



## **Haslemere Town Council** **Freedom of Information Act Policy**

### **The Freedom of Information Act 2000**

The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways:

- Public authorities are obliged to publish certain information about their activities
- Members of the public are entitled to request information from public authorities

The FOI Act gives two related qualified rights – the right to be told whether the information is held and the right to receive the information, subject to exemptions. The right of access applies regardless of the purpose of the application

The Act covers any recorded information held by a public authority in England, Wales and Northern Ireland and by UK-wide public authorities based in Scotland. Recorded information includes printed documents, computer files, letters, emails, photographs, hand written notes and sound or video recordings.

The Act does not give people access to their own personal data (information about themselves). Individuals wishing to see information about themselves need to make a Subject Access Request under the Data Protection Act 2018.

### **Policy**

#### 1. HTC will:

- Respond to requests for information promptly and within 20 working days from the day after the day of receipt. Where we are not able to do so we will inform requesters of the reasons and keep them updated of progress in dealing with their request.
- Maintain a 'Publication Scheme' that provides information which is readily accessible without the need for a formal FoIA request.
- Continue to protect the personal data entrusted to us, by disclosing it only in accordance with the Data Protection Act 2018.
- Consult with third parties before disclosing information that could affect their rights and interests. However, we reserve the right to take the final decision on disclosure.
- Reserve the right to make reasonable charge for information requests in line with the FoIA Fees Regulations or other applicable regulations, including charging for requests made under the Data Protection Act 2018.
- Where we are not minded to disclose information where exemption(s) apply seek to explain the exemption and how we are applying it.
- Provide a review process for requesters
- Ensure that all staff are aware of their obligations under the Act to make information available.

### **Making a request for information**

To be valid under the FOI Act, requests:

- Must be in writing;
- Must clearly describe the information being sought;
- Can be made by an individual or an organisation;
- Can be made by letter, or email;
- Must be legible and
- Must contain the name of the applicant and a return address.

To be valid under the FOI Act requests do not:

- Have to be written in a special form;
- Need to mention the FOI Act; or
- Need to refer to "Freedom of Information".

When making your request you should include:

- Your preferred correspondence details e.g. name, email or postal address
- A clear description of the information you are requesting in as much detail as possible. If we need to clarify your request it may take longer to provide the information to you

HTC has a duty to provide advice and assistance to applicants under Section 16 of the FOI Act so far as it would be reasonable to expect HTC to do so. HTC must advise whether it holds the information, and must normally supply it within 20 working days. However, if your request is unclear and we need further details to establish if we hold the information, we may ask you for clarification. The time limit will stop and will not restart until we receive the additional detail from you.

If you wish to request information which is not already published on our website through our Publication Scheme, please email [town.clerk@haslemeretc.org](mailto:town.clerk@haslemeretc.org) or write to us at Town Clerk, Town Hall, High St, Haslemere Surrey GU27 2HG

Any information we supply to you under FOIA should be for your personal use and may be subject to copyright.

## Repeat requests

Where a repeated request is received that is identical or substantially similar to a previous request from the same person, HTC will consider this as a repeated request. HTC is not obliged to comply with repeat requests for information, under the FOI Act unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

In reaching a decision about whether an application for access should be categorised, as a repeat request HTC will have regard to:

- The time that has elapsed since the previous request;
- Whether the request is identical or substantially similar to the previous request;
- Whether any relevant, new information has been generated since the previous request.
- A 'reasonable interval' will be deemed to be 40 working days.

## Vexatious requests

HTC is not obliged to comply with vexatious requests under the FOI Act.

In determining whether a request should be refused because it is vexatious HTC will consider all the circumstances of the request, including:

- The context and history of requests submitted by an applicant;
- Whether the request is likely to cause unjustified distress, disruption or irritation.
- Whether the request could fairly be seen as obsessive
- Whether complying with the request imposes a significant burden
- Whether an applicant is habitually and persistently submitting requests where there appears to be no reasonable grounds for them to do so
- Whether there is a strong likelihood that such requests are being made to intentionally cause harassment, cause distress to staff, divert resources or to disrupt the proper workings of HTC.

## Fees

Section 9 of the FOI Act allows HTC to charge a fee for providing information in response to a request. The fee is determined in accordance with the Fees Regulations. The Fee Regulations set out what charges are permissible for information requests. These charges are currently defined as two elements, prescribed costs and disbursements.

Under section 12 of the FOI Act, HTC does not have to comply with a request for information if the cost of compliance exceeds the Appropriate limit, this is the limit for the estimated or calculated prescribed costs. The regulations define an 'Appropriate Limit', for non-central Government is currently £450.

HTC must still confirm or deny whether it holds the information requested unless the cost of this alone would exceed the appropriate limit.

HTC can only take into account the costs it reasonably expects to incur in:

- Determining whether it holds the information requested;
- Locating the information, or document containing the information;
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it

The cost will be calculated at £25 per hour per person, regardless of the actual cost or rate of pay. The calculation of the appropriate limit of £450 is equivalent to about 2.5 days of one person's time charged at the £25 per hour rate.

Where a reasonable estimate is made that the appropriate limit of £450 for the costs of preparation would be exceeded then HTC will either:

- Refuse to comply with the request; and/or
- Issue a fees notice to the applicant for the estimated amount

Where appropriate the applicant may be asked whether they would like to reframe their request so that it does not exceed the appropriate limit of £450, in these circumstances the applicant will have the choice of amending the request or alternatively paying the preparation fees.

Where the limit is exceeded, there is no requirement for HTC to undertake work up to the limit. HTC can also include the costs of Disbursement as a separate fee.

### **Requests for review**

If you have not received the information you asked for, or if some of it has been withheld, HTC may review how it had dealt with the FOI request.

You must put your request for review in writing within 40 working days of receiving HTC's response, giving the reasons for your review request. You can either email **[town.clerk@haslemeretc.org](mailto:town.clerk@haslemeretc.org)** or write to us at Town Clerk, Town Hall, High St, Haslemere Surrey GU27 2HG

### **Appealing to the information Commissioner's Office**

If you are still not happy with the way your request has been handled or your review response you may appeal to:

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 01625 545745

Fax: 01625 524510

website: <https://ico.org.uk>

Further information about your rights under the Freedom of Information Act is available from our website of the [\*\*Information Commissioner's Office\*\*](#).



**Information available from HASLEMERE TOWN COUNCIL under the model publication scheme**

Information to be published	How the information can be obtained	Cost
<b>Class 1 – Who we are and what we do</b> (Organisational information, structures, locations and contacts)		
Who's who on the council and its committees	Hard copy Website	Disbursement cost
Contact details for the Clerk and council members	Hard copy Website	Disbursement cost
Location of main council office and accessibility details	Hard copy Website	Disbursement cost
Staffing structure	Hard copy Website	Disbursement cost
<b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)		
Full accounts and audit report	Hard copy Website	Disbursement cost
Finalised budget	Hard copy Website	Disbursement cost
Precept	Hard copy Website	Disbursement cost
Borrowing Approval letter	Hard copy Website	Disbursement cost
Financial Standing Orders and Regulations	Hard copy Website	Disbursement cost
Grants given and received	Hard copy Website	Disbursement cost
List of current contracts awarded and value of contract	Hard copy Website	Disbursement cost
Members' allowances and expenses	Hard copy Website	Disbursement cost
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)		
Business Plan / Vision Document	Hard copy Website	Disbursement cost
Annual report to Town Conference / Parish Assembly	Hard copy Website	Disbursement cost
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)		
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	Hard copy Web site	Disbursement cost

Agendas of meetings (as above)	Hard copy Web site	Disbursement cost
Minutes of meetings (as above) – <i>n.b. this will exclude information that is properly regarded as private to the meeting</i>	Hard copy Web site	Disbursement cost
Reports presented to council meetings – <i>n.b. this will exclude information that is properly regarded as private to the meeting</i>	Hard copy Web site	Disbursement cost
Responses to consultation papers	Hard copy Web site	Disbursement cost
Responses to planning applications	Hard copy Web site	Disbursement cost
Bye-laws	Hard copy	Disbursement cost
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities)		
<u>Policies and procedures for the conduct of council business:</u> Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct Policy statements	Hard copy Web site	Disbursement cost
<u>Policies and procedures about the employment of staff:</u> Equal Opportunities Statement Health and Safety Policy Recruitment policies (including current vacancies) Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)	Hard copy Web site	Disbursement cost
Record management policies (records retention, destruction and archive)	Hard copy Web site	Disbursement cost
Schedule of charges (for the publication of information)	Hard copy Web site	Disbursement cost
<b>Class 6 – Lists and Registers</b> (Currently maintained lists and registers)		
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)	Hard copy – some information may be available for inspection only	Disbursement cost
Asset Register	Hard copy Web site	Disbursement cost
Register of members' interests	Hard copy Web site	Disbursement cost
Register of gifts and hospitality	Hard copy Web site	Disbursement cost
<b>Class 7 – The services we offer</b>		

(information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)		
Allotments	Available for inspection	Free of charge
Parks, playing fields and recreational facilities	Hard copy booking form	Free of charge
Seating, litter bins, clocks, memorials and lighting	Available for inspection	Free of charge
Bus shelters	Available for inspection	Free of charge
Newsletters	Delivered to all properties in the parish	Free of charge
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	Hard copy Web site	Disbursement cost

**Town Hall contact details:**

Town Clerk,  
High St,  
Haslemere  
Surrey  
GU27 2HG  
01428 654305  
[admin@haslemeretc.org](mailto:admin@haslemeretc.org)

**Disbursement costs:**

Photocopying (black and white) – 10p per sheet  
(colour) – 20p per sheet  
Postage – at Royal mail prevailing rate