

Freedom of Information Act 2000

Guidance on dealing with requests for information under the Act

1. Introduction

1.1 The Freedom of Information (FOI) Act has been introduced to encourage public organisations to publish more information proactively and develop a greater culture of openness. The Act gives a general right of access to information held by the Town Council, subject to certain exemptions outlined in the Act. It applies to information that is held

- Electronically
- On paper
- Sound and video recordings

1.2 Information which is readily available to members of the public are those documents listed in the Town Council's Publication Scheme, which was adopted on 2 December 2002. A copy of the Publication Scheme is attached to this Guidance Note.

2. Procedure for dealing with requests for information

2.1 Members of the public have a general right of access to information held by Calne Town Council. This means that they have the following rights:

1. To be told whether or not the information is held by the Town Council, and
2. If it is, to have the information communicated to them.

2.2 There are certain exemptions and limitations on this general right, but just because a document is marked 'Confidential' does not **automatically** mean that it is exempt information, but it **may** be covered by certain exemptions. Each case will be dealt with on its merits.

2.3 Requests for information **must** be in writing, **must** give the applicant's name and return address and **must** describe the information requested in such a way that we are able to locate it. A written request includes an e-mail.

2.4 All written requests for information will be logged on a separate record sheet. Receipt will be acknowledged on the same day. If it is possible to respond with the information requested on the day of receipt, then this will be done. If further information is required in order to locate the information requested, this will be done as quickly as possible, but in any event within three working days of receipt of the original request. All correspondence, phone calls, e-mails etc, that follow the original request will be recorded.

2.5 The Town Council has 20 working days in which to deal with a 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.

2.6 A charge will be made for the photocopying of information requested as follows:

10p per single A4 size

25p per single A3 size

Additionally, postage will be charged at cost. If the cost of finding, sorting and editing the information requested is more than £450 then, under the Act, the Town Council does not have to provide the information.

2.6 The Town Council will continue to deal with routine requests for information as it does presently. Routine information which is freely available to members of the public is that listed in the Town Council's Publication Scheme.

2.7 Any requests for information that is not contained in the Publication Scheme will be passed to either the Town Clerk or the Deputy Town Clerk to deal with under the FOI Act. A certain amount of guidance on dealing with requests is held by the Town Clerk, but it may be that further specific guidance will be required from the Information Commissioners office. If a member of staff is unsure as to whether a request for information is routine or not, they will refer to either the Town Clerk or the Deputy Town Clerk. Certain personal information is covered by the Data Protection Act.

2.8 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.

3. **Appeal process**

3.1 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 Town Council, but ultimately to the Information Commissioner.

3.2 If the initial appeal is made to the Town Council, it will be dealt with by elected members, in accordance with the Town Council's Complaints Procedure. If the original decision not to supply the information is upheld by the Town Council, but is still not accepted by the applicant, then the applicant is able to appeal to the Information Commissioner.

4. **Useful Contacts**

1. Calne Town Council
Bank House
The Strand
Calne
SN11 0EN

Tel: 01249 814000
Fax: 01249 814440
e-mail: calne@calne.gov.uk

2. The Information Commissioner

Freedom of Information
Information Commissioner
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Tel: 01625 545 700
Fax: 01625 524 510

3. Department for Constitutional Affairs

Information Rights Division
Department of Constitutional Affairs
6th Floor
Selbourne House
54 Victoria Street
London
SW1H 6QW

Tel: 020 7210 8034
Fax: 020 7210 8388

Adopted by Calne Town Council on 6 December 2004