

## **Preston Patrick Parish Council Freedom of information Procedure**

Preston Patrick Parish Council has a commitment to openness and transparency and makes relevant information available wherever possible to individuals who request it, subject to the Data Protection Act, safeguarding the privacy of individuals and to legitimate considerations of national security, law enforcement and commercial interests where relevant. These are known as exemptions.

This document tells you a how you can make a request for Information to Preston Patrick Parish Council and how you can expect that request to be handled.

The Freedom of Information Act, which came into force on 1 January 2005, gives everyone a statutory right of access to information held by public bodies such as Preston Patrick Parish Council. This includes, for example, e-mails, letters, reports, file notes, notes of phone calls, they are all "information" potentially disclosable under the Act.

If the information is already publically available then it may be accessed without the need for an FOI request. Preston Patrick Parish Council has an information Policy (also known as a publication scheme) this lists all the publically available information help by the Council.

This policy is published on the Parish Council web site or available from the Clerk. Contact the Clerk by email [clerk@prestonpatrick-pc.gov.uk](mailto:clerk@prestonpatrick-pc.gov.uk) or in writing to St Johns Cross Cottage, Sandside, Cumbria, LA7 7HX.

The web site [www.PrestonPatrick-pc.gov.uk](http://www.PrestonPatrick-pc.gov.uk) also holds a number of other policies, financial information and minutes and agendas of meetings.

If the information you wish to see is not published on the web site then contact the Clerk to request the information. Please include your name and address, you do not need to refer to the FOI Act but you may do so.

If the information is publically available already you will be signposted to it or it will be sent to you. If you require a specific format please ask. In some cases a disbursement charge may be made to cover printing and postage.

Please be as precise as you can about what information you would like to access. It is the Councils aim to help you through this process and you will be asked for further details to help meet your request or kept informed about how your request will be processed.

Once your request has been received it will be acknowledged and within 20 working days you will be told (in writing) whether the Council holds the information you have requested and whether the information falls under any exemptions to the Act which would mean that it should not be disclosed. If the Council thinks that the information should not be released because it is exempt it will explain what the exemption is and why it applies in this case.

If you are requesting information about yourself then it is the Data Protection Act that applies rather than the Freedom of Information Act. Information released under the FOI would be accessible to any-one, not just the applicant. The Data Protection Act also restricts the Council from releasing

information about other individuals (subject to a public interest test). The Council has a separate Data Protection Policy.

If the information that you request will require a large amount of time to locate or compile, for example covering a very long time span, then the costs of staff time can be taken into consideration. If estimated staff costs involved exceed £450, the Council can refuse either the request on the grounds of cost, or charge the applicant £25 per hour, plus disbursements for the estimated work. If this applies you will be notified in writing within the 20 day limit with a 'Fees Notice'. At this point the 20 working day limit for responding stops, and then will start again when we receive payment. If the Council does not receive the fee from you within three months they are not obliged to comply with the request.

You can find help and further information about your rights under both the Freedom of Information Act and the Data Protection Act through the Information Commissioners Office (ICO) Website <https://ico.org.uk/for-the-public/> or through their help line 0303 123 1113

If you are dissatisfied with the way the Parish Council has responded to a request for information, let us know and the Council will try to work with you to resolve the problem if we can within the legal framework. If you are still not happy put your complaint in writing, providing any supporting evidence, to the Clerk and the way the request was handled will be reviewed. You will normally receive a response within 40 working days.

If the problem still cannot be resolved and you wish to make a complaint about how the Council has handled your request you should contact The Information Commissioner's Office through the website or phonenumber listed above or in writing to Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF