

EPPING TOWN COUNCIL

FREEDOM OF INFORMATION POLICY

Epping Town Council understands the importance of the Freedom of Information Act 2000 and will comply with the requirements of the Act in the correct manner. Requests will normally be dealt with by the Town Clerk, but in their absence will be dealt with by an authorised officer of Council, in accordance with this policy.

Anyone has a right to request information from a public authority. Epping Town Council has two separate duties when responding to these requests:

- 1) To tell the applicant whether you hold any information falling within the scope of their request; and
- 2) To provide that information.

We normally have 20 working days to respond to a request.

- For a request to be valid under the Freedom of Information Act it must be in writing, but requesters do not have to mention the Act.
- Any letter or email to a public authority asking for information is a request for recorded information under the Act.

Normal requests will form part of good customer service.

The provisions of the Act will come into force only if:

- (1) We cannot provide the requested information straight away; or
- (2) The requester makes it clear they expect a response under the Act.

It is important to determine whether a request for information is valid.

To be valid under the Act, the request must:

- 1) Be in writing (letter, email, website, social media if used).
- 2) Include the requester's real name. The request can be made on behalf of an organisation or on someone else's behalf.
- 3) Include a correspondence address (postal or email). It doesn't need to be their home address
- 4) Describe the information requested. This may be general information or specific documents.

Where a Freedom of Information request is not valid, we will assist requesters by showing them how to make a valid request.

If we do not hold the information, it can't be provided.

If we don't hold the information we will not be able to provide it and are not obliged to.

General information will be issued in the normal course of customer service.

More formal, non-routine requests will be dealt with under the Freedom of Information Act.

Persons asking for their own personal data will be dealt with as a Subject Access Request under the Data Protection Act.

Environmental Information requests are covered by the Environmental Information Regulations 2004.

Timescales

Under the Act, most public authorities may take up to 20 working days to respond, counting the first working day after the request is received as the first day. Working day means any day other than a Saturday, Sunday, or public holidays and bank holidays

The time allowed for complying with a request starts when Epping Town Council receives it, not when it reaches the Freedom of Information Officer (or other relevant member of staff). Certain circumstances may allow extra time. However, the requester will be given a written response within the standard time limit.

Requests are sometimes ambiguous, with many potential interpretations, or no clear meaning at all. If you can't answer the request because you are not sure what is being requested, we will contact the requester as soon as possible for clarification. The request can be dealt with when we have received the clarification we need.

If we don't hold the information

The Act only covers recorded information we hold. We will check thoroughly that we don't hold the information. If we know where the information is held elsewhere, we will advise the requester of where it can be obtained.

If we are refusing all or part of the request, we will normally confirm whether you hold (further) information. We do not need to give a description of this information; we have to say whether you have any (further) information that falls within the scope of the request.

If the information is not up to date, this will still be disclosed as appropriate, the condition of the information being explained.

Charging for the information

Charges for the information will be made in accordance with our photocopying charges. (See Publication Scheme)

A4 10p single sided/A4 double sided 15p/A3 20p single sided (black and white).

Personal data

Epping Town Council are committed to protecting personal data and any information released under the Freedom of Information request will have any personal or sensitive data removed.

Refusing requests for information

We may refuse an entire request under the following circumstances:

- 1) It would cost too much or take too much staff time to deal with the request.
- 2) The request is vexatious.
- 3) The request repeats a previous request from the same person.

Exemptions also apply to:

Information where harm would arise from disclosure eg criminal activity, commercial interests or personal data.

If an absolute exemption applies (eg if request from security services)

If not absolute, it may require a public interest test ie is it in the public interest to disclose the information.

Refusing to disclose information

A written refusal notice will be sent explaining:

- (i) Either the information isn't held;
- (ii) It is held, but it can't be disclosed and why.

Vexatious and repeated requests

Epping Town Council may refuse to comply with a request that is vexatious. When assessing whether a request is vexatious, the Act permits us to take into account the context and history of a request, including the identity of the requester and your previous contact with them. The decision to refuse a request often follows a long series of requests and correspondence.

In this case, the requester will be issued with a written refusal notice, stating why the request will not be fulfilled. The reasons for the decision to refuse the request will be fully recorded, should the Information Commissioner's Office require any further information.

Repeated requests, which cover the same information, will be dealt with in the same manner.

Refusing a request due to excessive time

Requests which would take up a disproportionate amount of time and involve unreasonable time requests, may be refused, under Section 12 of the Act.

If this is the case as the grounds for refusing the request, a written refusal note will be sent to the requester with the reason. However, we would still be able to inform the requester whether the information is held.

Recording requests

Epping Town Council keep a record of Freedom of Information requests with their date of receipt and the date they are answered to illustrate its compliance.

In accordance with the guidance from the Information Commissioner's Office (ICO).

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/>

Please note: guidance will be taken from the ICO for any more complex requests (link above).

Approved: May 2023 Date to be reviewed: May 2025 (unless legislation requires sooner) Epping Town Council 2023