



# FOI Request Procedure

V1 approved July 2018

## 1 Background

Under the Freedom of Information Act 2000 Rooksdown Parish Council (RPC) is required to provide information:

- Through a Publication Scheme
- In response to reasonable requests made under the general right of access

The Act specifies:

- The time limit for responding to requests
- The fees that can be charged for doing so.

However, public authorities such as RPC are not required to provide information in response to:

- Requests where the cost of finding out the information exceeds a set amount known as the Appropriate Limit, currently £450
- Vexatious or repeated requests.

## 2 Procedure

1. The Council will display a Publication Scheme on its website stating what information is routinely available and where it can be found. Any requests for information not available under the Scheme will be dealt with as FOI requests according to the provisions of the Act.
2. All FOI requests are required to be sent in writing to the Clerk and must include the applicant's name, address and if possible an email address.
3. The Clerk will then acknowledge the request. If the request is straightforward the Clerk will send the requested information with the acknowledgement.

4. If the exact nature of the information required is not clear the Clerk will ask for further explanation.
5. From the date by which the request is clear, the Council has 20 days to provide the information
6. Fees may be charged in accordance with the Council's Publications Scheme. If so, the applicant will be advised and the information will be provided on receipt of the fee.
7. If the estimated cost of finding, sorting and editing the information is more than the Appropriate Limit, the Council is not required to provide the information, but may choose to do so if the applicant is prepared to pay a fee, currently £20 per hour.
8. Information will only be provided if doing so does not breach the General Data Protection Regulation.
9. The applicant will be kept informed at all stages of the process, particularly if it is a complex request requiring advice from other agencies
10. If the request is refused, the Clerk will give the reasons for this and advise the applicant of their right to appeal.

### **3 Appeal Process**

1. If the information requested cannot be supplied, the reasons for this will be communicated to the applicant immediately. The applicant has the right of appeal against the refusal, initially to the Council, but ultimately to the Information Commissioner.
2. Appeal must be made in the first instance to the Council where it will be dealt with by members in accordance with the Council's Complaints Procedure. If the original decision not to supply the information is upheld by the Council, but is still not accepted by the applicant, then the applicant is able to appeal to the Information Commissioner.
3. Reasons for refusing information must be in accordance with the respective provisions of the legislation, including consideration of the public interest test where this applies.