

The Freedom of Information

The Freedom of Information Act requires every public authority to adopt and maintain a publication scheme which has been approved by the Information Commissioner, and to publish information in accordance with the scheme. For more information see: [Porthcawl Town Council Model Publication Scheme](#).

The Freedom of Information Act (FOIA) gives everyone the right to request any recorded information held by a **Parish** or **Town** council. There is no requirement to explain why the information is being requested. There are no restrictions on age, nationality or where the person making the request lives. There is however, number of exemptions, [see below](#).

What information is covered by the Act?

Almost anything the council creates, holds or processes. This includes, e-mails, letters, reports, faxes, file notes, notes of phone calls, videos, audio, digital recordings – they are all ‘information’ and potentially disclosable under the FOIA.

The FOIA applies retrospectively, no matter how old the material is.

Public authorities spend money collected from taxpayers, and make decisions that can significantly affect many people’s lives. Access to information helps the public make public authorities accountable for their actions and allows public debate to be better informed and more productive.

What should I do before I make a request?

Before you make a request, it may help to see if the information you want is already available, either on the Council’s website or in a previous published document? The Council must make certain information is routinely made available. Check their **Publication Scheme**. Contact the Town Clerk by telephone or email to see if the council has the information you want, it may save you time. *Public authorities must give reasonable advice and assistance to anyone asking for information, so you should feel free to ask for help in making your request.*

The Freedom of Information Act is designed to increase transparency. Members of the public should be able to routinely access information that is in the public interest and is safe to disclose. Without the publication scheme, members of the public may not know what information councils have available.

Making a request under the Freedom of Information Act

For your request to be dealt with according to the Freedom of Information Act, you must:

- contact the Council directly;
- make the request in writing, either by letter or email;
- give your real name; and
- give an address to which the authority can reply. This can be a postal or email address.

You do not have to:

- mention the Freedom of Information Act, although it may help to do so;
- know whether the information is covered by the Freedom of Information; or
- say why you want the information.

Include the date on any correspondence you send and keep a copy, so you have a reliable record of your request.

If you find it impossible or unreasonably difficult to make a request in writing, the council should make a reasonable adjustment for you under the Equality Act 2010. The council must consider treating a verbal request for information as if it was a valid freedom of information request.

The information requested, unless exempted under the Act, must be supplied within 20 working days of being requested. A refusal to release the information must be given in writing and the reasons for refusal

Exemptions?

Under the Freedom of Information Act there are a number of exemptions that can prevent the information becoming public. For example, commercially sensitive information and confidential information which fall under the Data Protection Act. However, for those exemptions where the public interest test applies, a request may only be refused if the public interest in withholding the information outweighs that in disclosing it.

What happens after I make my request?

The Council must reply to you within 20 working days. It may:

- give you the information you've asked for;
- tell you it doesn't have the information;
- tell you that another authority holds the information or transfer the request on your behalf;
- under the Freedom of Information Act, say that it has the information and offer to provide it if you pay them a fee (but there are rules about what they can charge);
- refuse to give you the information, and explain why; or,
- under the Freedom of Information Act, say that it needs more time to consider the public interest in disclosing or withholding the information, and tell you when to expect a response. This should not be later than 40 working days after the date of your request. It can only extend the time limit in certain circumstances, and it must explain why it thinks the information may be exempt.
- Information should be disclosed unless it falls under one of the exemptions as mentioned above.

What if the council refuses to meet the request?

If you believe the Council has not dealt with your complaint properly, by refusing to give you the information or the explanation they give for refusal is unsatisfactory you can approach the Information Commissioner's Office for advice on your best course of action.

The Information Commissioner's contact details are:

By Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Telephone: 0303 123 1113
E-mail: casework@ico.org.uk

What can the Information Commissioner do by way of enforcement?

Both the applicant and the council are informed of the Commissioner's decision in a Decision Notice. Where appropriate the Decision Notice will instruct the council, what steps it needs to take to comply with the Act, this may include the release of information. Both the applicant and the council may appeal against a decision notice to the Information Tribunal.

The Commissioner can also issue the council with an Enforcement Notice stating what steps it should take to comply with the Act. Although it is similar to a Decision Notice in some respects, the Commissioner does not need to wait to respond to a complaint from an applicant that a request has been incorrectly handled before taking this form of enforcement action. Only the council may appeal to the Information Tribunal against such a notice.