

# Haywards Heath Town Council

## Freedom of Information

### 1. Introduction

- 1.1 The Freedom of Information Act 2000 (the Act) provides the public with a general legal entitlement to view all recorded information held by the Town Council subject to certain exemptions. The public will have rights to view:
- all the information in the Council's Publication Scheme
  - to request all recorded information held by the Council, regardless of when it was created, by whom, or the form in which it is now held.
- 1.2 The Council wishes to show that it is an 'open' organisation committed to delivering the best possible public service. Openness helps the public to trust and have confidence in the Council's ability to deliver services.
- 1.3 Failure to comply with this policy could have serious consequences for the Council, in the release of inappropriate material or illegally withholding information with adverse publicity and possible legal censure.
- 1.4 The implementation and enforcement of this policy in association with the terms and conditions of employment is intended to protect the employee, colleagues, members of the public and the Council.

### 2. Aims and Scope of the Policy

- 2.1 This policy applies to all the recorded information that the Town Council holds, that is information created, received and maintained by members and officers in the course of their work.
- 2.2 The policy is intended to ensure everyone is aware of their responsibility under the Freedom of Information Act.

### 3. Guidelines

- 3.1 Non adherence or disregard to any points below will be seen as a breach of this policy and the disciplinary procedure will be invoked which could result in dismissal.
- 3.2 Thame Town Council will:
- i) Comply with the Freedom of Information Act (FOI) 2000 and the Environmental Information Regulations 2004.
  - ii) Maintain a comprehensive Publication Scheme that provides information which is readily accessible without the need for a formal FOI request.
  - iii) Respond within 20 working days to straightforward written requests. However, if necessary, this timescale will be extended to give full consideration to the request. If the deadline is not expected to be met the applicant will be advised of the reasons for the delay and the anticipated reply date.
  - iv) Continue to protect the personal data entrusted to it, by disclosing that information only in accordance with the provisions of the Data Protection Act 1998.

- v) Keep on file a copy of the request and response.
- vi) Apply the exemptions provided in the FOI Act and, where qualified exemptions exist, disclose the information unless the balance of public interest lies in withholding it.
- vii) Pro-actively publish and make information readily available in accordance with the Publication Scheme.
- viii) Review complaints about the release or of the misuse of information by referring them to the Town Clerk and remind requestors that they can appeal such decisions to the Information Commissioner.
- ix) Ensure that all permanent and contract staff and elected members are aware of their obligations under FOI and will include FOI education in the induction of new staff and newly elected members.
- x) Charge for information requests in line with FOI Fees Regulations or other applicable regulations, including the Data Protection Act 1998.
- xi) Apply the “appropriate limit” in the regulations. Where the cost of complying with the request exceeds this, we will issue a refusal notice inviting the requestor to refine their request.

#### **4. Responsibilities**

- 4.1 The Council has the responsibility to make its recorded information available in accordance with the Act.
- 4.2 Staff and Members must ensure that all such data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means.
- 4.3 Staff and Members should familiarise themselves with this policy and the Freedom of Information Act guidance which is available on the web.
- 4.4 Staff and Members will comply with all the conditions set out within the Act.
- 4.5 Staff must ensure that Data Protection is not breached.
- 4.6 The Town Clerk is responsible for ensuring that all staff are aware of the Freedom of Information Act and that they adhere to the guidelines in this Policy.
- 4.7 The Office Administration Manager will act as the Freedom of Information Officer and has a responsibility to ensure that data subjects have appropriate access, upon written requests, to detail regarding personal information relating to them.
- 4.8 The Town Clerk will assist staff with advice when a complex request is received in conjunction with the Office Administration Manager.

#### **5. Data Protection**

- 5.1 The Town Clerk will act as the Data Protection Officer and is responsible for gathering and disseminating information and issues relating to information security, the Data Protection Act and other related legislation.