



## **Haslemere Town Council** **Freedom of Information Act Internal Process**

### **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.

### **Validity of 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".

## **Internal process for dealing with an FoI request.**

The Town Clerk will assess the application against the above criteria to see if it is valid, if in doubt she will discuss with the Council's externally appointed Data Protection Officer (DPO).

If the application is not deemed to be valid the applicant will be notified, given reasons, and invited to resubmit the request.

If the request is deemed to be valid the Town Clerk will notify the Mayor, Chair of Staffing, Chair of Finance and Governance. She will set out the information required and how she plans to deliver the information. Where this is a straightforward request for a piece of information held on the Council's server the Clerk will send it out as soon as is practicable. In any other instance, for instance where the Town Council's mailboxes need to be searched, the Clerk will ensure that she has agreed her approach with the DPO before informing the above named councillors.

In an instance where councillors mailboxes have been searched, all councillors will be informed of this once the process has taken place.

Where the gathering of requested information is likely to take more than one working day the Chair of Staffing and Mayor will be kept informed of any impact this is having on Town Hall officers other work. If necessary, external resource can be sought to support the information gathering stage.

Where it will not be possible for a request to be answered within the 20 working days (which starts the day after the request was received) the Town Clerk will keep the applicant informed.

## **Requests for review**

If the applicant does not receive the information that they asked for, or if some of it has been withheld, HTC may be asked to review how it had dealt with the request.

The applicant must put their request for review in writing within 40 working days of receiving HTC's response, giving the reasons for the review request.

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

If the applicant is still not happy with the way their request has been handled or they 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>