

Managing requests for information

Approved at Annual Council Meeting on 20th May 2019 (Minute 22/19/20)

The Freedom of Information (FOI) Act (2000) gives a general right of access to information held by public authorities including Parish Councils. The right applies to all information, obtained from any source and includes both the right to be told whether the information exists and the right to receive it.

Charlton Kings Parish Council is committed to making information available to the public as part of our normal business activities. We have published, on our website, our “Schedule of Publications” (of which this policy is a part) based on the model provided by the Information Commissioner’s Office. It sets out all information that is routinely published by the Council and in what format and at what cost it can be made available.

A request for information needs to be made in writing, although an e-mail request is acceptable. The applicant must give sufficient details about the information requested to enable the Council to identify it, and their contact details so that a reply can be sent.

The right to request information is, however, subject to a range of exemptions. Some exemptions are “Absolute”, e.g. information accessible to the applicant by other means, and others “Partly Absolute”, e.g. information prejudicial to the effective conduct of public affairs, and personal information under the Data Protection Act. Most requests are in the “Qualified Exemption” category, e.g. commercial interests. If the Council decides that an Absolute or Partly Absolute exemption applies to information requested, it does not have to release it under the FOI Act, although the Council may decide that it is able to do so.

If a request is received for personal information about a third party, the matter will be decided under the FOI Act, but in accordance with the principles set out in the Data Protection Act.

In the case of all other exemptions, once it is decided that one or more of them applies, the Council must still release the information unless it is judged that the public interest in withholding the information is greater than the interest in disclosure (the “public interest test”). The Council will deal with most requests within 20 working days of receipt, but if the public interest test is applied, a response will be made as soon as possible.

If a request is refused, a reason or reasons will be given for the refusal and the applicant will be advised of their rights of appeal; both to the Parish Council by way of a complaint, and following that by making an appeal to the Information Commissioner’s Office.