



# *HELSTON TOWN COUNCIL*

# FREEDOM OF INFORMATION POLICY

Reviewed: November 2021

Next review: November 2022

## **1. Introduction**

- 1.1 The Freedom of Information Act 2000 (the Act) provides the public with a general legal entitlement to view all recorded information held by the Town Council subject to certain exemptions. The public will have rights to view:
  - all the information in the Council's Publication Scheme
  - to request all recorded information held by the Council, regardless of when it was created, by whom, or the form in which it is now held.
- 1.2 We want to show that we are an 'open' organisation committed to delivering the best possible public services. Openness helps the public to trust us and to have confidence in our ability to deliver services to them.
- 1.3 Failure to comply with this policy could have serious consequences for the Council, in the release of inappropriate material or the withholding illegally of information and the attendant adverse publicity and possible legal censure.
- 1.4 The implementation and enforcement of this policy in association with the terms and conditions of employment is intended to protect the employee, colleagues, members of the public and the Council.

## **2. Aims and Scope of the policy**

- 2.1 This policy applies to all the recorded information that the Town Council holds that is information created, received and maintained by Members and Officers in the course of their work.
- 2.2 This policy is intended to ensure everyone is aware of their responsibility under the Freedom of Information Act.

## **3. Guidelines**

- 3.1 Non adherence or disregard to any points below will be seen as a breach of this policy and the disciplinary procedure will be invoked which could result in disciplinary action.
- 3.2 Helston Town Council will:
  1. Comply with the Freedom of Information Act (FOI) 2000.
  2. Maintain a comprehensive Publication Scheme that provides information which is readily accessible without the need for a formal FOI request.
  3. We will respond within 20 working days to straightforward written requests. However, if necessary, this timescale will be extended to give full consideration to a Public Interest Test. If the deadline is not expected to be met, the applicant will be advised of the reasons for the delay and the anticipated reply date.
  4. Continue to protect the personal data entrusted to it, by disclosing that information only in accordance with the provisions of the Data Protection Act 2018.
  5. Keep on file a copy of the request and response.

6. Be aware of the definition of “complex requests” and the escalation procedure and in particular that they should not refuse requests for information in whole or in part.
7. Apply the exemptions provided in the FOI Act and, where qualified exemptions exist, disclose the information unless the balance of public interest lies in withholding it.
8. We will pro-actively publish and make information readily available in accordance with the Publication Scheme.
9. We will review complaints about the release or otherwise of information by referring them to the Town Clerk and remind requestors that they can appeal such decisions to the Information Commissioner.
10. Ensure that all permanent and contract staff and elected Members are aware of their obligations under FOI and will include FOI education in the induction of all new staff.
11. Charge for information requests in line with the FOI Fees Regulations or other applicable regulations, including the Data Protection Act 2018.
12. We will apply the “appropriate limit” in the regulations. Where the cost of complying with the request exceeds this we will issue a refusal notice inviting the requestor to refine their request.

#### **4. Responsibilities**

- 4.1 The Council has a responsibility to make its recorded information available in accordance with the Act.

#### **5. All Staff and Members**

- 5.1 Must ensure that all such data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means.
- 5.2 Should familiarise themselves with this policy and the Freedom of Information Act guidance which is available on the web.
- 5.3 Comply with all the conditions set out within the Act.
- 5.4 Ensure that Data Protection is not breached.

#### **6. The Town Clerk**

- 6.1 The Town Clerk is responsible for ensuring that all staff and Councillors are aware of the Freedom of Information Act and that they adhere to the guidelines within.
- 6.2 The Town Clerk has a responsibility to ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them.
- 6.3 The Town Clerk is responsible for gathering and disseminating information and issues relating to information security, the Data Protection Act and other related legislation.