



Bursledon Parish Council

Freedom of Information Policy

Adopted by Full Council February 2025

Next Review Date February 2027

BURSLEDON PARISH COUNCIL FREEDOM OF INFORMATION POLICY

Policy Statement

The Freedom Of Information Act 2000 was introduced to promote greater openness and accountability across the public sector. The Information Commissioner's Office (ICO) is responsible for regulating and enforcing the Act. The ICO is an independent authority which has legal powers to ensure Parish Councils comply with the Act.

Bursledon Parish Council is committed to the Freedom of Information Act 2000 (FOI), to the principles of accountability and to the general right of access to information held by the Parish Council, subject to the exemptions contained within the relevant legislation

This policy outlines the Parish Council's responsibilities to the Act and provides a framework for managing requests

This Freedom of Information Policy links with the Parish Council's:

- Data Protection Policy
- Publication policy
- CCTV policy.

Who and What is covered by the policy?

This policy applies to all recorded information held by the Parish Council that relates to the business of the Parish Council. This includes:

Information created and held by the Parish Council

Information created by the Parish Council and held by another organisation on the Parish Council's behalf

Information held by the Parish Council provided by third parties, where this relates to a function or business of the Parish Council (such as contractual information) and;

Information held by the Parish Council relating to the functions or business of the Parish Council.

This policy informs recipients of Parish Council services, members of the public and external parties to the processes the Parish Council has established for complying with the FOIA. This policy operationally applies to all employees of the Parish Council, contractors, agents and temporary staff working for or on behalf of the Parish Council.

This policy does not cover personal written communications (such as personal e-mails sent by staff). The Parish Council's Data Protection Policy establishes the

standards regarding the use of 'personal data' (as defined in the DPA and General Data Protection Regulation). These requests are exempt from the FOI under section 40 and shall be processed in accordance with the Data Protection Act 2018 (DPA).

Roles and responsibilities

Overall responsibility for ensuring that the Parish Council meets the statutory requirements of the FOIA, lies with the Clerk as Responsible Officer.

All employees are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the FOIA and in compliance with this policy and the prevailing procedures. All staff must recognise that all recorded information may be provided to the public, and that the law requires that there will be full and unconditional disclosure to every case unless an exemption applies.

Principles.

The Act covers any recorded information held by the Parish Council. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

People shall have a right to know about the activities of the Parish Council, unless there is a good reason for them not to.

An applicant (requester) shall not be required to provide a reason for requesting information. The Parish Council shall however justify refusing a request.

The Parish Council shall treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data.

Requesting Information under the Freedom of Information Act.

Any written request for information shall be regarded as a request for recorded information under the FOI Act unless it forms a request for personal data relating to the individual requesting the information. This shall be dealt with under the General Data Protection Regulation (GDPR), and consequently shall be processed in line with the Parish Councils Subject Access Request Policy.

If an individual is asking for 'environmental information', the request shall be considered under the Environmental Information Regulation 2004.

A freedom of information request shall only be accepted if made in writing, (online forms, letters, emails, faxes and social media).

Requests for information shall be met within 20 working days of receipt. If more information is needed the 20 days will not start until this information has been received.

A request for information shall not be refused because the recorded information is out of date, incomplete or inaccurate.

The Parish Council shall not make any changes or deletions to records as a result of a request.

Requests should be made to the Parish Clerk.

Refusing a Request.

The Freedom of Information Act contains 23 exemptions whereby information can be withheld. There are two categories; absolute and non-absolute. The Parish Council will only withhold information if it falls within the scope of one or more of these exemptions.

The Parish Council will also refuse to supply information under the FOIA, where the request is considered "vexatious" or "repeated" and under the EIR, where the request is considered 'manifestly unreasonable.

Charges.

The Parish Council will make no initial charges for making an FOI request.

In some cases where a request is manifestly unfounded the Parish Council shall charge an appropriate fee for complying with the request. The fee will be to cover administrative costs of the staff.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.