

FRAMFIELD PARISH COUNCIL

FREEDOM OF INFORMATION POLICY

**A policy for requesting documentation under the
Freedom of Information Act 2000**

ADOPTED January 2017

The Parish Council Model Publication Scheme follows this policy. This scheme will enable members of the public to view and access information held by the Parish Council. Details of the documents held in according with the Publication Scheme, along with the costs associated with obtaining them, are included in 8 below.

1. Obtaining information, and information held

There are three ways to obtain information held by the Parish Council:

1) Parish Council web site – www.framfieldcouncil.org.uk

The web site holds information the Council routinely publishes e.g. minutes and agendas. The information you want may already be available on the web site– so please check there first.

2) Inspect Documents held by the Clerk

If you wish to view documents you should contact the Clerk, via email, telephone or in writing. Some documents require time to locate and providing them for inspection will be subject to finding a suitable venue and appointment.

3) Individual Written Request

If the information sought is not included in the publication scheme, on the web site or already held by the Clerk, you may send a written request to: Ann Newton, Parish Clerk, Highlands, Blackboys, East Sussex TN22 5LR, or by email framfieldpc@gmail.com. Your request must include your name, address for correspondence, and a clear description of the information you require.

2. Parish Council's response to a written request

2.1. Within 20 working days of receipt of your valid written request the Council will:

- confirm to you whether it holds the information
- advise you if a fee will be charged and provide you with the information (after any relevant fee has been paid), or
- inform you that the request has been refused and the reason for refusal

2.2. A request may be refused under the following circumstances:

- It would cost too much, or take too much staff time, to deal with the request
- The request is vexatious
- The request repeats a previous request from the same person
- The request relates to an exemption under the Freedom of Information Act, for example: personal data that would be contrary to the Data Protection Act, or a disclosure that would prejudice someone's commercial interests

3. Fees

3.1. The Act allows the Council to charge for answering Freedom of Information requests only in the following circumstances:

- Disbursement costs such as printing, photocopying and postage
- When the estimated staff costs for locating and/or compiling the information exceeds £450 subject to, and in compliance of the Freedom of Information Act. Under these circumstances, the Council can refuse the request on the grounds of cost, or can charge the applicant £25 per hour, plus disbursements for the estimated work

3.2. For the majority of requests, or for a linked series of requests from the same applicant or group within 60 consecutive working days, it is expected that the charge for locating and compiling information will be less than £450; 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 £25), the Council can decide to:

- refuse the request
- comply with the request, and charge for allowable costs as prescribed in the regulations
- comply with the request free of charge

3.2.1. If the estimated cost of a request is more than £450 and it is decided to release and make a charge for the information, then:

- A fee notice will be sent to the applicant, requesting the appropriate fee
- The request will not be answered until payment has been received
- If the actual cost of completing the request is more than the estimate, then the Parish Council will incur the additional cost
- Where the cost is less than the estimated cost then the difference will be refunded to the applicant.

3.2.2. In accordance with the Freedom of Information and Data Protection (appropriate Limits and Fees) Regulations 2004, the Council is not obliged to respond to a written request for information where it estimates that the cost of complying with the request would be in excess of £450 (which equates to 18 hours of work at £25 per hour). This may include:

- Staff costs (£25 per hour) involved in determining whether the Council holds the information
- Staff costs (£25 per hour) of locating, retrieving and extracting the information
- Disbursement and staff costs (£25 per hour) incurred in informing the applicant that the information is held
- Disbursement and staff costs (£25 per hour) incurred in communicating the information to the applicant
- In all cases the costs must be 'reasonable'

- 3.3. If the Council receives two or more related requests within a period of 60 consecutive working days from a person, or different persons who appear to be acting in concert, or from a person or persons in pursuance of a campaign, the costs of complying with the individual requests will be aggregated.
- 3.4. For disbursements costs, the Council will charge 50p per double sided A4 sheet for photocopying and printing documents, and will recover the actual cost of postage or any other transmission costs from the applicant. All postal Freedom of Information requests will be sent by special delivery.

4. Further help

If you need help in accessing information from the Parish Council under the Freedom of Information Act, please contact the Clerk. You will also find more detailed guidance on the website of the Information Commissioner's Office.

5. Complaints

If you are dissatisfied with the response from the Parish Council, you may contact the Information Commissioner at:

- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF; or
- Tel: 0303 123 1113; or
- Email registration@ico.org.uk

6. Model Publication Scheme

6.1. Freedom of Information Act

- This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.
- This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

6.2. The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the 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 public authority is the only owner, to make the information available for re-use under a specified licence. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of that Act.

6.3. Classes of information

a) Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

b) What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

c) What our priorities are, and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

d) How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

e) Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

f) Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the authority.

g) The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

6.4. The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

6.5. The method by which information published under this scheme will be made available:

- The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.
- Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.
- In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.
- Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.
- Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

6.6. Charges which may be made for information published under this scheme:

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website is provided free of charge for download. Charges may be made for information subject to a charging regime specified by Parliament. Charges may be made for actual disbursements incurred such as:

- Photocopying/printing
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with either regulation made under section 11B of the Freedom of Information Act or other enactments.

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.

6.7. Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

7. Information available from Framfield Parish Council under the Model Publication Scheme

This guidance gives examples of the kinds of information that we would expect Parish Councils to provide in order to meet their commitments under the model publication scheme.

We would expect Parish Councils to make the information in this definition document available unless:

- It does **not** hold the information
- The information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited by another statute
- The information is readily and publicly available from an external website; such information may have been provided by the public authority or on its behalf. The authority must provide a direct link to that information
- The information is archived, out of date or otherwise inaccessible
- It would be impractical or resource-intensive to prepare the material for routine release

The guidance is not meant to give an exhaustive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and public authorities should look to provide as much information as possible on a routine basis.

7.1. Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the Open Government Licence.

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published guidance on the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

7.2. In line with the Model Publication Scheme it should be noted that Framfield Parish Council may not hold some of the information and data sets listed.

8. Publication Scheme

Information to be published	How the information can be obtained	Cost to produce copy
Class1 - Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only. N.B. Councils should already be publishing as much information as possible about how they can be contacted.	(hard copy or website)	£0.50 per sheet (double sided)
Who's who on the Council and its Committees	(hard copy or website)	£0.50 per sheet (double sided)
Contact details for Clerk and Council members (named contacts where possible with telephone number and email address (if used))	(hard copy or website)	£0.50 per sheet (double sided)
Location of main Council office and accessibility details	(hard copy or website)	£0.50 per sheet (double sided)
Staffing structure	(hard copy or website)	£0.50 per sheet (double sided)
Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) Current and previous financial year as a minimum	(hard copy or website)	£0.50 per sheet (double sided)
Annual return form and report by auditor	(hard copy)	£0.50 per sheet (double sided)
Finalised budget	(hard copy)	£0.50 per sheet (double sided)
Precept	(hard copy)	£0.50 per sheet (double sided)

Borrowing Approval letter	N/A	
Financial Standing Orders and Regulations	(hard copy or website)	£0.50 per sheet (double sided)
Grants given and received	(hard copy or website)	£0.50 per sheet (double sided)
List of current contracts awarded and value of contract	(hard copy)	£0.50 per sheet (double sided)
Members' allowances and expenses	(hard copy)	£0.50 per sheet (double sided)
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Current and previous year as a minimum	(hard copy or website)	£0.50 per sheet (double sided)
Parish Plan (current and previous year as a minimum)	N/A	
Annual Report to Parish or Community Meeting (current and previous year as a minimum)	(hard copy or website)	£0.50 per sheet (double sided)
Quality status	N/A	
Local charters drawn up in accordance with DCLG guidelines	N/A	
Class 4 – How we make decisions (Decision making processes and records of decisions) Current and previous council year as a minimum	N/A	
Timetable of meetings (Council and any committee/sub-committee meetings and parish meetings)	(hard copy or website)	£0.50 per sheet (double sided)
Agendas of meetings (as above)	(hard copy or website)	£0.50 per sheet (double sided)
Minutes of meetings (as above) – nb. this will exclude information that is properly regarded as private to the meeting.	(hard copy or website)	£0.50 per sheet (double sided)

Reports presented to council meetings – nb. this will exclude information that is properly regarded as private to the meeting.	(hard copy or website)	£0.50 per sheet (double sided)
Responses to consultation papers	(hard copy or website)	£0.50 per sheet (double sided)
Responses to planning applications	(hard copy or website)	£0.50 per sheet (double sided)
Bye-laws	N/A	
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only	(hard copy or website)	£0.50 per sheet (double sided)
Policies and procedures for the conduct of council business: Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct	(hard copy or website)	£0.50 per sheet (double sided)
Policies and procedures for the provision of services and about the employment of staff: Internal instructions to staff and policies relating to the delivery of services Equality and diversity policy Health and safety policy Recruitment policies (including current vacancies) Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)	(hard copy or website)	£0.50 per sheet (double sided)
Information security policy	N/A	£0.50 per sheet (double sided)
Records management policies (records retention, destruction and archive)	(hard copy or website)	
Data protection policies	(hard copy or website)	£0.50 per sheet (double sided)

Schedule of charges (for the publication of information)	(hard copy or website)	£0.50 per sheet (double sided)
Class 6 – Lists and Registers Currently maintained lists and registers only	N/A	
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)	N/A	
Assets register	(hard copy)	£0.50 per sheet (double sided)
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by parish councils)	N/A	
Register of members' interests	(hard copy)	£0.50 per sheet (double sided)
Register of gifts and hospitality	(hard copy)	£0.50 per sheet (double sided)
Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only	(hard copy or website; some information may only be available by inspection)	£0.50 per sheet (double sided)
Allotments	(hard copy)	£0.50 per sheet (double sided)
Burial grounds and closed churchyards	N/A	
Community centres and village halls	(hard copy)	£0.50 per sheet (double sided)
Parks, playing fields and recreational facilities	(hard copy)	£0.50 per sheet (double sided)
Seating, litter bins, clocks, memorials and lighting	(hard copy)	£0.50 per sheet (double sided)

Bus shelters	N/A	
Markets	N/A	
Public conveniences	N/A	
Agency agreements	N/A	
Services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	N/A	
Additional Information This will provide Councils with the opportunity to publish information that is not itemised in the lists above	N/A	

9. SCHEDULE OF CHARGES

This describes how the charges have been arrived at:

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying / scanning / printing @ £0.50 per A4 D/S sheet (B & W)	Actual cost
	Postage & packing	Actual cost of Royal Mail Special Delivery
Statutory Fees where applicable	None	In accordance with the relevant legislation. Please ask the Clerk for further information.
Other		

10. Contact details

Post: Mrs. Ann Newton, Parish Clerk for Framfield Parish Council, Highlands, Blackboys, East Sussex, TN22 5LR.

Telephone: 01825 890182

Email: framfieldpc@gmail.com

11. Policy Adoption

This policy was adopted by Framfield Parish Council at its meeting on the 31st January, 2017.

Subsequent minor text amendments can be made under authority delegated to the Clerk.

12. Document Revision History

Date	Version	Revision
30/10/2016	Draft	Final draft
31/01/2017	1.0	Final adopted version, minute reference XXXXXX .

End