

## **Dronfield Town Council**

# **POLICY AND PROCEDURE FOR HANDLING FREEDOM OF INFORMATION REQUESTS (March 2023)**

### Version History

<b>Version</b>	<b>Updates</b>	<b>Adopted by Council</b>	<b>Minutes Reference</b>
1.0	New policy	3 <sup>rd</sup> April 2023	368/22-23

The Town Council has adopted and will maintain a Model Publication Scheme that provides information which is readily accessible without the need for a formal FOI request and ensures transparency. This represents the Council's commitment to transparency and the release of information in a recognised format. The Model Publication Scheme was adopted by full Council on 3<sup>rd</sup> April 2023.

A guide detailing the information that is routinely published and how this information can be accessed is available from the Town Clerk as a hard copy or is available to view on the Town Council website at [Dronfield Town Council](#).

1. Verbal requests for information under the Freedom of Information Act 2000 (FOI) will be requested to be put in written form (email will be acceptable) giving the name, correspondence address and details of information required. Information requested under the Environmental Information Regulations Act 2004 (EIR) do not necessarily need to be in writing, although it is the Council's own policy that all such requests should be in written form. Requests for information do not need to refer to FOI or EIR.
2. The Town Council shall provide proper advice and help to any member of the public seeking information.
3. The Clerk shall consult with the Chair of the Town Council whether the requested information is freely accessible, whether it is available in the requested form, whether a Refusal Notice needs to be served in respect of all or part of the requested information, the draft response and what charges will be levied and the timescale for delivery of the information.
4. The Clerk shall acknowledge a request in writing and confirm the information will be provided within 20 working days in normal circumstances. If it is not reasonably possible to provide the information within 20 working days of receipt of the information, the reasons for the delay and a target date shall be provided which must not exceed 40 working days.
5. A fee notice will be issued (if applicable) confirming that the information is held and giving an estimate of the cost of providing the information within a limit of £450. The Council may refuse requests that exceed this limit in which case a refusal notice will be issued (see Policy Reference 6 and 7). Where a fee is to be charged no information will be provided until after the fee has been received, the 20-day period will be extended by up to three months awaiting payment. After the fee has been received, a response will be given within 20 days.

6. If a Refusal Notice is issued in respect of all or part of the requested information it shall state that the Town Council is relying upon an exemption and why it applies. Details of the exemptions that apply can be found in Part II of the Freedom of Information Act 2000 - [Freedom of Information Act 2000 \(legislation.gov.uk\)](https://legislation.gov.uk).

Details of the Internal Review procedure shall be enclosed with the Notice and the right of appeal to the Information Commissioner [Contact us | ICO](#)

7. If a Refusal Notice is issued in respect of all or part of the requested information for any of the following reasons: i. The cost of complying with the request will exceed £450 ii. The Parish Council is unable to identify the information despite every reasonable attempt so to do. iii. The Parish Council considers the request to be vexatious (i.e. to cause harm and/or annoyance rather than to obtain information) iv. The information has already been provided or is freely accessible without reference to the Town Council then details of the right of appeal to the Information Commissioner shall be provided [Contact us | ICO](#).

8. If the requested information cannot be found within the Town Council records then the applicant shall be advised, accordingly, as soon as the search is completed. Details of the Internal Review procedure shall be provided and of the right of appeal to the Information Commissioner [Contact us | ICO](#).

9. Provided the fee is paid and no exemptions apply the Council are obliged to disclose the information.

10. The Town Council shall maintain a record of FOI requests and response and the details of the time and cost spent responding to Freedom of Information requests shall be reported to full Council on the Town Clerk report on a quarterly basis.

11. Any request for a review of the handling of the information request, shall be made to the Town Clerk who will pass them on to the Information, Engagement and Performance Manager at North East Derbyshire District Council to conduct an independent assessment.

12. Ensure that all staff and elected members are aware of their obligations under the Freedom of Information Act and include FOI training in the induction of new staff and newly elected members.

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