

Broughton Gifford Parish Council

FREEDOM OF INFORMATION POLICY

Introduction

The Broughton Gifford Parish Council, like all other public authorities, is subject to the Freedom of Information Act 2000 (the "Act"). The Act aims to make information held by public authorities more accessible to the public and allows individuals and companies to request a wide variety of material.

On receipt of a request for information, the Broughton Gifford Parish Council must:

- (a) Inform the individual in writing whether it holds the information requested and, if so,
- (b) Communicate that information to the individual.

The Broughton Gifford Parish Council is not required to comply with these obligations where one or more exemptions apply.

Who may request information?

Any individual or company may make a request. Applicants do not need to be UK citizens or living in the UK to make a request.

The Broughton Gifford Parish Council does not need to know why you are making the request or what you intend to do with the information. It will not impose conditions on the use or further disclosure of information provided, although information disclosed may be subject to copyright protection.

What information may I request?

You may request any information held by or on behalf of the Broughton Gifford Parish Council and recorded in any form. This includes paper records, information held on computers, other electronically held information (audio and video recordings), plans, maps, and photographs.

You are entitled to the information contained in documents, not to the documents themselves. However, where appropriate and convenient the Broughton Gifford Parish Council may choose to provide a copy of the document rather than extracting the information from it. There may be a charge for extracting or providing copies of this information.

If you request "personal information" covered by the General Data Act 20018 or "environmental information" covered by the Environmental Information Regulations 2004 then different rules apply.

The Act does not cover information that is in someone's head. The Broughton Gifford Parish Council is only obliged to provide information it already holds in recorded form. The Broughton Gifford Parish Council is not obliged to create new information or find the answer to a question.

How do I make a request?

Requests must be made in writing and should include:

- Your name and address (physical or electronic) for correspondence;
- A clear statement of the information you are requesting;
- A contact telephone number in case the Clerk needs to discuss your request;
- The form in which you wish to receive your information.

Requests may be submitted via letter or e-mail.

If you cannot make your request in writing because of a disability, please contact Broughton Gifford Parish Council. The Council will help you to make the request another way

Where do I send my request?

Requests by letter should be sent to:

Clerk - Broughton Gifford Parish Council
5a Curtis Orchard
Broughton Gifford
Wiltshire
SN12 8PU

Requests by email should be sent to: clerk@BGPC.org.uk

What the Broughton Gifford Parish Council will do when it receives your request?

The Broughton Gifford Parish Council will acknowledge your request. The Clerk will let you know if she requires further information in order to identify and locate the information you have requested.

If the Broughton Gifford Parish Council does not hold the information requested, it will consider whether it may be appropriate to transfer your request to another public authority.

How long does it take?

The Broughton Gifford Parish Council is obliged to comply with the obligations under the Act promptly and (subject to limited exceptions) within 20 working days following the date it receives your request. If the Clerk needs to ask you for clarification of the request, the 20-working day period does not start until that is received. If payment is required, the 20-working day period restarts on receipt of the payment.

If (in the limited circumstances where the Broughton Gifford Parish Council is permitted to do so) it needs to extend the timescale to consider the request, then the Clerk will inform you of this.

Already published information

The Broughton Gifford Parish Council routinely handles requests for basic information and will continue to do this without necessarily having to treat the request as a request under the Act.

The Broughton Gifford Parish Council also publishes information pro-actively whenever possible, rather than it only being available on request. The Broughton Gifford Parish Council's Publication Scheme specifies the categories of information that it publishes or intends to publish, how to obtain that information, and whether any payment is required. Please refer to the Broughton Gifford Parish Council's website for details of this scheme.

If information is available under the Publication Scheme the Broughton Gifford Parish Council is not obliged to provide the information to you under the Act because it is deemed to be already reasonably accessible to you. Where this is applicable, the Broughton Gifford Parish Council will respond to your request by explaining how you can access the information.

Are there circumstances in which the Council's obligations under the Act will not apply?

Yes. The Broughton Gifford Parish Council is not obliged to comply with repeated or vexatious requests nor with requests that exceed the cost limit (see below).

Furthermore, the Act contains a number of exemptions from these obligations, most of which involve the application of a public interest test. If your request is refused, our reply will identify which exemption (or exemptions) the Broughton Gifford Parish Council is relying on. Where applicable, the Broughton Gifford Parish Council will explain why it has decided that the public interest in withholding the information (or in neither confirming nor denying that it holds it) outweighs the public interest in disclosing (or confirming/denying).

Consultation with third parties

If your request relates to a person/company other than yourself and the Broughton Gifford Parish Council or where disclosure of the information you are requesting could affect the interests of another person, the Broughton Gifford Parish Council may need to consult that third party before responding to your request.

How is information released?

If you express a preference for receiving the information requested in a particular format or as a summary, the Broughton Gifford Parish Council is obliged to accommodate your preference unless it is not reasonably practicable for us to do so. Information may be provided in Braille or audio format, in large type, or translated into another language. When requesting information be provided in a particular format or as a summary you should consider the extra cost of supplying the information in this way.

When making your request for information, please identify how you would like to receive the information.

What does it cost?

The Act makes provision for a fee to be charged for the information.

If it will cost more than £450 for the Broughton Gifford Parish Council to respond to a request, then it need not comply with it. The cost limit covers the time taken to find, sort, edit or reformat material (calculated at £25 per hour). It does not cover the time taken to consider whether exemptions apply. Complying with requests that will cost more than £450 is discretionary.

For requests where the costs are less than the £450 ceiling, the Broughton Gifford Parish Council may charge fees in accordance with its Publication Scheme.

On receipt of your written request the Clerk will write to advise you of the cost of providing the information. The 20-working day period will restart from the day the Clerk receives your payment.

Please note that the Broughton Gifford Parish Council does not have to provide the information if you fail to pay within three months.

Complaints & Appeals

Should you be unhappy with the outcome of a request under the Act, you should in the first instance contact the Clerk. He/she will review your complaint, reconsider any decisions relating to the release or withholding of information and, if appropriate, provide a further response. If, after review, the original response is considered correct, your complaint will be reconsidered by the Chairman of the Broughton Gifford Parish Council.

If you are dissatisfied with the results of the Council's internal review, you may appeal to the Information Commissioner (refer to www.informationcommissioner.gov.uk for details).