

# BURSTWICK PARISH COUNCIL

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## Request for information procedure

### Introduction

Anyone has the right to request information from a public authority. Burstwick Parish Council has two separate duties when responding to these requests:

- to tell the applicant whether we hold any information falling within the scope of their request; and
- to provide that information

When information is released it is 'to the world', so anyone may see the information.

### A Valid request

To be valid under the Act, the request must:

- be in writing via a letter, email or Twitter
- include the requester's real name
- include an address for correspondence
- describe the information requested.

### When should a request be dealt as a freedom of information request?

Burstwick Parish Council will deal with most requests by providing the information in the normal course of business. If the information is included in our model publication scheme, this will be given out automatically; either electronically via our website or email (free) or hard copy if requested (a small charge will be made).

The Act only comes into force if:

- The parish council cannot provide the requested information straight away, or;
- Requester makes it clear they expect a response under the Act

For more formal requests, the following legislation will apply:

- If the person is asking for their own personal data, this will be dealt as a data protection subject access request
- If the person is asking for 'environmental information', the request is covered by the Environmental Information Regulations 2004

Any other non-routine request for information will be dealt with under the Freedom of Information Act.

## **Timescales to respond to a request**

Burstwick Parish Council will respond within 20 working days, counting the first working day after the request is received as the first day. A working day is any day other than Saturday, Sunday, public or bank holidays.

## **When information is requested**

Each request will be read carefully and objectively. If it is unclear as to what the requester requires then they will be contacted to check that we have understood the request and confirm the information required.

The Act only covers recorded information that we hold. When responding to a request for information, we may have to draw from multiple sources of information that is held, but will not have to make up an answer or find out information from elsewhere if the information isn't already held in recorded form at the parish council.

## **What if we don't have the information?**

If we don't have the information the requester has asked for, the parish council can comply with the request by informing them in writing. If we know that the information is held by another public authority, may transfer the request to them or advise the requester to redirect their request. The parish council will release information in the format preferred by the requester. The parish council may charge for the release of information, as set down in its Publication Scheme.

## **When can we refuse to release information?**

The parish council 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
- There is also an exemption for personal data if releasing it would be contrary to the General Data Protection Regulation (GDPR) or Data Protection Act 2018

Exemptions also exist to protect information that should not be disclosed. A full list can be found in the Act, Part II, sections 21-44.

If the parish council is refusing all or part of a request, then a written refusal notice will be issued. This will explain what provision of the Act is being used to refuse the request, their right to an internal review (via complaints procedure) and right to complain to the ICO. This will state if we are refusing to say whether we hold the information at all or confirming the information is held but refusing to release it.

## **What if the requester is unhappy with the outcome?**

If the requester is unhappy with the outcome then they may request an internal review (via parish council's complaints procedure) or they can complain to the ICO.

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Signed by Chairman: *D James*

Review due: March 2025