



Policy and Finance Committee

Date: 19 April 2021

Title: Freedom of Information review

Purpose of the Report: To receive information regarding the requirements of the Freedom of Information Act 2000 and to consider minor amendments to council policy.

Contact Officer: Sarah Sandiford, Deputy Town Clerk

Corporate Objective/s	LLTC Five Year Plan – Aim 1 (to consolidate processes and procedures, ensuring operational efficiency and a structure which will underpin future service delivery by the Town Council).
Implications:	
Financial	None
Human Resources	None
Operational/Service delivery	To ensure policies and procedures remain current and fit for purpose
Risk/Health and Safety	None

1. RECOMMENDATIONS

Should the Committee be minded, the proposals are:

- 1.1 To note the information in the report and appendices concerning Freedom of Information.
- 1.2 To endorse the use of the flowchart published by the Information Commissioner to process requests, as set out in Appendix D.
- 1.3 To consider recommending to Council approval of minor amendments to the Freedom of Information Policy as set out in paragraph 4.1 and in Appendix C.

2. BACKGROUND

- 2.1 The Town Council's Freedom of Information Act (2000) Policy was adopted in December 2004.

- 2.2 As part of the ongoing review of Town Council policies and procedures and as set out in Standing Order 5(k)(viii), the FOI Policy has recently been reviewed.
- 2.3 The review process has included taking note of the following in considering the Town Council's policy:
- i) SLCC Advice Note AD174 on Information Management: Freedom of Information Act
 - ii) SLCC Advice Note AD 175 on FOI Exemptions
 - iii) NALC Legal Topic Note 37, updated 1 April 2021 on Freedom of Information- **attached at Appendix A**
 - iv) NALC Model Standing Orders
 - v) Information Commissioner website
- 2.4 The Freedom of Information Act 2000 gives applicants two rights under S. 1(1): to be told whether information held by public authorities exists and to receive the information.
- 2.5 Applicants are not required to mention the 2000 Act when making a request for information. However, the request must be made in writing. The Information Commissioners Office (ICO) has issued guidance on the duty of public authorities to provide advice and assistance to anyone making a request.
- 2.6 Applications made under pseudonyms are not considered valid requests and authorities do not have to comply with vexatious or repeated requests. The ICO has issued guidance on refusing requests.
- 2.7 Authorities are also not required to comply with the Act if to do so means exceeding an appropriate cost limit, as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This is currently £450 for local authorities, equivalent to 18 hours work regardless of actual hourly rates.
- 2.8 The Act requires public authorities to respond to requests not covered by an exemption promptly but no later than 20 working days following its receipt.
- 2.9 The Act creates a general right of access to information held by public bodies but also sets out specific exemptions where that right is either disapplied or disqualified. Exemptions will be either absolute or qualified (requiring consideration whether the public interest requires that the information should be released).
- 2.10 The 2000 Act also places a duty on public authorities to adopt and maintain a publication scheme which should be published. The Town Council's current Publication Scheme is **attached as Appendix B**.
- 2.11 The Town Council publishes on its website a significant amount of information, in excess of that required by its publication scheme or by law. For example,

decisions made at council/committee meetings are available for several years rather than just the current and previous year.

2.12 The Act covers “recorded information held by the public authority”. Each request for information must be considered on an individual basis, including: whether the request is valid, whether the information is held, where or by whom it is held, whether it would be subject to an exemption, in what format the information should be provided.

2.13 “Recorded information held” by the Town Council may include any electronic and paper documents held by any employee or councillor of the Town Council. In the case of electronic data, this may also include data which has been partially but not entirely deleted, or which can be recovered by electronic means. Electronic data would potentially include: documents, emails, audio files, video files, photographs.

3. REQUESTS FOR INFORMATION

3.1 The Town Council has received a small number of FOI requests in recent years as set out below:

2021	none to date
2020	4
2019	1
2018	5
2017	3
2016	5
2015	7

3.2 The low number of requests may reflect the breadth of information which is freely published by the Town Council.

3.3 Requests are logged and acknowledged by the report author who will also ensure the response is provided by the relevant officer within the statutory timescale.

4. RECOMMENDATIONS

4.1 The content of the existing FOI Policy remains mostly valid. Therefore, only minor changes are proposed as shown in **Appendix C**, to reflect the updated Data Protection Act 2018 and changes in practice (e.g. removing the reference to fax, referencing the creation of the Information Commissioner).

4.2 To safeguard the Council, the proposed procedure to be followed for FOI requests is also **attached** at **Appendix D**, as published by the Information Commissioner.

End.