

Freedom of Information – A guide from Necton Parish Council

1. What is the Freedom of Information Act 2000 (FOIA)?

The FOIA was introduced to make all levels of government more open to the public. The FOIA allows the public access to all types of recorded information held by public authorities. The FOIA allows access to information regardless of when the information was created or how long it has been held, and also sets out exemptions from that right and places a number of obligations on public authorities. This right of access came into effect on 1st January, 2005.

2. Who can ask for information?

You do not have to be a local resident to request information. Anyone, anywhere, can request information from a public authority provided the request satisfies all the relevant conditions.

3. Does a reason for the request need to be given?

No, there is no obligation to provide a reason for your request, although it would help the Council if a reason was given to identify all the information relevant to your enquiry.

4. How do I ask for information?

Your request for information must be in writing [by post or e-mail]; give your name and address and describe the information you want. If the Council cannot find the information from the description you have given, it may ask you provide some more detail. Until you give the Council that extra information it does not have to reply to your request.

You may request your information by:

Writing to:

The Parish Clerk

Necton Parish Council

Parish Office, Necton Community Centre, 13 Tun's Road, Necton. PE37 8EH

or email

nectonparishcouncil@gmail.com

5. What type of information can I ask for?

You can ask for any information, and you can ask for information from many years ago, although there are limits on information the Council must provide.

The Council is required by law to keep some types of information permanently, or for several years. However, some information is routinely destroyed after a few days or weeks.

6. What does it cost to obtain the information?

The majority of costs for complying with requests will be met by the Council. The Act allows for public authorities to decline to comply with certain requests for information on the grounds of cost

where these requests would be particularly expensive. It also allows for public authorities to charge for answering requests for information in certain circumstances.

Section 12 of the Act allows public authorities to refuse to answer requests for information if the cost of complying would exceed the “appropriate limit” prescribed in the Regulations.

The “appropriate limit” for the purposes of Section 12 of the Act has been set at £600 for Central Government and Parliament and £450 for Public Authorities.

The Regulations set out what may be taken into account when public authorities are estimating whether the appropriate limit has been exceeded. The costs are limited to those that an authority reasonably expects to incur in:

- determining whether it holds the information requested
- locating the information or documents containing the information
- retrieving such information or documents
- extracting the information from the document containing it (including editing or reformatting information).

The Council may take into account the costs attributable to the time that persons are expected to spend on these activities on behalf of the authority. The Regulations state the costs are to be estimated at £25 per person per hour.

If the request costs less than the appropriate limit to answer and there is no other basis on which it may be refused or otherwise dealt with, the Council must comply with the request.

The Council cannot develop fees policies that would lead to them charging more than the maximum allowed for in the fees regulations.

In cases where the appropriate limit has not been exceeded, the maximum fee that could be charged is based on an authority’s estimate of the costs that it reasonably expects to incur in informing the person making the request whether it holds the information and communicating the information to the person making the request. This includes the costs of putting the information in the applicant’s preferred format, so far as this is reasonably practicable; reproducing any document containing the information, e.g. photocopying or printing; and postage and other forms of communicating the information.

Where the appropriate limit has not been met, it is only these costs that may be taken into account for the purposes of calculating the maximum fee, e.g. the Council could not charge for the time taken to locate, retrieve, extract, and write a letter, but could charge for photocopying, printing, covering letter and postage.

Public authorities have a duty to give preference to an applicant’s preferred format for receiving information, as far as reasonably practicable and may include summarising the information; providing the applicant with a copy; allowing the applicant reasonable opportunity to inspect a record containing the information; producing material in the applicant’s preferred format or translating information into a different language. However, under the Act a public authority is not obliged to translate documents if this would not be reasonably practicable.

Where an applicant has requested an opportunity to inspect a file, the DCA are suggesting that this could be done at no or minimal cost to the authority – it should usually be possible to set aside space for the applicant to inspect records with minimal disruption to the work of other staff. In such cases, no charge should be made. However, there is a need to have a member of staff sit with the applicant at all times and the Council will charge a supervision fee of £25 per hour.

7. Can the Council refuse to give me information?

The Council might refuse your request if you ask for one of the types of information, which are “exempt” from the Right to Freedom of Information, for example:

- If the information is already published under our Publication Scheme, for example on our website.
- If the information is about to be published.
- If the Council does not hold the information you have requested, or has not retained it.
- If providing you with the information would involve the Council in excessive cost or effort, or would disrupt our services.
- If revealing the information is forbidden by law, or if the people who supplied the information expect us to keep it secret.

If we refuse your request, we will explain why.

Even if the information you have requested is “exempt”, the Council will still consider whether it would be in the public interest to release it.

8. What is the Publication Scheme?

The Council’s Publication Scheme sets out what information it will make available as a matter of course, how and when it will do so and whether or not there will be a charge. The Council’s current Publication Scheme is available to download from our website or by email; nectonparishcouncil@gmail.com

9. How long will I have to wait for the information?

The Council will provide the information within 20 working days of receiving your request

If we ask you to pay a fee for the information requested, the 20 working day time period will stop until you have paid the fee. You have up to 3 months to send the fee to the Council. When the Council receives your fee the 20 working day time period will recommence and from the point that had been reached when the Council gave you the fee request.

If you do not pay the fee within 3 months the Council will close the file and you will not receive the requested information.

10. What can I do if I think my request has not been handled correctly?

If you feel that your request has been mishandled then you should contact the Chairman of the Council. Your complaint will involve a review of the way your request was handled and whether any exemptions have been correctly applied.

If, following the review, you are still not satisfied with the way your request has been handled then you can contact the Information Commissioner, details from www.ico.org.uk.

11. Can I use the information freely?

How you use the information is up to you, but the Council, or the person who supplied the information to the Council, will still hold any copyright, and your use of the information is therefore limited by copyright law (broadly speaking, you can use it for research, for commercial purposes and private study, and for criticism, review and news reports).

Further guidance is available from [The Stationery Office](http://www.stationeryoffice.gov.uk) website.

12. Where can I obtain further information?

Further information on the FOIA is available on the Information Commissioner's website:

www.ico.org.uk