

## Kirkby La Thorpe Parish Council

### Freedom of Information Policy

#### Introduction

Kirkby La Thorpe Parish Council ('Council') is committed to openness and accountability; we have adopted the Information Commissioners Office (ICO) Model Publication Scheme to ensure access to data about who we are and what we do. We are also committed to our duty of providing requested information as required by the Freedom of Information Act 2000 (FOI).

Detailed information about the FOI Act can be found at [www.ico.org.uk](http://www.ico.org.uk)

#### FOI Procedure

We will recognise any request for information as a formal FOI request if it is:

- Made in writing (including email)
- Has the real name of the person making the request ('Requester')
- Has a return address (or email address)
- Is sent directly to the Council's Clerk ('Clerk')

It does not need to state "FOI" in the title or request to be handled as a request under the Freedom of Information Act 2000.

Certain types of information may be exempt from disclosure under the FOI act, though we will, even then, consider whether it would serve the public interest to do so.

The ICO has capped the acceptable cost of a request at £450, or 18 Hours of work.

The person processing the request (usually the Clerk) should perform searches on held data and contact all other data holders to request data with specific parameters for search and processing. Data identified will be considered for release unless specific exemptions listed by the ICO apply.

#### Timescales

We will aim to fulfil requests for information within 10 working days, with a hard deadline defined in the act at 20 working days. If we need further information to fulfil the request, and ask for that information, we will recognise these deadlines as beginning from the day after we receive that information.

On the rare occasion we require a fee to process the request, the time limit will not include the time between when the fee notice is issued, and payment is received.

Internal Review requests must be received within 40 days of the initial response. These should be acknowledged as soon as possible and fulfilled within 20 days, though a further 20 days can be taken in exceptional circumstances.

#### Internal Review

Any challenge to the outcome of an FOI request will be treated as a request for escalation to a formal Internal Review (IR). An explicit request for an Internal Review is not necessary; it must, as with an FOI request, be made in writing directly to the Parish Council.

An internal review will ideally be completed by someone other than the person who issued the initial response: usually the chair or other Councillor requested by the Clerk. The reviewer will ascertain the manner in which the FOI request was dealt with, contact all data holders and request data with specific parameters for search and processing, and then produce a response outlining whether they find that:

- The original request was handled in a proper manner
- The data provided was appropriate and complete
- Whether exemptions applied should be upheld
- Whether different exemptions should be applied
- Whether additional data can be supplied along with the response

### **Best Practices**

For both FOI and IR requests, good record-keeping must be employed. Proper reference numbers should be used in correspondence, and a log kept of requests together with timescales, dates, and outcomes. Requesters must be notified of their right to appeal to the ICO and supplied with the ICO contact details.

Data recorded from Internal Reviews should be used to identify potential weaknesses in procedures and help improve the Parish Council's performance in responding to FOI requests.

### **Vexatious Requests**

We may refuse a request if we consider it to be vexatious, as outlined in section 14(1) of the FOI Act. Where there is doubt about whether a request is vexatious, we will consider whether it is likely to cause a disproportionate or unjustified level of disruption, irritation, or distress. We will try to objectively judge the evidence of the impact upon the Council and weigh this against evidence about the purpose and value of the request.

Although the definition of "vexatious" is only loosely defined by the ICO, they list some valid indicators of a vexatious request. These include:

- Abusive or aggressive language
- Burden on the authority
- Personal grudges
- Unreasonable persistence
- Unfounded allegations
- Frequent or overlapping requests
- Scattergun / Fishing for information
- Disproportionate effort / Trivial matter
- Frivolous requests

The presence of one or more of the above indicators does not, alone, make a request vexatious and we will consider evidence about the wider context of why the request has been made, along with the public interest in making the requested information available.

We will normally issue a refusal notice when we refuse an FOI request for being vexatious unless repeated requests by the same individual are being refused and it becomes unreasonable to do so.

**Policy Review**

The Clerk is responsible for monitoring and reviewing this policy. Changes to legislation, codes of practice, or other legal guidance may trigger a review. If printed, copied or otherwise transferred from this website, this document must be considered an uncontrolled copy.