



## **Freedom of Information Act Procedure**

**Re-adopted 9<sup>th</sup> May 2022**

**Adopted June 2017 Minute 55.17**

The Freedom of Information Act (FOIA) 2000, from 1<sup>st</sup> January 2005, gave everyone a general legal right to be provided, on request, with any information held by all public authorities. This includes Downton Parish Council. This applies to e-mails, letters, reports, faxes, file notes, notes of phone calls, videos, audio records. It applies to all information held by employees, councillors and people undertaking Parish Council business in a voluntary basis on behalf of the Parish Council. For details about how information will be stored see Appendix 1.

Downton Parish Council will accept requests for information under the FOIA, stating the name and address of the applicant, whether or not the request mentions the Act, in any written form and made to any member of the Parish Council. When received, the request will be passed to the Clerk of the Council. If any of the information requested is exempt, the applicant will be told which of the exemptions has been relied on to withhold the information. A response which either provides the information requested, asks for clarification or refuses the request giving the reason for exemption will be provided within 20 days.

Information that is published or intended to be published on the Parish Council website ([www.downtonparishcouncil.gov.uk](http://www.downtonparishcouncil.gov.uk)) will not be supplied.

This policy will commit Downton Parish Council to act in accordance with the code of practice included in section 45 of the FOIA. For advice and assistance to persons who propose to make, or have made, requests for information, please see Wiltshire Council's website or request information from Wiltshire Council.

See Appendix 2 for a guide to the types of information which the authority routinely publishes, the format in which the information is available and how much it will cost if there are any charges. However, below is the cost of providing hard copy information under a FOIA application.

## SCHEDULE OF CHARGES

This describes how the charges have been arrived at and should be published as part of the guide.

### TYPE OF CHARGE

#### Disbursement cost

### DESCRIPTION

### BASIS OF CHARGE

Photocopying @ 10p per sheet (black & white)

Actual cost \*

Postage

Actual cost of Royal Mail standard 2nd class

Downton Parish Council is committed to being open and transparent and will not use the time limit to refuse the FOIA request, as is allowed in the exemptions guidelines, but the Council's current limit to complying with such requests is £450. In estimating the cost of compliance, time is charged at £25 per hour whether or not the information is gathered by an individual who is actually paid by the Council, giving a

limit of 18 hours to gather the information. If information is identified as likely to take longer than this limit to gather, the requester will be notified that the full information will not be provided and only that which can be obtained within the 18 hours will be made available.

The applicant can complain if dissatisfied with the way a request has been dealt with by firstly putting the complaint in writing with evidence of their complaint, to the Clerk of the Council. This will be reviewed by the Chair of the Council and a response provided within 40 days. If the applicant is still dissatisfied they can complain to the Information Commissioner at 'Information commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Tel No 01625 545745; Fax 01625 524510; e-mail: mail@ico.gsi.gov.uk

### **Appendix 1**

Under section 46 of the FOIA a code of practice suggests that systems should be put in place to store and make accessible information for the purpose of providing information under the FOIA. A data management system already exists for information created by the Clerk of the Council but in order that e-mails created by Councillors or people acting in a voluntary capacity can be stored the following system will be maintained:

E-mails sent from private e-mail addresses, or using personal computers, will be subject to FOIA if they are sent about the Parish Council's public business. All e-mails sent by people who are not themselves employed by the Parish Council or who are acting in a voluntary capacity for the Parish Council are subject to FOIA requests if they concern business conducted on behalf of the Council. Private e-mails or elements of e-mails which are concerning private or personal issues can be excluded from FOIA requests. This must be made clear to all members of committees, sub-committees or working groups undertaking work on behalf of the Parish Council before they take part in the relevant group.

A system of storing e-mails for the purpose of work undertaken on behalf of the Parish Council will be put in place in the following way:

- An e-mail account for the relevant working group, committee etc, will be set up at the group's formation and all e-mails will be copied to that e-mail address which will be accessed by the clerk if a FOIA request is received.
- A 'contract' letter will be issued to every member of the group which will be signed by them to agree to use the relevant e-mail address in all correspondence.
- All printed or hand written notes pertaining to the business of the group must be stored in a folder and retained until the group ends at which time the folder will be handed to the Clerk of the Council to store for seven years from the ending of the group.
- A guidance leaflet will be provided to all members of groups in advance of their joining the group.

## Appendix 2

# Information available from Downton Parish Council under the model publication scheme

Information to be published	How the information can be obtained	Cost
<p><b>Class1 - Who we are and what we do</b>            (Organisational information, structures, locations and contacts)            This will be current information only</p> <p>N.B. Councils should already be publishing as much information as possible about how they can be contacted.</p>	(hard copy and/or website)	
Who's who on the Council and its Committees	Website Hard copy	Free 10p/sheet
Contact details for Parish Clerk and Council members (named contacts where possible with telephone number and email address (if used))	Website Hard copy	Free 10p/sheet
<p><b>Class 2 – What we spend and how we spend it</b>            (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>	Hard Copy	Free 10p/sheet
Annual return form and report by auditor	Website Hard copy	Free 10p/sheet
Finalised budget	Hard copy	Free

		10p/sheet
Precept	Hard copy	Free 10p/sheet
Borrowing Approval letter	Hard copy	10p/sheet
Financial Standing Orders and Regulations	Website Hard copy	Free/ 10p/sheet
Grants given and received	Hard copy	10p/sheet
List of current contracts awarded and value of contract	Hard copy	10p/sheet
Members' allowances and expenses	No members' allowances	
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)	(hard copy or website)	
Parish Plan (current and previous year as a minimum)	n/a	
Annual Report to Parish (current and previous year as a minimum)	Website Hard copy	Free
Local charters drawn up in accordance with DCLG guidelines	None at present	
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions) Current and previous council years	Website Hard Copy	Free/ 10p/sheet
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	Website Hard copy	Free 10p/sheet
Agendas of meetings (as above)	Website Hard copy	Free 10p/sheet
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meeting.	Website Hard copy	Free 10p/sheet

Reports presented to council meetings - nb this will exclude information that is properly regarded as private to the meeting.	Hard copy	Free 10p/sheet
Responses to consultation papers	Hard copy	Free 10p/sheet
Responses to planning applications	Wiltshire Council Website Hard copy	Free 10p/sheet
Bye-laws	Website Hard copy	Free 10p/sheet
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities)  Current information only	Website Hard copy	Free 10p/sheet
Policies and procedures for the conduct of council business:  Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct Policy statements	Website Hard copy	Free 10p/sheet
Policies and procedures for the provision of services and about the employment of staff. Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)	Website Hard copy	Free 10p/sheet
Information security policy		
Records management policies (records retention, destruction and archive)	Website	Free

	Hard copy	10p/sheet
Data protection policies		
Schedule of charges for the publication of information		
<b>Class 6 – Lists and Registers</b>	Hard Copy (some information may only be available by inspection)	10p/sheet
Currently maintained lists and registers only		
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)	Hard Copy (some information may only be available by inspection)	10p/sheet
Assets Register	Hard Copy	10p/sheet
Register of members' interests	Website Hard copy	Free 10p/sheet
<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets produced for the public)	Website Hard Copy	Free 10p/sheet
Current information only		
Allotments		Free
Burial grounds and closed churchyards		Free
Village hall		Free
Parks, playing fields and recreational facilities		Free
Seating, litter bins, memorials and lighting		Free
Bus shelters		Free
Public conveniences		Free
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)		Free

## Contact details:

**Bev Cornish**

**Clerk to the Council**

**West View Slab Lane, Downton, Salisbury, Wiltshire SP5 3PS**

**Tel: 01725 513874 [clerk@downtonparishcouncil.gov.uk](mailto:clerk@downtonparishcouncil.gov.uk)**

## SCHEDULE OF CHARGES

This describes how the charges have been arrived at and should be published as part of the guide.

<b>TYPE OF CHARGE</b>	<b>DESCRIPTION</b>	<b>BASIS OF CHARGE</b>
<b>Disbursement cost</b>	Photocopying @ 10p per sheet (black & white)	Actual cost *
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class

\* the actual cost incurred by the public authority