

# Little Smeaton Parish Council

## Freedom of Information Policy

### Introduction

The Freedom of Information Act 2000 (FOI) gives people a general right of access to information held by public authorities. Information held by public authorities should be available and accessible to everyone.

The act was introduced to help bring about a culture of openness within the public sector and give the public a better understanding of how authorities carry out their duties; why they make the decisions they do; and how they spend public money.

Every public authority has two main duties under the FOI act:

- To adopt and maintain a publication scheme, overseen by an independent Information Commissioner, which sets out:
  - Details of information it will routinely make available;
  - How the information can be obtained;
  - Whether there is any charge for it.
- To comply with all requests for the information, unless there is an exemption from disclosure. The authority normally has a maximum of 20 working days to respond to the request; however there are circumstances when this time limit can be extended.

### How do I make an FOI request?

If there is something you would like to know about the Council's activities, take the following steps:

- Search the Parish Council website – what you're looking for might already be there.
- If you can't find the information you are seeking on the website you can submit your request using the *Contact Us* form on our website –

<https://www.littlesmeatonpc.com/contact-us>

or in writing to the parish council clerk. The parish council clerks contact details are published on the North Yorkshire Council website –

<https://edemocracy.northyorks.gov.uk/mgParishCouncilDetails.aspx?ID=1987&LS=4>

All requests must provide a valid email or postal address for us to reply to.

When you submit your request, give as much detail as possible to help us correctly identify the information you are seeking. If we do need more detail from you to identify the information, we will contact you.

### Charges

The Information Commissioners Office (ICO) sets out the fees that may be charged for information requests. The guidance states that all public authorities should calculate the time spent on the permitted activities at the flat rate of £25 per person, per hour.

Where the council intends to charge, the ICO states that '*A public authority does not have to make a precise calculation of the costs of complying with a request; instead only an estimate is required. However, it must be a reasonable estimate.*'

This estimate will be based on the following -

- Determining whether the information is held;
- Locating the information, or a document containing it;
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it.

There is a maximum charge limit for public authorities currently set at £450. This means that the appropriate limit will be exceeded if it would require more than 18 hours work to obtain the requested information.

### **Exceptions and exemptions**

There are legal reasons why information may not be released to you. These are known as exceptions/exemptions. If we do not release information to you because an exception/exemptions applies we will explain why.

Requests under FIO may be refused because:

- Obtaining the information would cost more than the maximum charge limit.
- It is a matter covered by data protection legislation.
- The information is available under our publication scheme.
- It might be considered prejudicial to the effective conduct of public affairs.

If you are not satisfied with the parish councils response to a freedom of information request you can make a complaint to the ICO using the following link

<https://ico.org.uk/make-a-complaint/>

Further information regarding Freedom of Information requests is available on the ICO website at

<https://ico.org.uk/>

Policy Published March 2024

**Review date March 27**