



Access to Information Policy
(formerly Freedom of Information Policy)

Adopted: 28th June 2022

Review: May 2023

1. INTRODUCTION

- 1.1. Datchworth Parish Council is committed to being open and transparent about the work that it does and services that it provides for the local community. The Council will make as much information available as possible, to promote a greater awareness and understanding of the Council's policies, decisions and actions.
- 1.2. Under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR), Datchworth Parish Council has two main responsibilities – to produce and share information and to deal with individual requests for information. Wherever possible, Datchworth Parish Council will provide additional information beyond the requirements of the Act but will be conscious of the Data Protection Act and Copyright.
- 1.3. Anyone can make a request for information – there is no restriction on age, nationality or place of residence (they do not necessarily need to be a resident of Datchworth Parish).

2. SCOPE

- 2.1. General requests for information will be considered as part of Datchworth Parish Council's normal day to day business. However, there are also statutory information access regimes that can be used to access specific information. This Policy concerns itself with that information which can be accessed under the FOIA and EIR.
- 2.2. Requests for information must be made in writing, either by email or letter.

3. THE AVAILABILITY OF INFORMATION

- 3.1. In accordance with the FOIA and the EIR, Datchworth Parish Council has guidance in place. This information is a commitment of Datchworth Parish Council to make information available to the public as part of its normal business activities.
- 3.2. Wherever possible Datchworth Parish Council will proactively publish information as part of a publication scheme through its website. Where information is available in a non-electronic form or when an individual does not wish to access information electronically, an individual can contact the Parish Clerk and ask for the information to be made available to them. Where the information is to be provided in hard copy form, the Council reserves the right to make a nominal charge to cover costs.
- 3.3. Some information may only be available to view in person. In these circumstances an appointment to view the information will be arranged within a reasonable timescale (subject to any Government COVID-19 Regulations).

3.4 Datchworth Parish Council will ensure that members of the public are aware of the information that is made readily available to them and provide details of how this information can be accessed and any changes which may be applicable. This information is available through Datchworth Parish Council's website.

4.0 **MAKING INFORMATION AVAILABLE**

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its Website.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The

Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

5.0 DATA TRANSPARENCY

The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information. Public data" means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

The Code will therefore underpin the Council's decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

Demand led: new technologies and publication of data should support transparency and accountability

Open: the provision of public data will be integral to the Council's engagement with residents so that it drives accountability to them.

Timely: data will be published as soon as possible following production.

Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for parish councils with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017. Datchworth Parish Council exceeds this turnover but will nevertheless ensure the following information is published on its Website for ease of access:

- All transactions above £100.
- End of year accounts
- Annual Governance Statements
- Internal Audit Reports
- List of Councillor or Member responsibilities

- Details of public land and building assets
- Draft minutes of Council and committees within one month
- Agendas and associated papers no later than three clear days before the meeting.

6.0 INTERNAL REVIEWS

If someone has requested information under the FOIA or EIR and is not satisfied with the way the request has been handled, they can ask the public authority to review what has happened.

- 6.1 The Council has a duty to provide an internal review process against our initial responses to requests for information. The review will be conducted in accordance with section 45 of the FOIA or Regulation 11 of the EIR.
- 6.2 This procedure will be followed if an applicant expresses dissatisfaction, whether justified or not about the way their request was handled and about the information supplied or not supplied.
- 6.3 Internal review requests should be submitted within two months of the date of receipt of the response to the original letter and should be addressed to the Clerk of Datchworth Parish Council.
- 6.4 If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

7.0 MAKING AN INFORMATION REQUEST

- 7.1 Information Requests need to be made in writing to the Clerk who is responsible for responding to requests – either by letter or email.
- 7.2. When making a request, the following information must be included:
- Name
 - Contact details
 - A detailed description of the recorded information required
- 7.3 Most requests will be free of charge. However there may be a charge for cases that will take a significant amount of time . Datchworth Parish Council will notify the enquirer in advance if there are any charges associated with the request.
- 7.4 Datchworth Parish Council will acknowledge all requests within three days and respond fully to all Freedom of Information requests within 20 working days.

Commented [TS1]: This is noted above but I suggest just noting that the Council may make a charge but will notify the enquirer as there may be various reasons for charging. Also, under the FOIA, the council would be more likely to reject a request that exceeds the cost of compliance rather than making a charge.

Commented [TS2]: Although an extension can be sought from the requestor, the FOI requires a response to be made within 20 working days

8.0 EXEMPTIONS

- 8.1 It is not mandatory for DPC to advise whether or not we hold information requested, as there are some exemptions.. Some information does not have to be revealed, such as personal information or commercially sensitive data. You can view a full list of these exemptions on the Information Commissioner's website – www.ico.org.uk
- 8.2 Datchworth Parish Council can turn down a Freedom of Information request if it will cost more than £450.00 to respond to, as per the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 .
- 8.3 Datchworth Parish Council may ask for the request to be more specific in order for the information to be provided.
- 8.4 If Datchworth Parish Council refuses to provide the information requested, the enquirer can ask them to review their decision. If the enquirer is still not satisfied with the response received, they are advised to contact the Information Commissioner's Office.

Commented [TS3]: This is not always the case as some exemptions mean you don't have to share whether information is held

Commented [TS4]: The relevant appropriate limit is £450-00 under the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

This policy will be reviewed every year or earlier if so required by legislation or additional material.

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Approving committee: Full Council

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