

Penybont & Llandegley
Community Council
Freedom of Information Policy

1 Introduction

1.1 The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) apply to all public authorities.

1.2. The EIR applies to all environmental information and the FOIA to all other information.

1.3 FOIA is enforced by the Information Commissioner (who also has responsibility for data protection issues).

1.4 The legislation introduces a presumption in favour of access to information unless an exemption applies.

1.5 The Community Council needs to have a publication scheme approved by the Information Commissioner's Office. The scheme indicates what and how information will be provided. The scheme must also include a charging scheme if charging is to be made.

2 The Policy

2.1 The Community Council will:

- Publish the required information on the website and through the Publication Scheme.
- Respond to requests for information within 20 working days (This is extended to 40 working days for EIR information if it is bulky and complex. For other information further time is allowed up to 20 working days applying the public interest test but still requires a response within 20 working days). • Release all information in response to requests for information except where an exemption/exception legitimately applies;
- Charge fees in line with the guidance and include these charges in the Publication Scheme
- Handle requests for information professionally and in accordance with the Codes of Practice issued under section 45 of the FOIA and Regulation 16 of the EIR, providing advice and assistance to applicants.
- Manage our records in an organised and efficient way.
- Hold an internal review should an applicant be dissatisfied with the way the request was handled and the applicant requests one.
- FOI requests will only be received in writing

3 Responsibilities

3.1 Everyone who works for the Community Council has some responsibility for ensuring that information is stored and handled appropriately.

3.2 There are people with key responsibilities

- Councillors are ultimately responsible for ensuring the Community Council meets its legal obligations
- The Community Clerk is responsible for
 - o Logging information requests
 - o Responding to the requests
 - o Notifying Council of requests

4. Requests

4.1 Applications under this policy must:

- be in writing (including email & online forms.)
- state the name of the applicant and a postal address for correspondence; and
- adequately describe the information requested.

4.2 When an application is made we will:

- inform you in writing whether we hold information of the description specified in the request; and
- if that is the case, we will communicate that information to you.

5. Refusal of Requests

5.2 The Council may also refuse to comply with a request for information where the information is considered to be exempted under the Freedom of Information Act 2000. The applicant will be given an explanation of the reasons for refusing your request for information.

5.3 Vexatious and repeated requests and/or applications made with the aim of frustrating the operations of the Council may be refused. The Council may refuse to comply with a request for information where the Council estimates that the costs of complying with the request would exceed the costs ceiling set by the Government, or when a request does not contain the mandatory information outlined in the section

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