

## **How to Make a Freedom of Information Request and Blithfield Parish Council Publication Scheme. Freedom of Information Act 2000**

Information about the Act has been taken from the Information Commissioner website - <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

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

It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

The main principle behind freedom of information legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to. This is sometimes described as a presumption or assumption in favour of disclosure. The Act is also sometimes described as purpose and applicant blind.

This means that:

- everybody has a right to access official information. Disclosure of information should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by the Act;
- an applicant (requester) does not need to give you a reason for wanting the information. On the contrary, you must justify refusing them information;
- you must treat all requests for information equally, except under some circumstances relating to vexatious requests and personal data. You can refuse an entire request 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 information someone can get under the Act should not be affected by who they are. You should treat all requesters equally, whether they are journalists, local residents, public authority employees, or foreign researchers; and
- because you should treat all requesters equally, you should only disclose information under the Act if you would disclose it to anyone else who asked. In other words, you should consider any information you release under the Act as if it were being released to the world at large.
- this does not prevent you voluntarily giving information to certain people outside the provisions of the Act.

### **Exemptions**

\*The Freedom of Information Act contains a number of exemptions that allow you to withhold information from a requester. In some cases it will allow you to refuse to confirm or deny whether you hold information.

Some exemptions relate to a particular type of information, for instance, information relating to government policy. Other exemptions are based on the harm that would arise or would be likely arise from disclosure, for example, if disclosure would be likely to prejudice a criminal investigation or prejudice someone's commercial interests.

There is also an exemption for personal data if releasing it would be contrary to the UK General Data Protection Regulation (the UK GDPR) or the Data Protection Act 2018 (the DPA2018).

You can automatically withhold information because an exemption applies only if the exemption is 'absolute'. This may be, for example, information you receive from the security services, which is covered by an absolute exemption. However, most exemptions are not absolute but require you to apply a public interest test. This means you must consider the public interest arguments before deciding whether to disclose the information. So you may have to disclose information in spite of an exemption, where it is in the public interest to do so.

If you are refusing all or any part of a request, you must send the requester a written refusal notice. You will need to issue a refusal notice if you are either refusing to say whether you hold information at all, or confirming that information is held but refusing to release it.

### **Publications Scheme**

As well as responding to requests for information, Blithfield Parish Council must publish information proactively. The Freedom of Information Act requires every public authority to have a publication scheme, approved by the Information Commissioner's Office (ICO), and to publish information covered by the scheme.

The scheme below sets out Blithfield Parish Council commitment to make certain classes of information routinely available, such as policies and procedures, minutes of meetings, annual reports and financial information. (see Publication scheme below)

## **How Blithfield Parish Council processes Freedom of Information requests:**

1. Requests must be made in writing/email to the Parish Clerk – [blithfieldpc@gmail.com](mailto:blithfieldpc@gmail.com)
2. Requests must contain a name and address – including e-mail address
3. Request must describe the information required
4. Response from the Parish Council will be made within 20 working days. In certain circumstances the full response time may be extended after an initial response
5. Information that can not be sent or photocopied can be viewed at the Clerks residence, with the Clerk and the Chairman or other member of the Council present.

Ratified at meeting 03.03.2022

6. Requests can be made for photocopies; the Parish Council reserves the right to charge for this service (See publication scheme below for charges).
7. The Parish Council will consider the Act with regards to certain circumstances, where information can be withheld, see information above\*:

The exemptions category, for example

- Information which would breach the Data Protection Act 1998
- Information which would fall within the Environmental Information Regulations 2004
- Information which would prejudice commercially sensitive information and confidential information.
- If information requested relates to another Public Authority, the request will be forwarded to the appropriate Authority and an acknowledgement letter will be sent.
- the cost limit for complying with a request or a linked series of requests from the same person or group is set at £600 for central government, Parliament and the armed forces and £450 for all other public authorities. You can refuse a request if you estimate that the cost of compliance would exceed this limit. This provision is found at section 12 of the Act. If you wish to use section 12 (cost limit) of the Act as grounds for refusing the request, you should send the requester a written refusal notice. This should state that complying with their request would exceed the appropriate cost limit. However, you should still say whether you hold the information, unless finding this out would in itself incur costs over the limit.

## PUBLICATION SCHEME

<https://blithfield-parish-council.org/>

| Information to be published                                               | How the information can be obtained | Cost |
|---------------------------------------------------------------------------|-------------------------------------|------|
| <b>Class1 - Who we are and what we do</b><br><br>Current Information only | Website/Noticeboards                | Free |
| Who's who on the Council                                                  | Website/Noticeboards                | Free |
| Contact details for Parish Clerk and Council members                      | Website/Noticeboards                | Free |

|                                                                                                                                                                                       |                               |                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------------|
| <b>Class 2 – What we spend and how we spend it</b>                                                                                                                                    | Website                       | Free             |
| Current and previous financial year as a minimum                                                                                                                                      |                               |                  |
| Annual return form and report by auditor                                                                                                                                              | Hard Copy and Website         | 40p              |
| Annual budget                                                                                                                                                                         | Hard Copy and Website         | Free             |
| Precept                                                                                                                                                                               | Hard Copy plus within Minutes | 10p              |
| Standing Orders and Financial Regulations Policies                                                                                                                                    | Hard Copy and Website         | 80p              |
| Grants received                                                                                                                                                                       | Hard Copy                     | 30p              |
| <b>Class 3 – What our priorities are and how we are doing</b>                                                                                                                         |                               |                  |
| Village Questionnaires if available- <a href="https://blithfield-parish-council.org/">https://blithfield-parish-council.org/</a>                                                      | website                       | Free             |
| Quality status                                                                                                                                                                        | N /A                          |                  |
| <b>Class 4 – How we make decisions</b>                                                                                                                                                |                               |                  |
| Current and previous council year as a minimum                                                                                                                                        | Website                       | Free             |
| Timetable of meetings                                                                                                                                                                 | Website                       | Free             |
| Agendas of meetings                                                                                                                                                                   | Website, Noticeboards         | Free             |
| Minutes of meetings – NB: this will exclude information that is properly regarded as private to the meeting.                                                                          | Website, Noticeboards         | Free             |
| Reports presented to council meetings - NB this will exclude information that is properly regarded as private to the meeting.                                                         | Hard Copy                     | 10p per p/c page |
| Responses to consultation papers                                                                                                                                                      | Within Minutes on website     | Free             |
| Responses to planning applications                                                                                                                                                    | Within Minutes on Website     | Free             |
| <b>Class 5 – Our policies and procedures</b>                                                                                                                                          |                               |                  |
| Current information only                                                                                                                                                              |                               |                  |
| Policies and procedures for the conduct of council business:<br><br><a href="https://blithfield-parish-council.org/">https://blithfield-parish-council.org/</a>                       | Website                       | Free             |
| Policies and procedures for the provision of services and about the employment of staff - <a href="https://blithfield-parish-council.org/">https://blithfield-parish-council.org/</a> | website                       | Free             |
| <b>Class 6 – Lists and Registers</b>                                                                                                                                                  |                               |                  |

|                                        |                                            |      |
|----------------------------------------|--------------------------------------------|------|
| Assets Register                        | website                                    | Free |
| Register of members' interests         | East Staffordshire Borough Council website | Free |
| Register of gifts and hospitality      | By Inspection                              | Free |
| <b>Class 7 – The services we offer</b> |                                            |      |
| Allotments, Playing Fields             | By Inspection                              | Free |

One copy of any document will be supplied free of charge to any Blithfield Parish residents – posted via Royal Mail second class post.

For multiple copies, the charge will be the copying cost at 10p per sheet black and white and the actual cost of Royal Mail second class postage.

Clerk contact email – [blithfieldpc@gmail.com](mailto:blithfieldpc@gmail.com)

Council website - <https://blithfield-parish-council.org/>