

Wouldham Parish Council Freedom of Information (FOI) Policy

Introduction

Wouldham Parish Council is committed to transparency and accountability. This Freedom of Information (FOI) Policy sets out how the Council will comply with its obligations under the Freedom of Information Act 2000 (FOIA) and relevant local government legislation.

The FOIA provides individuals with the right to request access to information held by public authorities, including parish councils.

The aim of this policy is to ensure that the Parish Council provides a clear framework for handling FOI requests, including how information is made available, what exemptions may apply, and how requests will be processed within statutory timescales.

Scope

This policy applies to all recorded information held by the Parish Council, regardless of format. This includes information held in emails, minutes, reports, letters, electronic files, or any other form.

Under the FOIA, the Parish Council is obliged to:

- Confirm or deny whether it holds the information requested (subject to exemptions).
- Supply the requested information (subject to exemptions), where it is held and where it is not subject to limitations or prohibitive costs.

Legislation

The key legislation underpinning this policy includes:

- Freedom of Information Act 2000: Grants public access to information held by public authorities. Section 19 of this Act requires the Parish Council to maintain and regularly update a Publication Scheme. The scheme outlines the types of information that the Parish Council routinely makes available to the public and how that information can be accessed. The Publication Scheme is available on the Parish Council's website or upon request from the Clerk. Where information is available online, a direct link will be provided.
- Environmental Information Regulations 2004 (EIR): Relates to requests for environmental information.
- Data Protection Act 2018 (DPA) and UK General Data Protection Regulation (UK GDPR): Governs the processing of personal data and works alongside the FOIA where requests involve personal data.
- Local Government Act 1972: Sets out the statutory framework for how public information is published, particularly relating to Parish Council minutes, agendas, and reports.

Making a Request

Anyone can make a FOI request to the Parish Council.

Requests must:

- Be made in writing (this includes email).
- Provide the name of the applicant and a contact address.
- Clearly describe the information being sought. (eg. Specific subject, dates etc)

The Parish Council may ask for further clarification if the request is unclear or too broad.

Requests should be sent to the Clerk of Wouldham Parish Council (clerk@wouldham-pc.gov.uk)

Processing Requests

Upon receiving a valid FOI request, the Council will:

1. **Acknowledge the Request:** The Parish Council will acknowledge receipt of the request in writing within 7 working days.
2. **Timeframe for Response:** The Parish Council is required to respond to the FOI request within 20 working days from the date of receipt. If an extension is required due to complexity, the applicant will be informed.
3. **Confirmation:** The Parish Council will confirm or deny whether it holds the requested information, subject to any applicable exemptions.
4. **Providing the Information:** Where the information is held and no exemptions apply, the Parish Council will provide the requested information in the preferred format, where reasonable.
5. **Fees:** In accordance with Section 12 of the FOIA, the Parish Council may charge a fee if the cost of fulfilling the request exceeds the statutory cost limit (£450). If this is the case, the applicant will be informed, and they may choose to refine their request to reduce costs.

Exemptions

Under the FOIA, certain information is exempt from disclosure.

The Parish Council will apply exemptions where appropriate, as outlined in Part II of the FOIA, including but not limited to:

- **Personal Data:** Information covered by the Data Protection Act 2018 and UK GDPR.
- **Confidentiality:** Information provided in confidence, including correspondence between the Council and its legal advisors.
- **Commercially Sensitive Information:** Information that could harm the Council's commercial interests or that of third parties.
- **Law Enforcement:** Information that could prejudice law enforcement or legal proceedings.

If an exemption applies, the Parish Council will issue a Refusal Notice within 20 working days explaining why the information cannot be disclosed, citing the relevant section of the FOIA.

Vexatious and Repeated Requests

Under Section 14 of the FOIA, the Parish Council is not obliged to comply with vexatious or repeated requests. A request may be deemed vexatious if it is designed to cause disruption, is abusive, or imposes an unreasonable burden on the Council's resources. If the Parish Council deems a request to be vexatious, it will issue a Refusal Notice explaining its decision.

Guidance from the Information Commissioner's Office (ICO) will be followed to determine when a request is considered vexatious or unreasonable.

Charges and Fees

The Parish Council may charge a fee for responding to FOI requests that exceed the appropriate cost limit, as specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (£450). If the cost of complying with a request exceeds this limit, the Council will inform the applicant, offering them the opportunity to refine their request to reduce the cost. Where applicable, charges for photocopying, printing, and postage will be communicated to the applicant in advance.

Complaints and Internal Review

If an applicant is dissatisfied with the handling of their FOI request, they may request an internal review. Complaints should be made in writing and directed to the Clerk to Bunny Parish Council. An internal review will be conducted, and a response will be provided within 20 working days. If the applicant remains dissatisfied after the internal review, they may escalate the complaint to the Information Commissioner's Office (ICO).

Information available from Wouldham Parish Council under the Freedom of Information Act Model Publication Scheme

This template guide covers only information we currently hold. If we do not hold some of the information listed below, we will mark it as 'not held' in the table.

Information to be published	How the information can be obtained	Cost
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only.	(hard copy or website)	
Who's who on the Council and its Committees Details of any representation on local public bodies	Website Hard copy Notice Boards	Free 10p per sheet
Postal and/or email address Contact details for Parish Clerk and Council members	Website	Free
Location of main Council office and accessibility details	Website	Free
Staffing structure	Hard copy	10p /sheet
Class 2 – What we spend and how we spend it (Financial information about projected and actual income and expenditure, procurement, contracts and financial audit) Current and previous financial year as a minimum	(hard copy or website)	
Annual return form and report by auditor	Website Hard copy	Free 10p /sheet
Finalised budget	Website Hard copy	Free 10p /sheet
Precept	Website Hard copy	Free 10p /sheet
Borrowing Approval letter	Website Hard copy	Free 10p /sheet
All items of expenditure above £100	Website Hard copy	Free 10p /sheet
Financial Standing Orders and Regulations	Website Hard copy	Free 10p /sheet
Grants given and received	Website Hard copy	Free 10p /sheet
List of current contracts awarded and value of contract	Website Hard copy	Free 10p /sheet
Members' allowances and expenses	Not applicable	
Class 3 – What our priorities are and how we are doing (Strategies, plans, performance, audits, inspections and reviews) Current and previous year as a minimum	(hard copy or website)	
Annual governance statement in format included in the Annual Return form	Website Hard copy	Free 10p /sheet
Parish Plan	Not applicable	

Annual Report to Parish or Community Meeting	Website Hard copy	Free 10p /sheet
Service Level Agreements	Website Hard copy	Free 10p /sheet
Local charters drawn up in accordance with DLUHC's guidelines	Not applicable	
Class 4 – How we make decisions <i>(Decision making processes and records)</i> Current and previous council year as a minimum	(hard copy or website)	
Timetable of meetings	Website Hard copy	Free 10p /sheet
Agendas of meetings	Website Hard copy	Free 10p /sheet
Minutes of meetings– <i>NB: this will exclude material that is properly considered to be exempt from disclosure</i>	Website Hard copy	Free 10p /sheet
Reports presented to council meetings – <i>NB: this will exclude material that is properly considered to be exempt from disclosure</i>	Website Hard copy	Free 10p /sheet
Responses to consultation papers	Hard copy	10p /sheet
Responses to planning applications	Website – via Minutes TMBC website	Free 10p /sheet
Class 5 – Our policies and procedures <i>(Current written protocols, policies and procedures for delivering our services and responsibilities)</i> Current information only	(hard copy or website)	
Policies and procedures for the conduct of Council business: <ul style="list-style-type: none"> • Procedural standing orders • Committee and sub-committee terms of reference • Delegated authority in respect of officers • Code of Conduct • Policy statements 	Website Hard copy	Free 10p /sheet
Policies and procedures for the provision of services and about the employment of staff: <ul style="list-style-type: none"> • Equality and diversity policy • Health and safety policy • Recruitment policies and details of current vacancies • Policies and procedures for handling requests for information 	Website Hard copy	Free 10p /sheet

<ul style="list-style-type: none"> Complaints procedures (including those covering requests for information and operating the publication scheme) 		
Records management policies (records retention, destruction and archive)		
Class 6 – Lists and Registers <i>(Information legally required to hold in publicly available registers (in most circumstances existing access provisions will suffice)</i> Currently maintained lists and registers only.	(hard copy or website; some information may only be available by inspection)	
Assets register, including details of public land and building assets	Website Hard copy	Free 10p /sheet
Disclosure log indicating the information provided in response to FOIA and EIR requests. These are recommended as good practice	Hard copy	10p / sheet
Register of members' interests	Website Hard copy	Free 10p /sheet
Register of gifts and hospitality	Hard copy	10p /sheet
Class 7 – The services we offer <i>(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)</i> Current information only	(hard copy or website; some information may only be available by inspection)	
Community centres and village halls	Website	Free
Parks, playing fields and recreational facilities	Website	Free
Seating, litter bins, clocks, memorials and lighting	Website	Free
Bus shelters	Website	Free
Additional Information <i>Information not itemised in the lists above</i>		

Schedule of charges

This describes how the charges have been arrived at and should be published as part of the guide.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @10p per sheet (black & white)	Actual cost * 10p
	Photocopying @ 50p per sheet (colour)	Actual cost 50p
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee		In accordance with the relevant legislation (quote the actual statute)

Other	Clerks time @ £20/hr	
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