

Littlehampton Town Council

Freedom of Information Act Policy

1. Introduction – The need for a Freedom of Information Policy

- 1.1. The Freedom of Information (FOI) Act 2000 came into force on 1st January 2005, and gives the public a general right of access to information held by Public Authorities.
- 1.2. From 1st January 2005 any request for information that is made in writing to the Council will be administered under the Freedom of Information Act and must be processed using the following policy. Requests can be made to any representative of the Council.
- 1.3. All staff are responsible for ensuring adherence to this policy in the processing of any requests for information they receive.

2. Scope of the Policy

- 2.1. This policy applies to all requests for information that are made in writing, including letters, e-mails and requests via the website.
- 2.2. This policy applies to all employees, elected members, contracted staff and agents of the Town Council. All are bound by the legal requirements of the Act.
- 2.3. The Council has developed a Publication Scheme which is available on the website which details information that is routinely made available by the Council, how it can be obtained, and whether there is any charge to applied for it.
- 2.4. Two other access-to-information regimes which are closely linked to the Freedom of Information Act have separate policies for the processing of requests. The Data Protection Act 2018 provides a general right of access to personal data which is held about any individual. A request made under FOI for such information will be dealt with as a subject access request. Confidential information relating to an individual, and third party data, remains protected under this Act if disclosure would breach any of the Data Protection Principles.

- 2.5. The Environmental Information Regulations 2004 provide the right to request information held on the environment. A separate list of exemption rules apply under these Regulations.

3. Principles

- 3.1. Littlehampton Town Council will maintain appropriate safeguards to ensure adherence to the requirements of the Freedom of Information Act 2000.
- 3.2. All requests for information made under the Act will be logged and actions taken to meet these requests will be monitored for compliance.
- 3.3. Responses to all requests for information will be made by an appropriate representative of the relevant department within 20 working days of the request being received. Performance against this timescale will be monitored and could be publicised.
- 3.4. The Council is committed to promoting access to services to all members of the community and will provide support to anyone who wishes to make a request for information under the Act but is unable to do so in writing. All staff should have access to standard documentation for processing such requests.

4. Staff Roles & Responsibilities

- 4.1. Littlehampton Town Council will ensure that all staff receive briefings on the implications of the Act and any relevant updates which become available.
- 4.2. The Town Clerk will provide a central point of information regarding the Act, for monitoring the Council's performance in providing information requested, and for responding to queries relating to the implementation of the Policy. The Town Clerk will also provide a central point for guidance to managers in dealing with any requests that may have legal implications to protect the Council's interests.
- 4.3. Line Managers will be responsible for logging and processing requests in their department, for disseminating information relating to the Act to their staff and for ensuring that this information is retained in a central register.
- 4.4. All staff are responsible for processing any requests received with regard to this policy, and for providing advice and support to any member of the public who may wish to make a request under the Act.

5. Fees (as per current regulations)

- 5.1. Charges will not be made for staff time in sourcing information if the estimated cost to do this is less than £450 of staff time. (Sourcing the information includes determining whether we have the information, locating and retrieving the relevant documents, and extracting information from documents).

5.2. If the estimated cost to source the information is over £450, the Council is not obliged to comply with the request. Written notification will be sent to the applicant either advising that the information is not to be supplied, or confirming the charge to meet the request in full. The option of providing part of the information, at a cost below the £450 threshold, will be offered and assistance provided to the applicant in making their decision as to how to progress.

5.3. The Council can make charges in respect of disbursement costs (copying, printing, translation, postage etc), to reflect the costs incurred in meeting any request.

6. Complaints

6.1. If an applicant is dissatisfied with the way their request was dealt with, for example if the information was not provided in the format asked for, they have the right to complain to the Town Clerk (or if the Town Clerk has dealt with this then the Deputy Town Clerk) who will independently review the handling of the request. All responses to FOI requests will include details of the process to follow.

6.2. The complaint will be investigated and the findings relayed to the applicant in writing within 10 working days of receipt. Should the applicant be dissatisfied with the outcome of this procedure, they then have the right to refer the complaint to the Information Commissioner to review the Council's findings.

6.3. If an applicant is dissatisfied with the reason given for a request being refused, or feel that any charges levied are unfair, they have the right to appeal to the Information Commissioner. Should the Information Commissioner find in favour of the applicant, it may then issue the Council with an enforcement notice which will be used in the development of future policy.

7. Policy Review and Audit

7.1. This policy and related policy documents will be reviewed regularly.

7.2. The Town Clerk will monitor compliance with the Act on an ongoing basis.