request does not pass the validity requirements. Whilst awaiting clarification, the council's 20 working day response time will be paused until it is satisfied that it has received the necessary clarification to begin work on the request. If a clarification request is not met by the requestor after two months from the original date of the request, the council will close the request.

7.3 A request submitted through social media will be valid where it meets the validity requirements in 7.2 and where the council has a formal, monitorable presence on the particular platform being used by the requestor.

7.3 Requests which are not valid are those made anonymously, those defined as vexatious, those where the information is held under different legislation. In addition, requests submitted

in a language other than English are not valid as councils are not obliged to obtain translations. Those making anonymous requests or making requests under a pseudonym may be contacted to clarify contact information, but the council is not obliged to respond to anonymous requests. Vexatious requests are dealt with in section 9.

7.1 All requests for information validly made under the Freedom of Information Act 2000 (FOI) and the Environmental Information Regulation 2004 (EIR) will be acknowledged on receipt and the timeframe for providing the data and any charges will be made clear.

7.2 Unless otherwise agreed with the requestor, all enquiries will receive a response with either the information requested or a reason why the information cannot be supplied within 20 working days of receipt of the request.

7.3 In its reply to the requestor, the council will give information about whether it holds the data requested or not. Where the information is proactively published, requestors will be provided with the relevant link to the information, or provided with a hard copy, charged at the cost shown on the Publication Scheme. Where it is more appropriate to do so, information requested may be extracted from a range of documents and presented as one single document. The council is not obliged to create new information to respond to a request.

7.4 Where the information is not available, the council will determine if the information is exempt from publication and, if this is the case, inform the requestor with the reason for such exemption, within 20 working days.

7.5 Where information has been requested and is not routinely available but is not exempt from publication, the information will be supplied to the requestor within 20 working days and then made available routinely thereafter.

8. Information that may be exempt from publication

8.1 Requested information may not be available for a number of reasons – because the information is absolutely exempted from the scheme; because the information has been tested against the Public Interest Test and is considered exempt (a qualified exemption); because, in order to supply the information the council would incur disproportionate costs (over £450); because the request is defined as a Vexatious Request (see section 9).

8.2 Absolute and qualified exemptions are shown in Appendix A

8.3 Where a request might result in costs of more than £450, incurred by staff time in establishing if the information is held by the council and/or locating and retrieving the information and/or extracting the information, then requestor will be notified that the request cannot be met. The council will offer assistance and guidance to the requestor to reframe or refocus the request to bring it within the cost limit.

9. Vexatious Requests

9.1 Under section 14(1) of the Act a public authority is not obliged to provide a substantive response to a request if the request is vexatious. Section 14(1) may be used in a number of circumstances where a request, or the impact of a request, is not justifiable or reasonable.

9.2 There will be times when a request is so unreasonable or objectionable that it is clear it is a vexatious request. For example, an abusive or offensive request that causes an unjustifiable level of distress or where threats are, or have been, made against staff.

9.3 In other circumstances it may be less immediately obvious that a request should be considered as vexatious. A public authority should consider a request vexatious where the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. Factors public authorities might therefore want to consider include: the burden it

places on a public authority and its staff; the likely motives for the request; the potential value or purpose of the request; any harassment or distress to staff.

9.4 There may also be times when a public authority considers that responding to a new request following a series of previous requests would engage section 14(1) because doing so would be disruptive or burdensome to the public authority given the volume of previous correspondence.

10. Requesting a review or making a complaint about the council's decision

10.1 If a requestor is unhappy about the way their request for information has been handled, they may, within 40 working days of receiving the council's response to their request, ask for the council to conduct an internal review into the process applied to their request.

10.2 If a requestor is unhappy with the findings of the internal review they may raise their concerns with the Information Commissioners Office.

Appendix A Table of Freedom of Information Act Exemptions

The table below sets out a straightforward reference guide to the exemption clauses that are set out under Part II of the FOI Act. Detailed guidance on the application of these exemptions is set out on the website of the Information Commissioner's Office.

* starred exemptions are absolute; all other exemptions require a public interest test.

Section.

in Act	Description
21 *	Information accessible to the applicant by other means.
22	Information intended for future publication.
22A	Information obtained in the course of, or derived from, a programme of research.
23 *	Information supplied by, or relating to, bodies dealing with security matters.
24	Information for the purpose of safeguarding national security.
26	Information that would, or would be likely to, prejudice defence of the realm.
27	Information that would, or would be likely to, prejudice international relations.
28	Information that would, or would be likely to, prejudice relations between any administration within the United Kingdom.
29	Information that would, or would be likely to, prejudice the economic or financial interests of the United Kingdom or of any part of it.
30	Information held for the purposes of investigations and proceedings conducted by public authorities.
31	Information that would, or would be likely to, prejudice law enforcement.
32*	Information contained in court documents and records.
33	Information that would, or would be likely to, prejudice the exercise of audit functions.
34*	Information for which exemption is required to avoid an infringement of the privileges of either House of Parliament.
35	Information that relates to the formulation or development of Government policy.
36*	Information that would, or would be likely to, prejudice the collective responsibility of Ministers, inhibit the free and frank provision of advice or prejudice the effective conduct of public affairs. This exemption is absolute only in relation to information held by the House of Commons or the House of Lords.
37*	Information relating to communications with His Majesty and other members of the Royal Household or the conferring of honours (absolute exemption in relation only to communications with the Sovereign, the heir to the Throne and second in line to the Throne).
38	Information that would, or would be likely to, endanger the safety or the physical or mental health of an individual.
39	Environmental information within the meaning of the Environmental Information Regulations 2004.
40 *	Personal data (absolute exemption in relation only to information that is the personal data of the applicant).
41 *	Information that is obtained from another person or public authority and its disclosure would constitute an actionable breach of confidence.
42	Information that is covered by legal professional privilege.

- 43 Information that constitutes a trade secret or would, or would be likely to, prejudice commercial interests.
- 44 * Information that is prohibited from disclosure by any enactment, EU obligation or whose disclosure would constitute contempt of court.