

# **Bassenthwaite Parish Council**

## **Freedom of Information Policy**

### **1. Legal Background**

Bassenthwaite Parish Council (“the Council”) is a public authority and falls within the scope of the Freedom of Information Act 2000. This Act provides public access to information that we hold in two ways:

- We are obliged to publish certain information about our activities;
- Members of the public are entitled to request information about our activities.

The first of these duties is a proactive one, information is published so the public don't have to make specific requests for the information. This is covered by the Bassenthwaite Parish Council Publication Scheme, which follows the model laid down by the Information Commissioners Office (ICO). The second is more reactive and is covered by this Policy.

The Freedom of Information Act 2000 covers any recorded information that Bassenthwaite Parish Council hold. Recorded information can include printed documents, computer files, letters, emails, photographs, sound & video recordings.

The Freedom of Information Act 2000 does not cover information not recorded in one of the manners listed above i.e. it does not cover information in someone's head. If a member of the public asks for information, the Council only have to provide the information that we already have in recorded form. The Council does not have to create new information to find the answer to a question, by questioning or interviewing staff or members.

### **2. Obtaining Information**

Please look at our Publication Scheme first, this tells you how to obtain information that is already in the public domain. Depending on the information you are looking for the following sources maybe available to you:

- Our Website: <https://www.bassenthwaite.org.uk/parish-council.html>
- Parish Noticeboards
- Email correspondence with the Clerk
- Hard copy from the Clerk (see the list of charges in the Publication Scheme)
- Personal inspection of documents held by the Clerk (on agreement of a suitable time & date)

In cases where the information you are requesting is not included in the Publication Scheme, you should make a formal request to the Clerk, and this will be treated as per S.3 below.

### **3. How responses for information will be dealt with**

Within 20 working days of receipt of your written request the Council will:

- i. Acknowledge receipt of the request and state the latest date by which you will receive a response
- ii. Confirm if or not the Parish Council holds this information
- iii. Advice on if a fee will be charged
- iv. Provide you with the information (after the relevant fee has been paid) unless an exemption applies (see 'Exemptions' below).

### **4. Exemptions**

Some information may not be provided by the Council, there are 23 Exemptions in the Freedom of Information Act 2000 e.g. Personal data of individuals which is protected by the Data Protection Act 2018, or commercially sensitive information.

## 5. Chargeable Fees

The Freedom of Information Act only allows the Council to charge for answering Freedom of Information requests in the following circumstances:

- i. Disbursement costs e.g printing, photocopying & postage; and
- ii. When estimated staff costs involved in locating or compiling the information exceed £450. Under these circumstances, the Council can refuse the request on the grounds of cost, or charge the applicant £25 per hour, plus disbursements for the estimated work.

For the majority of requests, or a series of requests from the same applicant within a 12-month period, it is expected that the charge for locating and compiling information will be less than £450 and therefore other than disbursement costs, no reimbursement can be sought. However, where costs are estimated to exceed £450 (based on an hourly charge-out rate of £25) the Council can decide to:

- Refuse the request; or
- Comply with the request and charge for allowable costs as prescribed in the regulations; or
- Comply with the request free of charge.

If the estimated costs of a request is more than £450, and it is decided to release the information and make a charge for the information then:

- A fee notice will be sent to the applicant requesting the appropriate fee.
- The request will not be answered until the fee has been received.
- If the actual cost of completing the request is more than the estimate, then the Council will incur the additional cost.
- Where the cost is less than the estimated cost then the difference will be refunded to the applicant.

For a list of disbursement costs, please see the Publication Scheme which includes a schedule of charges.

## 6. Disclosure Log

The ICO's model publication scheme records the information that the Council has provided in response to questions from the public. This log itself is recorded information that can be requested by the public.

## 7. Further information

If you need help in accessing/requesting information from the Council under the Freedom of Information Act, please contact the Clerk on [clerk@bassenthwaite-pc.gov.uk](mailto:clerk@bassenthwaite-pc.gov.uk)

More detailed information and The Guide to Freedom of Information can be found via the Information Commissioners office- [www.ico.org.uk](http://www.ico.org.uk).

## 8. Complaints

If you are not satisfied with the response received from Bassenthwaite Parish Council then you should put your complaint in writing to the Clerk. If you remain dissatisfied you can contact the Information Commissioner, please visit [www.ico.org.uk](http://www.ico.org.uk) for details of how to raise a complaint.

Adopted: Dec 2023

Review: Annually to check the most recent review date visit <https://bassenthwaiteparishcouncil.co.uk>