



Freedom of Information

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.

Totton & Eling Town 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

In certain circumstances the Council may refuse a request for information.

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.

All requests will be considered on their merits and with the aim that information should be made available unless it is clearly not in public interest to do so.

A written explanation for any refusal of a request for information will always be given.

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 -

Town Clerk

Totton & Eling Town Council

Civic Centre

Totton

SO40 3AP

or by email to info@totton-and-eling-tc.gov.uk.

Requests may however also be submitted via social media, the Council's website or any other written means of contact; these methods may incur a delay in response.

A request submitted via social media or the website may need to be supplemented with another form of communication, ideally email, in order to provide a full and comprehensive response.

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 of their behalf.

3.2 Response

The request will be dealt with by the Town Clerk or in their absence, the Deputy Town Clerk. The Town Clerk will do so 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 20th 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 of this.

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 Council's offices. Where an inspection of documents is required, this will be arranged with the Town 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 Town 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 Town 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.

When a Freedom of Information request is made and requires more than 18 hours of staff time in order to determine if we hold the information and to locate and retrieve the information, your request may be exempt because it exceeds the £450 fee limit. However, we will offer you ways in which to condense your request to allow us to provide information free of charge or at a lower charge.

A notice of any fee charges will be sent to you within 20 working days of us receiving your request. We then allow 60 days for you to send the fee to us to allow the request to be processed. Please be aware that your request will be considered void if payment is not received within 60 days. For any request costing more than £5 to photocopy, print out or put into the prescribed format, a charge may be made. This will also be notified to you using the above timescales. The standard charges that have been set are as follows:

- £25 per hour for staff time
- 10p per A4 black and white print out or photocopy
- 50p per A4 colour print out or photocopy
- 35p per CD if already held in this format
- Photocopying 10p per sheet (black & white) – (actual cost to Council)
- Photocopying 20p per sheet (colour) – (actual cost to Council)
- Postage - actual cost of Royal Mail standard 2nd class (Statutory Fee In accordance with the relevant legislation)

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 Town Clerk.

If it cannot be resolved in discussion with the Town 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/>

This policy has been approved and authorised by:

Name: Susan Cutler

Position: Town Clerk & Chief Executive Officer

Date: 7TH August 2023

Signature: