

Great Tey Parish Council

Freedom of Information Policy

INTRODUCTION:

The Freedom of Information Act 2000 (FOIA), which came into full effect on 1 January 2005, provides the public with the right to access recorded information held by public authorities. This includes Parish Councils, which are obligated to provide information unless it falls under one of the specified exemptions. The Act aims to promote transparency and accountability within public authorities by allowing greater public access to information.

The Environmental Information Regulations 2004 (EIR) provide similar rights of access to environmental information.

PURPOSE:

This policy sets out how Great Tey Parish Council complies with its obligations under the FOIA and the EIR, detailing how the public can access information, the processes for making requests, and the council's responsibilities in responding to them.

LEGAL FRAMEWORK:

The key pieces of legislation guiding this policy are:

- **Freedom of Information Act 2000 (FOIA):** Provides the public with the right to access recorded information held by public authorities, subject to certain exemptions.
- **Environmental Information Regulations 2004 (EIR):** Provides public access to environmental information held by public authorities.
- **Data Protection Act 2018 (DPA) & UK General Data Protection Regulation (GDPR):** These govern the handling of personal data and may limit access to information under FOIA if personal data is involved.

OBLIGATIONS UNDER THE FOIA:

1. Publication Scheme:

Under the FOIA, all public authorities, including Parish Councils, are required to adopt and maintain a Publication Scheme that details the classes of information that are routinely made available to the public. The Publication Scheme promotes transparency and outlines the types of information that can be accessed without the need for a formal FOI request.

2. Dealing with FOI Requests:

The Council is legally required to respond to formal requests for recorded information that is not included in the Publication Scheme. Requests:

- Must be made in writing (by letter or email).
- Should include the requester's name, address, and a description of the information being sought.
- Will be responded to within 20 working days of receiving the request.

HOW TO MAKE A REQUEST:

If you wish to make an FOI request, you can do so in writing, by email, addressed to:

Great Tey Parish Council

Parish Clerk

Email: clerk@greatteyparishcouncil.gov.uk

(Please include "GTTC FOIA Request" in the subject line of any emails to ensure the request is not blocked by spam filters.)

RESPONDING TO REQUESTS:

Upon receiving a request, the Parish Council will:

1. **Acknowledge the Request** – Confirm receipt of the request within a reasonable time.
2. **Search for Information** – Review council records and locate the information requested.
3. **Provide the Information** – Supply the information in the requested format (e.g., electronic or paper) or explain why it cannot be provided. If the request is complex, the council may seek to extend the response time, informing the requester of the delay.
4. **Refuse the Request** – If applicable, explain any refusal based on the specific exemptions in the FOIA or the EIR. Refusals will include an explanation of the relevant exemption and inform the requester of their right to appeal.

EXEMPTIONS:

Certain categories of information may be exempt from disclosure under the FOIA. These exemptions include, but are not limited to:

- **Personal Information** (covered by Data Protection laws).
- **Confidential Information** (such as legally privileged advice or sensitive negotiations).
- **Commercially Sensitive Information** (which could affect the council's or a third party's commercial interests).
- **Vexatious or Repeated Requests** (requests that impose a significant burden without merit).

If an exemption applies, the Council will explain why the information cannot be released, referring to the relevant section of the FOIA or EIR.

CHARGES:

The Parish Council will not normally charge for responding to straightforward requests. However, if the request is particularly complex or voluminous, charges may apply for the costs of photocopying, postage, or excessive staff time. The requester will be informed of any charges before the information is provided.

APPEALS AND COMPLAINTS:

If a requester is dissatisfied with the response provided or if their request is refused, they have the right to appeal. Appeals can be submitted in writing to the Parish Clerk at the above address.

If the requester remains unsatisfied after the appeal process, they may refer their complaint to the Information Commissioner's Office (ICO). The ICO is the independent regulator responsible for overseeing compliance with the FOIA.

Contact Details for the ICO:

Website: www.ico.org.uk