



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

FREEDOM OF INFORMATION

Introduction

Penrith Town Council is committed to complying with the provisions of the Freedom of Information Act 2000 (FOIA) and related legislation.

This legislation enables anyone, anywhere in the world, to request any recorded information held by, or on behalf of, Penrith Town Council and promotes greater openness and accountability across the public sector and gives a general right of access to all types of recorded information held by public authorities, subject to exemptions.

You can also request information about the personal data the council holds about you. Information will be provided if it is held, unless one or more of the exemptions listed in the legislation applies. Information which is exempt does not have to be provided.

Scope

This policy applies to all recorded information held by the Council or by someone else on behalf of the Council. It does not apply to information, which the Council only holds on behalf of another person or organisation.

The type of information you can request

You can ask to have any information that is already held in a recorded form including information held on computers, in emails and in printed or handwritten documents as well as images, video and audio recordings. However, the Act does not cover information that is not recorded, i.e. in someone's head.

We are also not required to have to create new information in order to respond to a request, or find the answer to a question from staff who may happen to know it.

How to make a request

All employees are responsible for ensuring that any request for information they receive is dealt with in line with the requirements of the FOIA and in compliance with this policy. The Council's Town Clerk manages and coordinates all requests for information.

Any requests for information should be sent directly to:

Deputy Town Clerk (FOI Officer),
Penrith Town Council,
Unit 1 Church House,
19-24 Friargate,
Penrith,
Cumbria CA11 7XR
Tel: 01768 899773
Email: deputytownclerk@penrithtowncouncil.gov.uk

Where an applicant indicates that they would like the requested information in a particular form i.e. paper, electronic or inspection at Council offices, we will comply with their preference where reasonably practicable, taking into account all the particular circumstances, including cost.

The Information Commissioner's Office (ICO) is an independent body that enforces the Freedom of Information Act, the Data Protection Act and the Environmental Information Regulations, and has produced some guidance on what to consider before making your request. Use the underlined link below to open the ICO website:

<https://ico.org.uk/your-data-matters/official-information/>

Dealing with requests

The Council will provide advice and assistance to help people make requests under the FOIA. The Council aims to respond to all requests promptly and at any rate, within the statutory response period of 20 working days following receipt of a valid request. This timescale can be extended under specific circumstances, for example if further clarification is required or if an exemption applies and we are considering whether or not it is in the public interest to disclose the information regardless of the exemption.

The Council aims to publish as much information as it can, both proactively and in response to requests under the FOIA; however exemptions will be applied where appropriate to ensure that information which is not suitable for publication is protected.

Written requests for information received by the Council via post, email or other means will be treated as requests under the FOIA in cases where the information is not already publicly available or routinely disclosed on request.

There is no need for requests to indicate they are made under the FOIA; however applicants making requests must provide their real name and an address for correspondence (email or postal). If a request is unclear, we will ask for clarification as soon as we can to enable us to proceed with considering the request.

The Council reserves the right to refuse requests where the cost of providing the information would exceed the statutory cost limit. This limit is currently £450, which equates to 18 hours' work at a statutory rate of £25 per hour. Where we estimate that complying with a request will take more than 18 hours of officer time, we will try to assist applicants to make refined requests which are more manageable.

Relationship with the data protection act

The Council is under a legal duty to protect personal data as required by the Data Protection (DP) 1998 and the General Data Protection Regulations 2018. The Council will carefully consider its responsibilities before disclosing personal data about living individuals, including current and former officers, members, and users of its services.

Refused requests

We will provide you with the information unless there is a good reason for not doing so - for example if your request relates to the personal details of another person. If we decline your request, we will let you know why we made this decision. If you do not agree, you can ask us to reconsider our decision. If the request is still declined, you can ask the Information Commissioner's Office to review the decision.

Charges for information

Most of the time we will supply information free of charge. However, either sometimes you may have to pay a fee, to cover administration costs, or to pay photocopying or postage costs, or because of the expense involved in finding and supplying the information. Details of our fees can be found in the Publication Scheme.

Publication Scheme

The Council has adopted the Information Commissioner's Model Publication Scheme for Local Authorities and will maintain the scheme to ensure that the information it refers to is up-to-date.

All of the information referred to in the publication scheme is readily available to the public, either via the Council website, in hard copy on request or by inspection at Council offices. Some information contained within the scheme is only available on payment of a fee; all fees and charges are listed in the Council's Schedule of Charges within the publication scheme.

Charges

Any charges for information contained within the Publication Scheme. Any other type of information will be provided electronically and free of charge where possible; however there may be circumstances where we need to charge for information e.g. if it is only available in paper form and there is a large amount of copying involved. If there will be a charge for disbursements e.g. photocopying or postage in order to provide the information, we will inform applicants as soon as possible to see if they wish to proceed; however such charges will usually be waived if they amount to less than £10.

Charges under these circumstances will be calculated at a rate of 10p per sheet of A4 for photocopying; postage will be calculated using Royal Mail's postage rates at the time the request is dealt with. Any other similar charges which may arise e.g. larger paper sizes will be reasonable and be calculated on the basis of the actual cost to the Council of providing the information to applicants.

Complaints about requests for information

Anyone who has made a request for information to the Council under the FOIA is entitled to request an internal review if they are unhappy with the way their request has been handled. Any internal review will consider whether or not the request was handled appropriately, in line with the requirements of the FOIA. Applicants wishing to ask for an internal review must do so within 40 working days of the date of the Council's response to their request.

The Council aims to respond to internal reviews within 20 working days of receipt.

Anyone who is unhappy with the outcome of an internal review is entitled to complain to the Information Commissioner.

Approved: May 2015

Reviewed: Annually