



# WHITE COLNE PARISH COUNCIL

White Colne Village Hall, Bures Road, White Colne, CO6 2QA.

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## Freedom of Information & Publication Scheme

### 1. Introduction – The Freedom of Information Act

- 1.1 The Freedom of Information Act gives you the right to obtain information held by public authorities unless there are good reasons to keep it confidential.

### 2. The Information Commissioner's Office

- 2.1 The ICO is the UK's independent public body set up to promote access to official information and protect personal information. It has responsibility for ensuring that information is disclosed promptly and that exemptions from disclosure, such as covered by Data Protection legislation, are applied lawfully. Some information could be exempt from disclosure.

### 3. How do I make a request?

- 3.1 Make the information as specific as possible. If your request is too broad the Council may ask you to clarify it. This could mean it takes longer to get the information.
- 3.2 Provide as full a description as possible of the information you require.
- 3.3 Be clear about the format you would prefer to receive the information in, for example, by e-mail or as a paper copy.

### 4. What happens once my request has been received?

- 4.1 Any request for information should be treated by the Council as a formal request for information and the Council suggests that e-mails or letters are clearly marked as freedom of information requests to avoid any confusion.
- 4.2 The Council must respond promptly to requests or, in any event, within 20 working days although the Council has longer to consider whether the disclosure of normally exempt information would be in the public interest. When considering the public interest test, the Council must do so 'within a reasonable time.'

## **5. What if the information is refused?**

- 5.1 Where the Council decides not to disclose the information requested it must give reasons for its decision, it must explain how the exemption or exception applies and it must explain the arguments under the public interest test. The Council must also inform you of your right to complain to the ICO.

## **6. How can the ICO help and what is the legal process?**

- 6.1 You may apply to the ICO for a decision about whether the request has been dealt with according to the Act, for example, you believe there has been excessive delay or if you wish to dispute the application of an exemption or refusals made on public interest grounds.
- 6.2 The ICO may serve a decision notice on the Council either confirming the decision made by the Council or directing it to disclose information within a certain time. Non-compliance with a decision notice may constitute contempt of court.
- 6.3 If you or the Council disagrees with the ICO's decision you have 28 days to appeal to the independent **Information Tribunal**. The Information Tribunal may uphold the ICO's decision notice, amend it (for example change the time frame for release of information) or overturn it. Non-compliance with the Information Tribunal's notice may also constitute contempt of court.

## **7. Additional Information**

- 7.1 Additional guidance on the Freedom of Information Act is available on the ICO website at [www.ico.gov.uk](http://www.ico.gov.uk) or by telephone to the helpline 01625 545745.

## **8. Model Publication Scheme**

- 8.1 Under Freedom of Information it is the duty of every public authority to adopt and maintain a publication scheme.
- 8.2 The Information Commissioner's Office (ICO) changed the emphasis in the approval and operation of publication schemes to a generic model which should be adopted and operated by all public authorities.
- 8.3 The model commits a public authority to 'produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public'.
- 8.4 This must be adopted in full, unedited and promoted alongside the guide to information. Local councils are not required to inform the Information Commissioner's Office that they have adopted the scheme; it will be assumed they have done so unless the ICO hears otherwise.
- 8.5 The publication scheme provides a list of all the information the Council will make routinely available, explain how it can be accessed (either via the Parish Council website or hard copy) and whether a charge will be made for it.

## **9. Classes of Information**

- 9.1 The information held by White Colne Parish Council has been recorded under the following classes of information:
- Class 1 Who we are and what we do
  - Class 2 What we spend and how we spend it
  - Class 3 What our priorities are and how we are doing
  - Class 4 How we make decisions
  - Class 5 Our policies and procedures
  - Class 6 Lists and registers
  - Class 7 The services we offer

## **10. Website**

- 10.1 Some information is routinely available from the Parish Council's website at no charge. The Parish Council's website can be found at: [www.whitecolneparishcouncil.gov.uk](http://www.whitecolneparishcouncil.gov.uk). A copy of this publication scheme is also available on the Parish Council website.

## **11. Charges for Information Published under this Scheme**

- 11.1 Information available through this Council's publication scheme should be readily available at minimum cost to the public. In most cases charges will be made on the basis of cost recovery.
- 11.2 Charges may be made for actual disbursements (e.g. photocopying and postage) and information that the council is legally authorised to charge for.
- 11.3 Anyone requesting information will be notified of any charge before the information is provided. Payment will be requested before the information is supplied.

## **12. FOI requests and the Publication Scheme**

- 12.1 It is important to note that a publication scheme simply sets out the information that is routinely available. Information that is not listed in the guide can still be requested and should be made available unless it can be legitimately withheld.

## **13 Availability of Datasets**

- 13.1 The Protection of Freedoms Act 2012 amended clause 11 of the Freedom of Information Act 2000 to make datasets available for re-use by members of the public. Once a dataset is disclosed following an FOI request, White Colne Parish Council will make that dataset more widely available and any updated version of that dataset by inclusion on our website. All datasets published in this way will be in a format capable of re use wherever possible, i.e. not in a PDF format.
- 13.2 For datasets which do not contain copyright material the usual FOI charging provisions will apply as set out in this Publication Scheme – i.e. the Council will only be able to charge photocopying, postage and any disbursements.

- 13.3 However, if datasets are published which contain copyright material then the Council may exercise any power it has under other enactments to charge a fee in connection with making the relevant copyright work available for re use. – This only covers re use and *not* access to the information.
- 13.4 The list of information published by the parish council, and how that information may be obtained can be found below. Most of our public documents are available to access in several ways:

#### **Hard copy**

Where a document is available in hard copy, please contact the Parish Clerk. There may be a small charge for providing copies of documents, and for postage.

#### **Inspection at White Colne Village Hall**

With appropriate notification, hard copy documents can be viewed at White Colne Village Hall on evenings when the parish council is in session. Contact [clerk@whitecolneparishcouncil.gov.uk](mailto:clerk@whitecolneparishcouncil.gov.uk) to make arrangements.

#### **Website**

Many documents are available online at: [Documents and Policies](#).

#### **Electronic copy (E-copy)**

Electronic copies are available from the clerk to the council. Please email: [clerk@whitecolneparishcouncil.gov.uk](mailto:clerk@whitecolneparishcouncil.gov.uk)

#### **Parish Council noticeboards**

Agendas, notification of electors' rights to view the parish council's accounts, and other important information are disseminated on the parish council's noticeboards.

#### **Newsletter**

The Parish Council produces an occasional newsletter containing pertinent and useful information. The newsletter is delivered to every accessible household and business.

**This list is not definitive. The parish council also uses local publications and events, where appropriate, to enable residents to access information.**

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