



Devizes Town

Freedom of Information Policy

Policy Statement

This policy is a guide on how to handle all requests for information to Chippenham Town Council. The Council will process requests for information in line with the Freedom of Information Act 2000 and the General Data Protection Regulations (GDPR) 2018.

Introduction

The Freedom of Information Act 2000 gives a general right of access, by any individual or corporate body, to all types of recorded information held by public bodies such as local councils and parish meetings.

Individuals also have the right to access information about themselves, which is held on computer, and most paper files under the General Data Protection Regulations (GDPR) 2018. This is known as the "subject access right".

These acts allow access to all the types of information held whether personal or nonpersonal. This may include information about third parties but account must, of course, be taken of the GDPR 2018 before releasing any such personal information.

The purpose of the Freedom of Information Act is to give the public greater access to information about the workings of government and public bodies. It is to make public bodies accountable to the public and enable transparency in the operation of public bodies.

This policy may want to be read in conjunction with other Devizes Town Council's other policies, such as the: Data Protection Policy.

Scope of the Policy

The policy applies to all employees of Devizes Town Council (herein referred to as "the Council").

Review Statemen

This policy has been prepared considering prevailing legislation and recognised good practice. New legislation requirements or changes in current legislation may necessitate the review of this policy document. The council will continue to review and amend all/part of this policy on a regular basis. It is the employee's responsibility to ensure that the copy of the policy being referred to is the most up-to-date version.

Equality

In putting the procedure into practice, no aspect of the procedure will discriminate on the grounds of race, sex, sexual orientation, gender reassignment, age, religion, politics, marital status, disability, politics, caste and / or union membership or any other grounds likely to place any employee at a disadvantage.

The Publication Scheme

The Town Council has a Publication Scheme with effect from 1st January 2009 and it was readopted the scheme in 2021. This scheme will enable members of the public to view and access information held by the Town Council.

Obtaining Information and Information held

There are three ways to obtain the information:

1. Town Council website - www.devizes-tc.gov.uk

The website holds the type of information which the Council routinely publishes e.g. minutes and agendas. The information needed may already be included in the publication scheme; so, it is advised to check the documents on the website first.

2. Inspect Documents held by the Town Clerk

Anyone wishing to view certain documents, should contact the town clerk , either via the facility on the website or by telephone, or in writing. Some documents require some time to locate, so it may be necessary to make an appointment. Hours of work are:

Monday to Friday, between 9.00am and 5:00pm

3. Individual Written Request

If the information is not included in the publication scheme or on the website, a written request can be sent to: The Town Clerk , Devizes Town Council, Town Hall, St John's Street, Devizes SN10 1BN

Council's Response to a Written Request

Requests must include name, address for correspondence, and a description of the information required.

- confirm whether or not it holds the information
- advise if a fee will be charged
- provide the information (after any relevant fee has been paid) unless an
- exemption applies (see 'Exemptions' paragraph below).

Fees

The Act only allows the Council to charge for answering Freedom of Information requests in the following circumstances:

1. Disbursement costs such as printing, photocopying and postage; and
2. When estimated staff costs involved in locating and or compiling the information exceed £450. Under these circumstances, the Council can refuse the request on the grounds of cost, or charge the applicant £20 per hour, plus disbursements for the estimated work.

For the majority of requests, or a series of requests from the same applicant within a 12- month period, it is expected that the charge for locating and compiling information will be less than £450 and therefore, except for disbursement costs, no reimbursement can be sought. However, where costs are estimated to exceed £450 (based on an hourly charge-out rate of £20), the Council can decide to:

- refuse the request; or
- comply with the request and charge for allowable costs as prescribed in the regulations; or
- comply with the request free of charge.

If the estimated cost of a request is more than £450, and it is decided to release the information and make a charge for the information then:

- A fee notice will be sent to the applicant requesting the appropriate fee.
- The request will not be answered until the fee has been received.
- If the actual cost of completing the request is more than the estimate, then the
- Council will incur the additional cost.
- Where the cost is less than the estimated cost then the difference will be refunded to the applicant.

For disbursements costs, it is proposed that the Council will charge 10p per sheet (black and white) and 20p (colour) for photocopying and printing documents, and recover the actual cost of postage or any other transmission costs from the applicant.

Exemptions

Some information may not be provided by the Council as there are 23 exemptions in the Freedom of Information Act, for example, personal data about individuals which is protected by the General Data Protection Regulations 2018, or commercially confidential information.

Further Help

If help is needed in accessing information from the Council under the Freedom of Information Act, please contact the Chief Executive (address as before).

Detailed guidance can also be found on the website of the Information Commissioner: <http://www.ico.org.uk/>

Complaints

Complaints linked to dissatisfaction with the response from the Council, should be made in writing to the Town Clerk at the address above. If complaints cannot be resolved the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 Email: mail@ico.gov.uk

Further Information

Employees wishing for further information or clarification on any part of this policy, should contact their line manager.