

Cusop Parish Council

Draft Freedom of Information Policy

Introduction

Cusop Parish Council is committed to fulfilling its obligation to provide advice and assistance to those wishing to making Freedom of Information requests.

The Council will adhere to the Freedom of Information Code of Practice 2018 and all relevant guidance from the Information Commissioner's Office.

The Council website will guide persons wishing to make a Freedom of Information request to this policy and to the Publication Scheme.

The Clerk and Councillors are reminded that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information held by the public authority with the intention of preventing disclosure following a request under the Act for the information.

How to make a Freedom of Information Request

No special form or process is required to make a Freedom of Information Act request, except it must be in writing (electronic communication is acceptable), legible and in your own name, it must include sufficient information to enable us to identify the information you have requested.

You do not have to be a resident of Cusop, or an elector.

You can ask for information from any period (so before the Freedom of Information Act was passed in 2000).

The information must be held by us for the purposes of the Council's business.

Before making your request check that the information is not already available – our publication scheme (which you can find here [\[insert weblink\]](#)) will help. Try to ask for precise information rather than broad questions.

You have two rights: the right to be told whether the information exists, and to receive the information if it does exist.

We have a duty to advise or assist you making a request, but we do not have to deal with vexatious or repeated requests from the same person. If we refuse your request for these reasons we will write and tell you, and advise you of your right to appeal.

To help us please mark your request **Freedom of Information request and send it to**
clerk@cusopparishcouncil.gov.uk

What happens when you make a request

First, we will acknowledge your request in writing and tell you by what date we will reply.

We will reply to your request within 20 working days of its receipt. We may ask for further information if it will help answer your request by making it clearer what you want.

It may be, for instance, that you are not requesting information but an explanation, or statement, or comment which would not normally be a valid request under the Freedom of Information Act and might generate a formal refusal.

It may be that some information you request is covered by other laws, and we will apply them where they are relevant. This would include requests for subject access data, or environmental information. Sometimes several laws will be relevant.

If we believe your request is repetitious or vexatious, we may refuse to provide information.

The Clerk will normally provide the information in the manner requested – on paper, by email or in person.

There are a list of exemptions, and if those apply we may not be required to provide information. Most exemptions will not be relevant to a Parish Council. The most likely potential exemptions are legal privilege, personal information and commercially-sensitive information. In most cases we must consider whether the public interest demands that information is published anyway. We do not have to consider the public interest if it involves personal information or information provided to us in confidence.

We do not have to comply if the workload exceeds reasonable costs up to a limit set by the Government. Should you appear to be reaching this limit we may discuss with you how to modify the request to stay below the limit. If that is not successful, we may make a charge in certain circumstances and we will write to you about this, and how it works, before we apply a charge.

If you ask for information we hold about a third party we will not release information if it means breaching the data protection principles.

If we claim an exemption or refuse a request then we will write to you. We must give you a reason and explain how you can appeal.

Internal Review

If we refuse a request, or you are dissatisfied, you can request an internal review.

You have 40 days in which to make the request and you must do it in writing.

We will write to acknowledge your request and say when we aim to reply, which will normally be before the end of 20 working days. If it is particularly complex or we need clarification from you, we may need longer, and if that is the case we will write to you.

The internal review will be conducted by the Chairman, or Vice Chairman if the Chairman cannot act. They will see all correspondence and documents connected with the request, and be fair and thorough in their review of process and decisions, particularly if an exemption has been claimed. They may consult with an external advisor, such as the Herefordshire Association of Local Councils. They will consider whether the public interest has been properly understood. They will pay particular attention to the concerns raised by the applicant.

When the internal review is complete, we will write to you with the result and at the same time will either supply the information you requested or remind you of your right to ask the Information Commissioner to review our decisions.

Finally

We will keep a record of your request and how we deal with it, including internal reviews.

You can contact the Information Commissioners Office by following the links from: <https://ico.org.uk/>

Information Commissioner's Office is at Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF.
Telephone: 0303 123 1113.

Contact Details

If you require a paper version of any information or want to ask whether information is available, please contact Cusop Parish Council by telephone, email, or letter. Contact details are set out below.

Alternatively, you can visit our website <https://www.cusopparishcouncil.gov.uk>

David Thame (Clerk to the Council)

clerk@cusopparishcouncil.gov.uk

T 07599 837560

22 Broad Street, Hay on Wye, Hereford, HR3 5DB (by appointment only)