

# Barnton Parish Council (BPC)

<b>Policy Title:</b> Freedom of Information and Environmental Information Policy	<b>Ref:</b> BPC 02
<b>Author:</b> Lynn Gibbon	<b>Date:</b> January 2013 Version3 <b>Review Date:</b> January 2014

## FREEDOM OF INFORMATION POLICY

### Introduction

This policy ensures the easy, appropriate and timely retrieval of information and the framework through which this effective management can be achieved and audited.

The Freedom of Information Act was fully implemented in January 2005 and is intended to provide greater access to all types of recorded information and imposes obligations to disclose information, subject to a range of exemptions.

### 1. Scope

The implementation of this policy applies to all recorded information held by BPC. The purpose of the policy is to ensure that the provisions of the Freedom of Information Act are adhered to and in particular that:

- any appropriate published information about BPC is made available to the public as a matter of course through the Publication Scheme;
- other appropriate information not included in the Publication Scheme is available on request and such a request is dealt with in a timely manner (refer to Section 4 for details); and
- in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released.

### 2. Relationship with existing policies and legislation

This policy has been developed and will be implemented within the context of other BPC policies, procedures and national legislation.

### 3. Publication Scheme

As good practice BPC has produced a Publication Scheme which sets out what information it would release as a matter of course and whether or not this information will be made available free of charge or on payment of a fee.

The Publication Scheme below specifies the classes of information available from the BPC or the website [www.barntonvillage.org.uk](http://www.barntonvillage.org.uk) or in hard copy, upon request:

- Organisational information
- Financial information – relating to year end accounts, project expenditure, contracts, tendering and procurement
- Strategy and development
- Internal criteria, policies and procedures
- Media releases

### 4. Specific Requests for Information

Information not already made available in BPC's Publication Scheme will be accessible through a specific request for information. The Freedom of Information Act establishes two related rights:

- the right to be told whether information exists, and
- the right to receive the information (subject to exemptions)

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These rights can be exercised by anyone worldwide. Specific requests for information not listed in the Publication Scheme will be dealt with by the Web Editor or the Clerk.

Any request must be made in a permanent form (for example in writing or by email) and a charge may be made for dealing with any request. Requestors will not be entitled to information to which any of the exemptions in the Act applies. However, only those specific pieces of information to which the exemption applies will be withheld, and information covered by an exemption will be subject to review by the Web Editor or the Clerk.

BPC must respond to any request within **20 working days** although further reasonable details can be requested in order to identify and locate the information. If a fee is required, the period of 20 working days is extended by up to 3 months until the fee is paid.

### 5. Charges

Unless otherwise specified information made available through BPC's Publication Scheme will be free of charge, although BPC reserves the right to charge an appropriate fee for dealing with a specific request for information not listed in the Publication Scheme in accordance with the Act.

### 6. Complaints

BPC will co-ordinate any complaints received in respect of this policy.

- The complaint should be addressed to the Clerk in the first instance. The complaint will be acknowledged immediately and every reasonable effort will be made to offer a more comprehensive reply within 21 days.
- If the applicant is not satisfied with the reply then they should inform the **Clerk within 21 days**.
- The complaint will then be forwarded to the Chair of BPC and will be dealt with in accordance with BPC's Complaints Procedure or the Grievance Procedure as appropriate.

If applicants are dissatisfied with the outcome of the Complaints Procedure they may seek an independent review from the Information Commissioner. Requests for review by the Information Commissioner should be made in writing to:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

### 7. Exemptions

BPC reserves the right to withhold information if an exception applies, based on the list of exemptions under the Freedom of Information Act;

#### A. Exemptions where the public interest applies:

- s22 Information intended for future publication
- s24 National security
- s26 Defence
- s27 International relations
- s28 Relations within the United Kingdom
- s29 The economy
- s30 Investigations and proceedings conducted by public authorities
- s31 Law enforcement

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- s33 Audit functions
- s35 Formulation of government policy, etc.
- s36 Prejudice to effective conduct of public affair, except for information held by the House of Commons or the House of Lords
- s37 Communications with Her Majesty, etc
- s38 Health and safety
- s39 Environmental information
- s40 Personal information (only where the information concerns a third party)
- s42 Legal professional privilege
- s43 Commercial interests

### **B. The absolute exemptions**

If these exemptions apply it is not necessary to go on to consider whether the disclosure is in the public interest.

- s21 Information accessible to applicants by other means
- s23 Information supplied by, or relating to, bodies dealing with security
- s32 Court records, etc
- s34 Parliamentary
- s36 Prejudice to effective conduct of public affairs (only applies to information held by the House of Commons or the House of Lords)
- s40 Personal information (where the applicant is the subject of the information)
- s41 Information provided in confidence
- s44 Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court.

Where an exception applies, BPC is required to undertake a Public Interest Test, in which we must consider whether the public interest in maintaining the exception outweighs the public interest in disclosing it.

In the event that BPC decides to withhold any information, the applicant will be contacted and an explanation of that decision provided.

### **8. Personal Information**

The personally identifiable information ("Personal Information") collected can include some or all of the following: name, employer, address, telephone number, e-mail addresses, and any other information which is voluntarily provide or publicly available in newspapers, magazines and on the internet. All Personal Information will be kept in a secured database. Anyone can be removed from this database at any time by contacting BPC through email.

BPC may use Personal Information for any of the following purposes:

- to respond to specific requests and communications; to send news and information about BPC and partner organisations;
- to create invitations to BPC and partners' events; to consult on key issues affecting the sub region.

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As a general rule the information which is supplied, will be processed purely for the purpose(s) for which it is supplied and collected. However, we may on occasion use and transfer Personal Information to the third parties mentioned in this policy for the following purposes:

- for business development;
- to be invited to participate in relevant consultations in the sub region
- to be invited to relevant partners' events;
- to suppliers commissioned by us to undertake research, send out mailings or to manage events on our behalf – in these cases the information will only be used for the purpose for which these services have been commissioned.

We may from time to time provide the information to our funding organisations and trusted non-commercial partners who work on behalf of, or with, BPC under confidentiality agreements. Information provided to suppliers for the purposes stated above will only be used for that purpose. These organisations do not have any independent right to share this information or use it for anything other than the purposes stated above.

### Partner Organisations

Include Cheshire West and Chester Council, Cheshire Constabulary, other local Parish Councils and other public sector organisations relating to our areas of work.

BPC will not sell, rent, loan, transfer, or otherwise disclose any Personal Information to third parties except as set forth in this statement. BPC may share Personal Information with third parties under the following circumstances:

- in connection with a court order, government investigation, or when otherwise required by law.

### 9. The Environmental Information Policy 2004

The Environmental Information Regulations 2004 came into force in 2005 alongside the Freedom of Information Act. The regulations cover information about the environment held by bodies which provide services, or carry out functions in relation to the environment and as such applies to all recorded information held by BPC. All requests should be made in the authorised process stated above.

### Monitoring and Review

This policy will be reviewed annually by the Clerk to ensure that it is continually developed and meets current legislation and made publicly available.

Authorised by: .....

Date: .....