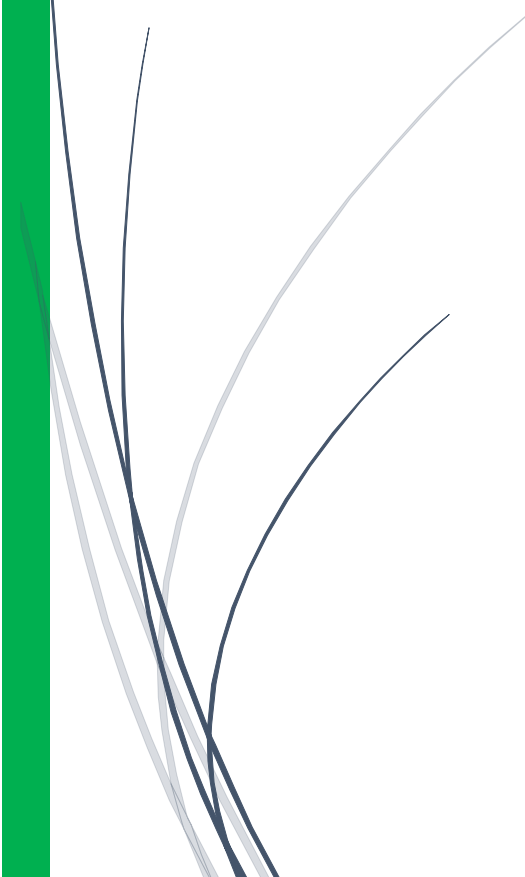


Winchcombe Town Council Freedom of Information

Winchcombe
Policy



Introduction

What is the Freedom of Information Act 2000?

The Freedom of Information Act 2000 gives a general entitlement to information that the Council holds on any person or subject. The public has the right to be told whether the information they are seeking from a public body exists, and if so, the right to receive it unless it falls into the category of an exemption.

It places specific duties on public authorities and will be enforced by the Information Commissioner. There is a statutory duty to comply with the Act and Councillors may face a term in prison for failure to do so.

Scope

This policy applies to all recorded information the Council holds regardless of how it was created or received. It applies regardless of the media the information is stored in whether the information may be on paper, held electronically, or as an audio recording. The Act is fully retrospective.

This document should be read in conjunction with the “Information available from Winchcombe Town Council under the Model Publication Scheme”

Winchcombe Town Council is committed to complying with the provisions of the Freedom of Information Act 2000 and related legislation.

Dealing with Requests

Winchcombe Town Council does offer advice and assistance to anybody who wishes to make a Freedom of Information (FOI) request. The Council is committed to dealing with requests within the statutory timescales of no more than 20 working days. This can be extended in specific circumstances on legal advice. However, the Council is committed to providing a prompt service.

The Council will claim exemptions as appropriate whilst maintaining a commitment to openness, scrutiny, and the public interest and will inform the FOI applicant when exemptions have been applied. Where appropriate, requests in writing will be treated as Freedom of Information requests.

There is no need for requests to indicate they are made under the Act but they should include:

- The name of the person asking for the information

- An address for correspondence
- Describe the information required

Before making a request for information, please check the Council's Publication Scheme to make sure that the information you require is not already available in the public domain.

If the information is already on the Publication Scheme then we will not provide this again under the Freedom of Information Act.

The Council reserves the right to refuse requests where the cost of supply of the information would exceed the statutory maximum, currently £450 (this provision is found in section 12 of the Act.).

Adopting and Maintaining Publication Schemes

Winchcombe Town Council has adopted an Information Publication Scheme and is committed to updating and maintaining it to keep it current and relevant. The Publication Scheme contains many of the documents, policies, plans, and guidance that are usually asked for.

Material contained within the publication scheme, and a copy of the scheme itself is readily available. Where charges are applied these are stated in the Scheme. The scheme can be accessed via the website.

The Clerk will give advice and assistance on how to use the scheme as appropriate.

Relationship with the Data Protection Legislation

Winchcombe Town Council has a legal duty to protect personal data under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (the DPA 2018).

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (the DPA 2018) give rules for handling information about people. They include the right for people to access their personal data. The Freedom of Information Act and the DPA 2018 come under the heading of information rights and are regulated by the Information Commissioner (ICO).

When a person makes a request for their own information, this is a data protection subject access request. However, members of the public often wrongly think it is the Freedom of Information Act that gives them the right to their personal information, so you may need to clarify things when responding to such a request.

The GDPR and the DPA 2018 exist to protect people's right to privacy, whereas the Freedom of Information Act is about getting rid of unnecessary secrecy. These two aims are not necessarily incompatible but there can be tension between them, and applying them sometimes requires careful judgement.

When someone makes a request for information that includes someone else's personal data, the Council will carefully consider its responsibilities and balance the case for transparency and openness under the Freedom of Information Act against the data subject's right to privacy under the data protection legislation.

Responsibilities

The Clerk is responsible for ensuring that any request for information is dealt with under the Act and is compliant and in accordance with this policy. The Clerk is also responsible for good information handling practice and implementing record(s) management policies and procedures as appropriate to their post

Contact Details

For advice and assistance please contact the Clerk during office hours
(Monday, Tuesday, Wednesday and Friday 09:00 - 12:00)

Winchcombe Town Council
Abbey Fields Community
Centre Back Lane
Winchcombe
Cheltenham
Gloucestershire GL54 5QH

Tel: 01242 604087

Email: clerk@winchcombetowncouncil.co.uk

Website: www.winchcombetowncouncil.co.uk

Further advice and information

More information is available at the Information Commissioner's Office.

www.ICO.org.uk Or

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