

BOUGHTON UNDER BLEAN PARISH COUNCIL

Freedom of Information Policy

Adopted: 12th September 2023

Next review: September 2025



Boughton under Blean Parish Council, like all other public authorities, is subject to the Freedom of Information Act 2000 ("the Act"). The Act aims to make information held by public authorities more accessible to the public and allows individuals and companies to request a wide variety of material.

Your rights under the Act

On receipt of a request for information the Council must:

- (a) Inform you in writing whether it holds the information requested and, if so,
- (b) Communicate that information to you.

The Council is not required to comply with these obligations where exemptions apply.

Who may request information?

Any individual or company may make a request. The Council does not need to know why you are making the request or what you intend to do with the information. It will not impose conditions on the use or further disclosure of information provided, although information disclosed may be subject to copyright protection.

What information may I request?

You may request any information held by or on behalf of the Council and recorded in any form. This includes paper records, information held on computers, other electronically held information (audio and video recordings), plans, maps, and photographs.

You are entitled to the information contained in documents, not to the documents themselves. However, where appropriate and convenient the Council may choose to provide a copy of the document rather than extracting the information from it. There may be a charge for extracting or providing copies of this information (see below).

If you request "personal information" covered by the General Data Protection Regulations or "environmental information" covered by the Environmental Information Regulations 2004 then different rules apply.

How do I make a request?

Requests must be made in writing and should include:

- your name and address (physical or electronic) for correspondence;
- a clear statement of the information you are requesting;
- a contact telephone number in case the Parish Clerk needs to discuss your request;
- the form in which you wish to receive your information.

Requests may be submitted via letter or e-mail, but the Council would encourage you to use the standard form available upon request from the Parish Clerk. If you require advice or assistance in making a request, please contact the Parish Clerk on 07740 706189.

Where do I send my request?

Requests by letter should be sent to: Boughton under Blean Parish Council, PO Box 310, Faversham, Kent ME13 3EA. Requests by e-mail should be sent to: clerk@boughtonunderblean-pc.gov.uk

What will the Council do when it receives your request?

The Council will acknowledge your request and let you know if all or part of your request will be dealt with under the Environmental Information Regulations/the General Data Protection Regulations. The Parish Clerk will let you know if he/she requires further information in order to identify and locate the information you have requested. If the Council does not hold the information requested, it will consider whether it may be appropriate to transfer your request to another public authority.

How long does it take?

The Council is obliged to comply with the obligations under the Act promptly and (subject to limited exceptions) within 20 working days following the date it receives your request. If the Parish Clerk needs to ask you for clarification of the request, the 20 working day period does not start until that is received. If payment is required, the 20 day working period restarts on receipt of the payment. If (in the limited circumstances where the Council is permitted to do so) it needs to extend the timescale to give proper consideration to the request, then the Parish Clerk will inform you of this.

The Council also publishes information pro-actively whenever possible, rather than it only being available on request. The Council's Publication Scheme specifies the categories of information that it publishes or intends to publish, how to obtain that information, and whether any payment is required.

If information is available under the Publication Scheme the Council is not obliged to provide the information to you under the Act because it is deemed to be already reasonably accessible to you. Where this is applicable, the Council will respond to your request by explaining how you can access the information.

There are circumstances in which the Council's obligations under the Act will not apply, the Council is not obliged to comply with repeated or vexatious requests nor with requests that exceed the cost limit (see below).

Furthermore, the Act contains a number of exemptions from these obligations, most of which involve the application of a public interest test. If your request is refused, our reply will identify which exemption (or exemptions) the Council is relying on. Where applicable, the Council will explain why it has decided that the public interest in withholding the information (or in neither confirming nor denying that it holds it) outweighs the public interest in disclosing (or confirming/denying).

Consultation with third parties

If your request relates to a person/company other than yourself and the Council or where disclosure of the information you are requesting could affect the interests of another person, the Council may need to consult that third party before responding to your request.

How is information released?

If you express a preference for receiving the information requested in a particular format or as a summary, the Council is obliged to accommodate your preference unless it is not reasonably practicable for us to do so. Information may be provided in Braille or audio

format, in large type, or translated into another language. When requesting information be in a particular format or as a summary you should take into account the extra cost of supplying the information in this way.

If your preference is to inspect the records containing the information, this can be arranged by the Parish Clerk and be conducted under supervision. When making your request for information, please identify how you would like to receive the information.

What does it cost?

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

- Disbursement costs such as printing, photocopying and postage; and
- When estimated staff costs involved in locating and or compiling the information exceed £450. Under these circumstances, the Council can refuse the request on the grounds of cost, or charge the applicant £20 per hour, plus disbursements for the estimated work.

For the majority of requests, or a series of requests from the same applicant within a 12 month period, it is expected that the charge for locating and compiling information will be less than £450 and 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 £20), the Council can decide to:

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

If the estimated cost of a request is more than £450, and it is decided to release the information 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 the fee has been received.
- If the actual cost of completing the request is more than the estimate then the Council will incur the additional cost.
- Where the cost is less than the estimated cost then the difference will be refunded to the applicant.

Complaints & Appeals

Should you be unhappy with the outcome of a request under the Act, you should in the first instance contact the Clerk. A review of your complaint will take place and the Clerk will reconsider any decisions relating to the release or withholding of information and, if appropriate, provide a further response. If, after review, the original response is considered correct, your complaint will then be reconsidered by the Council.

If you are dissatisfied with the response from the Council, you may contact the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Tel: 01625 545745 Email: mail@ico.gov.uk