



FREEDOM OF INFORMATION POLICY

The Freedom of Information Act 2000

The Freedom of Information Act gives people the right to obtain information held by public authorities unless there are good reasons to keep it confidential.

The Information Commissioner's Office

The ICO is the UK's independent public body set up to promote access to official information and protect personal information. It has responsibility for ensuring that information is disclosed promptly and that exemptions from disclosure, such as covered by Data Protection legislation, are applied lawfully. Some information could be exempt from disclosure.

How do I make a request?

A large amount of information is freely available on the Council's website, which can be found at www.claygateparishcouncil.gov.uk.

If you are unable to find the information you are looking for, you can request the information directly from the Council as follows: -

- Make the information request as specific as possible. If your request is too broad the Council may ask you to clarify it. This may increase the time it takes to get the information.
- Provide as full a description as possible of the information you require.
- Be clear about the format you would prefer to receive the information in, for example, by e-mail or as a paper copy.

All requests can be submitted to clerk@claygateparishcouncil.gov.uk or sent to our address: -

Claygate Parish Council
Claygate Village Hall
Church Road
Claygate
KT100JP

What happens once my request has been received?

Any request for information should be treated by the Council as a formal request for information and the Council suggests that e-mails or letters are clearly marked as Freedom of Information requests to avoid any confusion. The Council must respond promptly to requests or, in any event, within 20 working days, although the Council has

longer to consider whether the disclosure of normally exempt information would be in the public interest. When considering the public interest test, the Council must do so 'within a reasonable time.'

What if the information is refused?

Where the Council decides not to disclose the information requested, it must give reasons for its decision, it must explain how the exemption or exception applies and it must explain the arguments under the public interest test. The Council must also inform you of your right to complain to the ICO. Please note the Council will not comply with vexatious requests or repeated requests if it has recently responded to an identical or substantially similar request from the same person. Also, under S12 of the 2000 Act, the Council is not required to comply with a request if to do so means exceeding an appropriate cost limit as set out in the Freedom of Information and Data Protection (appropriate Limit and Fees) Regulations 2004 (the 2004 Regulations). This is £450 for local authorities, equivalent to 18 hours of work at £25 per hour regardless of hourly rates. These are: - establishing whether information is held, locating and retrieving information and extracting relevant information from the document containing it. The Council in such cases that refuse to disclose the requested information can discuss with the requester whether they would like to modify their request so as to reduce costs to below the £450 limit.

How can the ICO help and what is the legal process?

You may apply to the ICO for a decision about whether the request has been dealt with according to the Act, for example, you believe there has been excessive delay or if you wish to dispute the application of an exemption or refusals made on public interest grounds. The ICO may serve a decision notice on the Council either confirming the decision made by the Council or directing it to disclose information within a certain time. Non-compliance with a decision notice may constitute contempt of court. If you or the Council disagrees with the ICO's decision you have 28 days to appeal to the independent Information Tribunal. The Information Tribunal may uphold the ICO's decision notice, amend it (for example change the time frame for release of information) or overturn it. Non-compliance with the Information Tribunal's notice may also constitute contempt of court.

Additional guidance on the Freedom of Information Act is available on the ICO website at www.ico.gov.uk or by telephone to their Helpline 01625 545745.

Charges

Full details of charges associated with publication can be found on our website under Policies and Publication Schemes.

November 2021