



Treverbyn Parish Council

Freedom of Information Act Policy

1. Introduction

Treverbyn Parish Council (“the Council”) is committed to openness, transparency, and accountability in its decision-making and operations.

This policy sets out the Council’s approach to complying with the:

- Freedom of Information Act 2000 (FOIA)
- Environmental Information Regulations 2004 (EIR)
- Data Protection Act 2018
- UK General Data Protection Regulation (UK GDPR)

The Council recognises the public’s right to access information held by public authorities, subject to certain legal exemptions.

2. Purpose

The purpose of this policy is to:

- Promote openness and transparency
- Ensure compliance with legal obligations
- Provide clear procedures for handling information requests
- Support public confidence in the Council
- Clarify responsibilities of councillors and staff

3. Scope

This policy applies to all recorded information held by the Council, including information held:

- Electronically

- In emails
- In paper records
- In archived records
- On portable devices
- In cloud-based systems
- On personal devices used for Council business

The policy applies to:

- Councillors
- Employees
- Volunteers
- Co-opted members
- Any person handling Council information

4. Principles

The Council shall:

- Make information available proactively where appropriate
- Respond to requests promptly and fairly
- Apply exemptions lawfully and proportionately
- Protect personal and confidential information
- Promote transparency wherever possible

The Council recognises that disclosure is the default position unless lawful exemptions apply.

5. Publication Scheme

The Council shall maintain and publish information in accordance with the Information Commissioner's Office (ICO) Model Publication Scheme for local councils.

Information normally published may include:

- Agendas and minutes
- Policies and procedures
- Financial information
- Annual accounts
- Audit documents
- Councillor information
- Contact details
- Asset information

The Council website shall be used where practicable to publish information proactively.

6. Freedom of Information Requests

Any person may request recorded information held by the Council.

Requests:

- Must be in writing
- May be submitted by email or letter
- Must include the requester's name and correspondence address
- Should describe the information requested clearly

Requests do not need to mention the Freedom of Information Act to be valid.

7. Environmental Information Requests

Requests relating to environmental matters may fall under the Environmental Information Regulations 2004 (EIR).

Examples may include:

- Land use
- Planning matters
- Environmental conditions
- Footpaths and public rights of way
- Trees and biodiversity
- Waste or pollution matters

Environmental information requests may be made verbally or in writing.

8. Responsibilities

8.1 The Council

Treverbyn Parish Council is responsible for ensuring compliance with Freedom of Information legislation.

8.2 The Clerk

The Clerk shall oversee the handling of information requests and shall:

- Receive and log requests
- Coordinate searches for information
- Assess whether exemptions apply
- Issue responses
- Maintain request records
- Liaise with the Information Commissioner's Office where necessary

8.3 Councillors, Staff and Volunteers

All persons handling Council information must:

- Assist with lawful searches for information
- Protect confidential and personal information
- Forward requests promptly to the Clerk
- Follow this policy and related procedures

Councillors using personal devices or email accounts for Council business may be required to search relevant records where lawful requests apply.

9. Timescales

The Council shall normally respond to requests within:

- Twenty (20) working days

unless an extension is permitted by legislation.

Where clarification is required, the response period may be paused until clarification is received.

10. Searching for Information

Reasonable and proportionate searches shall be undertaken for relevant information.

Searches may include:

- Council email accounts
- Electronic systems
- Paper records
- Archived records
- Relevant Council business held on personal devices or email accounts

The Council is not required to create new information in response to a request.

11. Exemptions

The Council may withhold information where lawful exemptions apply.

Examples may include:

- Personal data
- Confidential information
- Legally privileged material
- Commercially sensitive information
- Information intended for future publication
- Information affecting law enforcement or investigations

Exemptions shall be applied carefully and lawfully.

Where appropriate, public interest tests shall be considered.

12. Personal Data

Personal data shall be handled in accordance with:

- UK GDPR
- Data Protection Act 2018

Personal information may be redacted or withheld where disclosure would breach data protection legislation.

The Council shall balance transparency obligations with privacy rights.

13. Fees and Charges

Most requests shall be processed free of charge.

The Council may charge fees where permitted by legislation, including for:

- Excessive copying or printing
- Postage costs
- Large or complex requests where lawful

The Council may refuse requests exceeding statutory cost limits.

14. Vexatious or Repeated Requests

The Council may refuse requests considered:

- Vexatious
- Repeated
- Manifestly unreasonable

The Council shall explain refusals where required by legislation.

15. Internal Review

Applicants dissatisfied with a response may request an internal review.

Reviews shall normally be conducted by an appropriate person not directly involved in the original decision where practicable.

16. Complaints

Applicants may complain to:

- Information Commissioner's Office

if dissatisfied with the Council's handling of a request.

The Council shall cooperate with lawful investigations and regulatory requirements.

17. Records Management

The Council shall maintain records appropriately to support transparency and accountability.

Records shall be managed in accordance with:

- Retention arrangements
- Data protection requirements
- Good governance practices

18. Relationship with Other Policies

This policy should be read alongside:

- Data Protection Policy
- GDPR Policy
- Data Subject Access Request Policy
- IT Policy
- Records Retention Policy
- Publication Scheme

19. Review

This policy shall be reviewed annually or sooner if required due to legislative or operational changes.

20. Adoption

Adopted by Treverbyn Parish Council on: