

# Wisborough Green Parish Council

## Freedom of Information Request Procedure

### 1. Introduction

#### 1.1 What is Freedom of Information?

Freedom of information provides public access to information held by public authorities under the Freedom of Information Act 2000.

Wisborough Green Parish Council (the Council) provides this public access in two ways:

- publishing certain information proactively as per the Council's Publication Scheme;
- responding to requests for information from members of the public or organisations.

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

#### 1.2 What is the difference with Data Protection?

The Freedom of Information Act and the Data Protection Act come under the heading of information rights and are regulated by the Information Commissioners Office.

Data Protection legislation gives rules for handling information about people. It includes the right for people to access their personal data. When a person makes a request for their own information, this is a Subject Access Request under the Data Protection Act; further details on this and the process for submitting Subject Access Requests are available in the Council's Data Protection Policy.

The Data Protection Act exists to protect people's right to privacy, whereas the Freedom of Information Act is about getting rid of unnecessary secrecy.

### 2. Freedom of Information

#### 2.1 What can be requested?

The right to ask for information only relates to information held by the Council at the time the request is made.

A request under the Freedom of Information Act gives a right to 'information' rather than specific records or documents.

The Council publishes a wide range of information on its website and as per the Council's Publication Scheme. Before submitting a request for information, the Council would urge individuals to visit the Council's website or check the Council's Publication Scheme (available on the website) as the information required may already be published.

#### 2.2 Refusal of a Request

All requests will be considered on their merits and with the aim that information should be made available. However, in certain circumstances the Council may refuse a request for information especially when it is clearly not in the public interest to do so. A written explanation for any refusal of a request for information will always be given. Examples are given below:

*WGPC FOI Request Procedure*

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*Review: July 2022 (or as legislation/recommended practice changes)*

- Vexatious and repeated requests and/or applications made with the aim of frustrating the operations of the Council may be refused.
- The Council may refuse to meet a request where the Council estimates that the time to comply with the request would be in excess of 16 hours in such cases a fees notice will be issued requiring a fee to be paid to complete the request.
- The Council may also refuse to accede to a request for information where the information is considered to be exempted under the Freedom of Information Act.
- Similarly, some parts of a request response may be redacted where the release would breach the Data Protection Act.

### 3. Process

#### 3.1 Making a Request

A request must be made in writing. As much information as possible must be given to enable the Council to identify and locate the information being requested.

It is recommended that requests be made in writing to the Parish Clerk, Wisborough Green Parish Council, PO Box 255, Wisborough Green, Billingshurst, West Sussex RH14 0WT or by email to [clerk@wisboroughgreencouncil.org](mailto:clerk@wisboroughgreencouncil.org) . Requests may also be submitted via the Council's website.

The request does not need to state any particular phrases i.e. that it is a 'request under the Freedom of Information Act', or the reason why the information is being sought, however as much detail of the information needed must be given.

Where an individual is not able to make a request in writing, perhaps as a result of illiteracy, disability or illness, they may ask another person or agency (such as the Citizen's Advice Bureau) to help them or make the request on their behalf.

#### 3.2 Response

The request will be dealt with by the Parish Clerk in accordance with this policy and the guidance set by the Information Commissioners Office for dealing with requests.

##### *Timescale*

The Council will respond promptly to a request for information and in any event, not later than the twentieth working day after the request has been received. If for any reason the request is likely to take longer to deal with, the Council will inform the requester accordingly.

##### *Method*

The requester is entitled to say how they wish the information to be communicated to them. This may be by letter, email, in the form of a summary of the information or by inspection at the Village Hall. Where an inspection of documents is required, this will be arranged with the Parish Clerk for a mutually convenient date and time.

##### *Charges*

In certain circumstances the Council may charge a fee for any retrieval and provision of information. Full details of any charges will be notified to the requester by the Parish Clerk before the request is processed.

The Council's Publication Scheme has full details of charges for the provision of hard copies of documents. The Parish Clerk may waive these charges where it is felt the

information sought would be of particular assistance to the understanding of an issue of local importance.

### **3.3 Appeal of a Response**

If the requester is unhappy with the outcome of their request; usually where a request has been refused or they do not feel that the request has been properly handled, they should first attempt to resolve this directly with the Parish Clerk.

If it cannot be resolved in discussion with the Parish Clerk then an appeal should be submitted to the Information Commissioner. The contact details for the Information Commissioner Office can be found online at <https://ico.org.uk/global/contact-us/>

### **4. Recording**

All requests under the Freedom of Information Act will be recorded on a central log. The Parish Clerk will report any requests received as part of the Clerk's Report to each Full Council meeting.