



ACKWORTH PARISH COUNCIL

Freedom of Information Policy

Ackworth Parish Council has a commitment to openness and transparency and has always been concerned to make relevant information available wherever possible to individuals who may request it, subject to safeguarding the privacy of individuals and to legitimate considerations of national security, law enforcement and commercial interests where relevant.

1. Duties under Freedom of Information Act 2000

- To adopt a publication scheme
- To confirm or deny they have the information being sought
- To supply the information requested within twenty working days, unless it is subject to one of various exemptions
- To supply the information in the format requested
- To provide advice and assistance to a requestor of information
- To give formal notice to the requestor where it refuses to provide the information requested

2. Publication Scheme

Ackworth Parish Council has adopted a publication scheme. This shows what the Council does and how to obtain information. The publication scheme is on the Council's website.

3. Policy statement

As part of a society where information rights and responsibilities are respected by all, Ackworth Parish Council will aim to move away from the need for individual freedom of information requests and complaints towards a culture of routine, proactive and substantially increased transparency on the part of the Council, by:

- Being open and transparent and endeavouring to provide the public with access to the official information that it holds, as a matter of course.
- Making people aware of their rights to access the official information the council holds.
- Making as much routine information as possible available through the Council's Publication Scheme and website.
- Providing reasonable advice and assistance to applicants for information, including pointing applicants to possible sources of the information they seek if it is not held by the Council.

4. Process

4.1 A request must be submitted in writing by post or email stating the requestor's name, correspondence address and the information sought.

4.2 On receipt of a request for information, the Clerk will acknowledge the request and confirm or deny that the Council has the information sought.

4.3 The requestor may decide the format of the information required: hard copy, electronic file or Braille/tape.

4.4 The Clerk will respond within 20 working days. There is no need to refer the request to the Council. The Clerk if required, will refer any request received to the FOI panel to consider its validity. The Clerk will have the final decision as to whether any FOI request under consideration is valid.

4.5 If the request is refused, a refusal notice will be issued giving full details of the grounds for refusal.

4.6 The decision can be challenged through the complaints procedure and if still dissatisfied the requestor can complain to the Information Commissioner's Office.

4.7 If information is available elsewhere – library, District Council etc – the request can be refused and the requestor advised where the information may be sought.

5. Fees

Fees will be charged for photocopying and postage and requestor will be informed in advance that a fee is payable. The Council may not charge for the time taken to research and respond to the request. If it will take more than 18 hours the Council can refuse a request for further work. Details of charges are shown in the Council's Publication Scheme.

6. Requests

Requests are not limited to residents of the parish.

7. Exemptions

An entire request can be refused 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 for the same person

In addition, the Freedom of Information Act contains a number of exemptions that allow a Council to withhold information from a requestor. In some cases it will allow a council to refuse to confirm or deny whether information is held.

8. Environmental Information Regulations 2004

These regulations cover requests for information covering subjects such as:

- Atmosphere, water, soil, land, landscape and natural sites
- Energy, noise, radiation, waste, emissions, discharges
- Environmental policies, legislation, plans, programmes, agreements
- State of human health and safety

The regulations differ in that the time limit can be extended to 40 days, the range of bodies covered is wider and requests can be verbal.

The time limit here is 20 working days but can be extended to 40, and the request can be verbal rather than in writing. A reasonable fee can be charged for responding.

9. Data Protection Act 1998

The Parish Council will observe the provisions of the Data Protection Act 1998.

See www.ico.gov.uk.

For further information on the provisions of both acts see www.ico.gov.uk.

APPENDIX 1 - Some of the indicators to be used by the Council to identify whether a request for information is vexatious (ICO Guidance – ‘Dealing with Vexatious Requests’).

Abusive or aggressive language The tone or language of the requester’s correspondence goes beyond the level of criticism that a public authority or its employees should reasonably expect to receive.

Burden on the authority The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester.

Personal grudges For whatever reason, the requester is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity.

Unreasonable persistence The requester is attempting to reopen an issue which has already been comprehensively addressed by the public authority, or otherwise subjected to some form of independent scrutiny.

Unfounded accusations The request makes completely unsubstantiated accusations against the public authority or specific employees.

Intransigence The requester takes an unreasonably entrenched position, rejecting attempts to assist and advise out of hand and shows no willingness to engage with the authority.

Frequent or overlapping requests The requester submits frequent correspondence about the same issue or sends in new requests before the public authority has had an opportunity to address their earlier enquiries.

Deliberate intention to cause annoyance The requester has explicitly stated that it is their intention to cause disruption to the public authority, or is a member of a campaign group whose stated aim is to disrupt the authority.

Scattergun approach The request appears to be part of a completely random approach, lacks any clear focus, or seems to have been solely designed for the purpose of ‘fishing’ for information without any idea of what might be revealed.

Disproportionate effort The matter being pursued by the requester is relatively trivial and the authority would have to expend a disproportionate amount of resources in order to meet their request.

No obvious intent to obtain information The requester is abusing their rights of access to information by using the legislation as a means to vent their anger at a particular decision, or to harass and annoy the authority, for example, by requesting information which the authority knows them to possess already.

Futile requests The issue at hand individually affects the requester and has already been conclusively resolved by the authority or subjected to some form of independent investigation.

Frivolous requests The subject matter is inane or extremely trivial and the request appears to lack any serious purpose. The request is made for the sole purpose of amusement.