

Canvey Island Town Council

FREEDOM OF INFORMATION REQUESTS POLICY

This policy supports the legislative framework for responding to requests for information under the statutory access regimes of the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulations (GDPR), the Environmental Information Regulations 2004 (EIR) and any other legislation that provides a right of access.

The aims of the policy are to ensure access to information held by the Council in order to promote greater openness, provide increased transparency of decision making and to build public trust and confidence. These aims will be balanced against the need to ensure the confidentiality of some information relating to such areas as personal privacy, confidentiality and commercial sensitivity where disclosure would not be in the public interest.

There will be some circumstances where we cannot provide you with the information you have requested.

If you wish to access information about your own personal records you need to make a request under the General Data Protection Regulations/Data Protection Act 2018.

A large amount of information about the council's decisions and procedures is already available through the council's publication scheme. The publication scheme is accessible from the council offices and through the council's website www.canveyisland-tc.gov.uk

HOW DO I MAKE A REQUEST

All requests must be in writing. You can send them to the Council Offices, 11 High Street, Essex, SS8 7RB or you can email your request to clerk@canveyisland-tc.gov.uk.

In order to receive the information you want please be as specific as possible.

WHAT WILL HAPPEN TO MY REQUEST

An acknowledgement to your request will be sent to confirm that it has been received. You may be asked to provide more details about the information you have requested to ensure you receive the right information.

In most cases the council will contact you within 20 working days of receiving your request to confirm if the council holds the information and if you are able to have access to that information. If the council cannot provide you with the information you will be written to and an explanation given.

If the council is unable to establish within 20 working days that the information requested can be provided, we will contact you to inform you of the reasons why and provide you with a date when a decision will be made.

WHEN WILL I BE REFUSED ACCESS TO THE INFORMATION?

There are a number of reasons why the council may not be able to provide the information you have requested.

These reasons include:

- If you recently made the same request
- The council considers the request has only been made to cause nuisance
- The council does not have the information
- The cost to provide you with the information is too high
- An exemption applies

WHAT ARE THE EXEMPTIONS?

There are 2 types of exemption: - absolute exemptions and qualified exemptions.

If an absolute exemption applies we will be unable to tell you if we hold the information and you will be unable to access it. If a qualified exemption applies the council must decide if it is in the public interest to provide you with the information. This is a complex legal process and in these circumstances it may take longer than 20 working days to process your request.

WHAT IF ANOTHER AUTHORITY HAS THE INFORMATION?

If we do not hold the information but it is likely that another authority has the information, you will be contacted to ask for your permission to forward the request to the other Authority.

WILL I HAVE TO PAY FOR THE INFORMATION?

Most requests will be free. If the Council estimates that the cost of compliance would exceed the appropriate limit (currently £450) as set out in the Fees Regulations, the Council is not obliged to comply with the request. However, the Council may consider on a discretionary basis what information could be provided within the appropriate limit.

The Council may however charge for disbursements (such as photocopying and postage costs). If the photocopying costs in meeting a request are high, perhaps because of the volume of information requested, the Council may meet its obligations under the FOIA by allowing the applicant to inspect the material or by providing a summary of the information requested. The current charge for paper documents are set out in our Publication Scheme. If you require the document in large print or Braille please tell us in your request.

IF I AM NOT SATISFIED WHAT CAN I DO?

You may complain to the Town Clerk if you are dissatisfied with the Council's response.

Details regarding the complaints procedure may be obtained from the Clerk at the Council Offices. Once you have been through the council complaints procedure you can complain to the Information Commissioner (www.ico.gov.uk). Full details on the complaint procedure are available on request or on our website www.canveyisland-tc.gov.uk.