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Freedom of Information Policy

Introduction

Under the Freedom of Information Act 2000 (FOIA) St Erth Parish Council has a duty to adopt and maintain a Publication Scheme describing:

- the classes of information it publishes
- how and where such information is published (e.g. website, paper copy, etc.)
- whether or not a charge is made for such information

The Council has adopted the Model Publication Scheme which has been prepared and approved by the Information Commissioner.

Publication Scheme

This Scheme commits an authority to:

- Proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications outlined.
- Specify the information which is held by the authority and falls within the classifications outlined.
- Proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- Produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- Review and update on a regular basis the information the authority makes available under this scheme.
- Produce a schedule of any fees charged for access to information which is made proactively available.
- Make this publication scheme available to the public.
- Publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act

Obtaining Information

Before submitting a Freedom of Information request, you may find the information you need by searching our Publication Scheme, much of which is available free of charge to download from the Council website.

If you wish to make a request for information under the FOIA, please note that all requests need to be made in writing.

You must provide us with the following information:

- Your name
- Contact address (this can be an email address only)
- A detailed description of the information you require – please be specific
- The way in which you would like to receive the information (electronically or hard copy)

You should receive the information you have requested within 20 working days of making your request. If we need more time, we will contact you and explain why.

Information not contained within the Publication Scheme and Exemptions

Below is a statement from the Information Commissioner's Office (ICO) which explains why the Council may have to refuse providing you with the information requested.

"A requester may ask for any information that is held by a public authority. However, this does not mean you are always obliged to provide the information. In some cases, there will be a good reason why you should not make public some or all of the information requested.

You can refuse an entire request under the following circumstances:

- *it would cost too much or take too much staff time to deal with the request;*
- *the request is vexatious;*
- *the request repeats a previous request from the same person.*

In addition, the Freedom of Information Act contains a number of exemptions that allow you to withhold information from a requester. In some cases, it will allow you to refuse to confirm or deny whether you hold information.

Some exemptions relate to a particular type of information, for instance, information relating to government policy. Other exemptions are based on the harm that would arise or would be likely arise from disclosure, for example, if disclosure would be likely to prejudice a criminal investigation or prejudice someone's commercial interests. There is also an exemption for personal data if releasing it would be contrary to the UK General Data Protection Regulation (the UK GDPR) or the Data Protection Act 2018 (the DPA2018).

You can automatically withhold information because an exemption applies only if the exemption is 'absolute'. This may be, for example, information you receive from the security services, which is covered by an absolute exemption. However, most exemptions are not absolute but require you to apply a public interest test. This means you must consider the public interest arguments before deciding whether to disclose the information. So you may have to disclose information in spite of an exemption, where it is in the public interest to do so.

If you are refusing all or any part of a request, you must send the requester a written refusal notice. You will need to issue a refusal notice if you are either refusing to say whether you hold information at all, or confirming that information is held but refusing to release it.”

Further information can be found at <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>.

Charges

Unless otherwise stated, publications listed in our Publication Scheme are supplied free of charge. If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment will be requested prior to provision of information.

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