

INGLEBY GREENHOW PARISH COUNCIL

FREEDOM OF INFORMATION

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**INGLEBY GREENHOW PARISH COUNCIL
FREEDOM OF INFORMATION.**

1 Introduction

1. The Freedom of Information Act 2000 ('the Act') (FOIA) and Environmental Information Regulations 2004 (EIR) place legislative requirements on all public authorities, including local Councils.
2. These laws established the legal Right to Know, a presumption in favors of public access to information held by public authorities, subject to certain exemptions, and other measures to improve public sector transparency.
3. The Council is obliged to provide information.
 - Through a publication scheme
 - In response to requests made under the general right of access.
4. When responding to requests there are set procedures that the Council needs to follow. These include:
 - The time limit public authorities are allowed for responding to requests.
 - The fee or amount that the public authorities can charge for dealing with requests. Public Authorities are not obliged to deal with requests if the cost of finding the information exceeds a set amount known as the appropriate limit.
 - Public Authorities need not comply with vexatious or repeated requests.

The Act also recognises that there are valid reasons for withholding information by setting out several exceptions from the right to know some of which are subject to a public interest test.

2 Policy Statement

1. As part of a society where information rights and responsibilities are respected by all. Ingleby Greenhow Parish Council will aim to move away from the need for individual freedom of information requests and complaints toward a culture of routine, proactive and substantially increased transparency on the part of the Council by:
 - Being open, transparent, and endeavoring to provide the public with access to the official information that it holds, as a matter of course.
 - Making people aware for their rights to access the official information the Council holds.
 - Making as much routine information as possible available through the Council Publication Scheme and Website.
 - Providing reasonable advice and assistance to applicants for information including pointing applicants to possible sources of information they seek if the Council does not hold it.

3. Dealing with Requests for Information

1. Members of the Public have a general right of access to information held by Ingleby Greenhow Parish Council.

- To be told whether the information is held by the Council and
 - If it is, to have the information communicated to them.
2. Requests for information must be in writing, must give the applicants name, and return address and must describe the information requested in such a way that we are able to locate it.
 3. All requests for information will be logged on a record sheet.
 4. Receipt will be acknowledged but if it is possible to respond with the information requested, this. will be done instead. If further information is required to locate the information requested This will be undertaken as quickly as possible.
 5. The Council has 20 working days in which to deal with your request for information. If it is not clear what information is required; the 20-day period does not begin until clarification is received. from the applicant as to exactly what is required.
 6. A charge will be made for the photocopying of information requested as follows:
 - 10p per single A4 size sheet
 - Additionally, postage will be charged at a cost.
 - If the cost of the finding, sorting, and editing the information requested is more than **£ 300** then, under the FOI Act, the Council does not have to provide the information.
 7. Any requests for information that is not contained in the Publication Scheme will be passed to the Council Clerk to deal with under the FOI Act. A certain amount of guidance on dealing with The Clerk holds requests, but it may be necessary that further specific guidance is required. from the Information Commissioner's Office. If the Clerk is unsure as to whether a request for information is routine or not, they will refer to the Chairperson of the Council as certain personal. The Data Protection Act covers information.
 - The applicant will be kept informed at all stages of the process of supplying the information requested, particularly if it is a complex request, when guidance may have to be sought from other agencies.
 - If a request is refused, the refusal notice will give reasons for refusing the request.

4Appeal Process

4.1 If the information requested cannot be supplied, the reasons for this will be communicated to the applicant immediately. The applicant has the right of appeal against the refusal, initially to the Council, but ultimately to the Information Commissioner. 4.2 Any initial appeal will be made to the Council, it

will be dealt with by elected members, in accordance with the Council's Complaints Procedure. If the original decision not to supply the information is upheld by the Council, but is still not accepted by the applicant, then the applicant is able to appeal to the Information Commissioner. 4.3 Reasons for refusing information must be in accordance with the respective provisions of the legislation, including consideration of the public interest test where this applies.

5 Review

5.1 This policy will be reviewed every year (or earlier if required by changes to legislation or additional documentation) and amended as necessary based on good practice or evidence taken forward.