

### **Background**

Compliance with the Freedom of Information Act 2000 is the legal responsibility of local authorities and other public organisations. It is part of a wider group of national policies which aim to modernise government and show people how it is working on their behalf.

Since January 2005 people have had a right to know what decisions are taken on their behalf, and how services are run. They can ask to see not only printed leaflets and other publications, but also any background files and other records relating to the business of the organisation, unless statutory exemptions apply.

### **General**

North Kelsey Parish Council has produced and publicised a Publication Scheme, which makes it clear what information can already be accessed. The Publication Scheme outlines any charges which may be made in supplying any information.

Where any correspondence is received from the Information Commissioner's Office in relation to any Freedom of Information matter, this will be referred on to the Council for attention.

Any additional information which is not part of the Publication Scheme can be requested under the Freedom of Information Act 2000.

### **Request (Procedure)**

A request for information must be made by letter or e-mail and should be sent to the Clerk to the Council. The request must include a contact name, an address for correspondence and state clearly what information is required. Responsibility for dealing with all requests for information has been delegated to the Clerk to the Council.

The first step will be to identify whether the requested data is held by the Council. If not, the applicant will be notified accordingly.

If the information is held, and is not subject to any exemption, it will normally be supplied within 20 working days unless there is a fee to pay or further clarification must be sought.

If the request for information is unclear, the Clerk to the Council will contact the applicant to clarify what data is being sought. If clarification of a request is needed, the 20 working day period will commence on receipt of the additional information.

If the information is not held by the Council, but the Council is aware of another public body which may hold the information, the applicant will be informed and asked to contact the third party concerned.

Where information cannot be provided, a refusal notice will be issued explaining which exemption applies, and advising of any right to appeal, if applicable.

Where information is subject to a 'qualified exemption' under the Freedom of Information Act, there may be an extension to the 20 working day period whilst further consideration is given to applying the public interest test, to determine whether any information should be withheld or disclosed.

### **Complaint**

Where any complaint is received about the processing of any request for information, this will be referred to the Council for attention.

### **Relevant Legislation**

The Council will meet its responsibilities under the Freedom of Information Act 2000, and will provide, as far as is reasonably practicable, the resources necessary to fulfil this commitment.

This section provides an overview of relevant openness and transparency legislation:

- Data Protection Act 1998
- Freedom of Information Act 2000
- Lord Chancellor Code of Practice 2002
- Secretary of State Code of Practice 2004
- Data Protection (Appropriate Limit and Fees) Regulations 2004 (SI.3244)
- Environmental Information Regulations 2004
- Protection of Freedoms Act 2012
- Openness of Local Government Bodies Regulations 2014
- Local Audit and Accountability Act 2014
- Transparency Code for Smaller Authorities 2014

This document is available free online at <https://north-kelsey.parish.lincolnshire.gov.uk>

In accordance with the Parish Council's Publication Scheme this document can be purchased for 10p per page, plus postage and packaging. To get a quote for a copy of this document please contact the Clerk to the Parish Council.

### **North Kelsey Parish Council**

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