

Freedom of Information Procedure

1. Dealing with Requests for Information

1.1. The Freedom of Information Act confers two general rights on the public, a right to be:

- Informed whether a public body holds certain information, and;
- Provided with a copy of that information.

1.2. A request for information under the provisions of the FOIA that is not included within the Publication Scheme must be made in writing, this includes via email.

1.3. Requests should be made in writing to: Council Clerk, Kents Hill & Monkston Parish Council, PO box 6293, Milton Keynes, MK10 1ZG, or by email to: Clerk@kentshill-monkston-pc.org.uk

1.4. Requests for information will be met within the statutory time of compliance, which is 20 working days of receipt of the request or, if a fee is required, 20 working days following receipt of payment.

1.5. If the Council is unable to respond within the 20 day deadline, the applicant must be advised of the delay in writing.

1.6. Advice and assistance will be provided to applicants where required, to help them to make a request for information. This includes advice about how to refine a request to bring it under the appropriate limit where the estimated time to complete the request indicates that it is likely to exceed it.

1.7. The Council's Proper Officer is responsible for making the final decision as to whether or not to disclose information or withhold it under an exemption.

1.8. Where a Public Interest Test (PIT) is required, a Public Interest Panel (PIP) made up of three (3) Councillors will decide whether or not the information should be released.

1.9. The applicant will be provided with a full explanation, with appropriate reference to the relevant section of the Act, where a decision is made to withhold the information requested and apply an exemption.

1.10. The applicant will also be provided with a full explanation of how the PIT was considered, where a qualified exemption is applied and the decision to withhold the information outweighs the public interest in disclosure. The Council will disclose information where the decision to withhold or disclose is evenly balanced.

1.11. All applicants will routinely be provided with the following details as part of the Council's response to their request for information;

- a) how to request an internal review of any decision made by the Trust in respect of their request for information, or complain about how their request was dealt with,
- and b) how to make a complaint to the Information Commissioner after the internal review process has been exhausted.

2. WHAT IS A FREEDOM OF INFORMATION REQUEST?

2.1. Information is routinely made available by the Council to the public on a regular basis. It would be overly bureaucratic and unnecessary to attempt to record and address all of this routine activity for FOIA purposes.

2.2. Requests for information, either verbal or written, that are received and dealt with as part of the normal day-to-day routine should continue to be dealt with as 'business as usual' practice with no need to refer to this policy.

2.3. Requests for information that fall outside this business as usual scope or where there is a concern about providing the information should be dealt with under the provisions of the Act

2.4. Guidance on determining what requests should be classed and dealt with as a FOIA request is provided at Appendix 2.

2.5. Requests must be made in writing. A verbal request for information is not a FOIA request.

2.6. In order for a request to qualify as a FOIA request, it must meet certain criteria set out in the Act:

- It must be made in writing, including email or fax
- It must state the name of the person requesting the information (the applicant) and include a return address for correspondence, which includes an email address
- It must describe the information that is required

2.7. It is not necessary for an applicant to state that they are making the request under FOIA. It is the nature of the information asked for that determines how it should be handled; therefore, a request can be a FOI request even if it makes no mention of the Act.

3. REQUESTS FOR ENVIRONMENTAL INFORMATION

3.1. Requests for information that falls into the following six main areas is environmental information, is exempt from the Freedom of Information Act provisions under section 35 and is dealt with under the Environmental Information Regulations 2005 (EIR)

- The state of the elements of the environment, such as air, water, soil, land, fauna (including human beings)
- Emissions and discharges, noise, energy, radiation, waste and other such substances
- Measures and activities such as policies, plans, and agreements affecting or likely to affect the state of the elements of the environment
- Reports, cost-benefit and economic analyses
- The state of human health and safety, contamination of the food chain
- Cultural sites and built structures (to the extent they may be affected by the state of the elements of the environment)

3.2. EIR requests differ from FOIA requests as they (a) can be either a verbal or written request and, (b) there is a greater obligation upon the Council to disclose as there are fewer exemptions and each of them require the application of the Public Interest Test.

**Kents Hill & Monkston Parish Council
Freedom of Information Procedure**

3.3. EIR requests should be made via the Council Clerk.

4. REQUESTS FOR PERSONAL INFORMATION

4.1 This policy does not overturn the common law duties of confidence or statutory provisions that control the disclosure of personal identifiable information.

4.2. Personal information means any information that is held about a living individual who can be identified from that information. This is further defined in the Data Protection Legislation.

4.3. Access to personal information is governed by data protection legislation and common law, and is exempt from the FOIA under section 40 if disclosure would contravene any DPA principle, or section 41 if disclosure would constitute an actionable breach of confidentiality.

4.4. The names and job titles of senior staff should be published as a matter of routine on the Council's publication Scheme.

4.5. The Data Protection Legislation is intended to protect the private lives of individuals. Where information is requested about staff acting in a work capacity e.g. the names of officials, their grades, job functions, or decisions which they have made in their official capacities, then disclosure of such information would normally be made if information relates to staff of sufficient seniority, unless there is adequate reason to think that disclosure of that information would put someone at risk.

Change Control

Version	Nature of Update or Approval	Approved
1	In place by and confirmed in May 2021	5-5-2021
2	Confirmed unchanged 2022	30-5-2022
3	Confirmed unchanged in 2023	15-5-2023

Frequency of Review: Every 3 years **Review by:** 2026

Other Triggers: Changes in FOI legislation