



Freedom of Information Policy

Adopted by Marden Parish Council on: 10th July 2007
Reviewed on: 14th August 2018 / 11th June 2019
Review on: June 2020

Office Opening Times:
Mondays, Tuesdays & Fridays 10am - 12 noon
www.mardenkent-pc.gov.uk
Email: clerk@mardenkent-pc.gov.uk
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Reviewed/Amended: 11th June 2019





FREEDOM OF INFORMATION POLICY

Marden Parish Council, like all other public authorities, is subject to the Freedom of Information Act 2000 ("the Act"). The Act aims to make information held by public authorities more accessible to the public and allows individuals and companies to request a wide variety of material.

This document is based on the Code of Practice and guidance issued by the Department for Constitutional Affairs (DCA) – refer to www.dca.gov.uk/foi/ for details.

Your rights under the Act

On receipt of a request for information the Council must:

- (a) Inform you in writing whether it holds the information requested and, if so,
- (b) Communicate that information to you.

The Council is not required to comply with these obligations where one or more exemptions apply (refer to the DCA guidance for details).

Who may request information?

Any individual or company may make a request. Applicants do not need to be UK citizens or living in the UK to make a request.

The Council does not need to know why you are making the request or what you intend to do with the information. It will not impose conditions on the use or further disclosure of information provided although information disclosed may be subject to copyright protection.

What information may I request?

You may request any information held by or on behalf of the Council and recorded in any form. This includes paper records (including hand written notes), information held on computers, other electronically held information (audio and video recordings), plans, maps, and photographs.

You are entitled to the information contained in documents, not to the documents themselves. However, where appropriate and convenient the Council may choose to provide a copy of the document rather than extracting the information from it. There may be a charge for extracting or providing copies of this information (see below).

If your request "personal information" covered by the General Data Protection Regulations or "environmental information" covered by the Environmental Information Regulations 2004 then different rules apply.

How do I make a request?

Requests must be made in writing and should include:

- your name and address (physical or electronic) for correspondence;
- a clear statement of the information you are requesting;
- a contact telephone number in case the Parish Clerk needs to discuss your request;
- the form in which you wish to receive your information.

Requests may be submitted via letter or e-mail, but the Council would encourage you to use the standard form (see attached). If you require advice or assistance in making a request please contact the Parish Clerk on (01622) 832305.

Where do I send my request?

Requests by letter should be sent to:

Marden Parish Council, Parish Office, Memorial Hall
Goudhurst Road, Marden, Kent, TN12 9JX

Requests by e-mail should be sent to:

clerk@mardenkent-pc.gov.uk

What the Council will do when it receives your request?

The Council will acknowledge your request and let you know if all or part of your request will be dealt with under the Environmental Information Regulations/the General Data Protection Regulations. The Parish Clerk will let you know if he/she requires further information in order to identify and locate the information you have requested.

If the Council does not hold the information requested, it will consider whether it may be appropriate to transfer your request to another public authority. In doing so the Council will follow the guidance in section III of the Code of Practice referred to above.

How long does it take?

The Council is obliged to comply with the obligations under the Act promptly and (subject to limited exceptions) within 20 working days following the date it receives your request. If the Parish Clerk needs to ask you for clarification of the request, the 20 working day period does not start until that is received. If payment is required the 20 day working period restarts on receipt of the payment.

If (in the limited circumstances where the Council is permitted to do so) it needs to extend the timescale to give proper consideration to the request then the Parish Clerk will inform you of this.

Already published information

The Council routinely handles requests for basic information and will continue to do this without necessarily having to treat the request as a request under the Act.

The Council also publishes information pro-actively whenever possible, rather than it only being available on request. The Council's Publication Scheme specifies the categories of information that it publishes or intends to publish, how to obtain that information, and whether any payment is required.

If information is available under the Publication Scheme the Council is not obliged to provide the information to you under the Act because it is deemed to be already reasonably accessible to you. Where this is applicable, the Council will respond to your request by explaining how you can access the information.

Are there circumstances in which the Council's obligations under the Act will not apply?

Yes. The Council is not obliged to comply with repeated or vexatious requests nor with requests that exceed the cost limit (see below).

Furthermore, the Act contains a number of exemptions from these obligations, most of which involve the application of a public interest test. If your request is refused, our reply will identify which exemption (or exemptions) the Council is relying on. Where applicable, the Council will explain why it has decided that the public interest in withholding the information (or in neither confirming nor denying that it holds it) outweighs the public interest in disclosing (or confirming/denying).

Consultation with third parties

If your request relates to a person/company other than yourself and the Council or where disclosure of the information you are requesting could affect the interests of another person, the Council may need to consult that third party before responding to your request.

How is information released?

If you express a preference for receiving the information requested in a particular format or as a summary, the Council is obliged to accommodate your preference unless it is not reasonably practicable for us to do so. Information may be provided in Braille or audio format, in large type, or translated into another language. When requesting information be provided in a particular format or as a summary you should take into account the extra cost of supplying the information in this way.

If your preference is to inspect the records containing the information, this can be arranged in the Parish Office under supervision.

When making your request for information, please identify how you would like to receive the information.

What does it cost?

The Act makes provision for a fee to be charged for the information.

If it will cost more than £450 for the Council to respond to a request, then it need not comply with it. The cost limit covers the time taken to find, sort, edit or reformat material (calculated at £25 per hour). It does not cover the time taken to consider whether exemptions apply. Complying with requests that will cost more than £450 is discretionary.

For requests where the costs are less than the £450 ceiling, the Council will charge the following fees:

Photocopying of existing material in the Parish Office (maximum A4 size) – 10p per sheet

Scanning existing material, formatting and saving digitally in the Parish Office (maximum A4 size) – 25p per sheet

Reproduction of existing material that cannot be done in the Parish Office – to be quoted on a case-by-case basis depending on the exact requirements, the location of the copying facility to be used and the staff time/travelling expenses/postage costs involved

Staff time to find, sort, edit or reformat material – £25 per hour

Postage (using the service that you prefer) – at cost

E-mailing of existing material held in a digital format – free of charge (subject to Internet Service Provider size limits)

Special requirements not listed above – on application

On receipt of your written request the Parish Clerk will write to advise you of the cost of providing the information. The 20 day period will restart from the day the Parish Clerk receives your payment.

Please note that the Council does not have to provide the information if you fail to pay within three months.

Complaints & Appeals

Should you be unhappy with the outcome of a request under the Act, you should in the first instance contact the Parish Clerk. He/she will review your complaint, reconsider any decisions relating to the release or withholding of information and, if appropriate, provide a further response. If, after review, the original response is considered correct, your complaint will be reconsidered by the Chairman of the Parish Council.

If you are dissatisfied with the results of the Council's internal review, you may appeal to the Information Commissioner (refer to www.informationcommissioner.gov.uk for details).