



Fakenham Town Council

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Access to Information Policy

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1 Introduction

Many information requests can be handled as part of regular business operations and do not require processing under specific legislation. If the information is readily available or can be provided routinely, it will be shared. Before making a request, please check our website, noticeboards and our publication scheme.

For more information on the Regulations visit the Information Commissioners Office (ICO) website <https://www.legislation.gov.uk/ukpga/2000/36/contents>

2 Data Protection Act 2018

GDPR allows individuals to access their personal data to ensure they are aware of and can verify the lawfulness of its processing. It also enables them to check the accuracy of the data and challenge its necessity for being held. Individuals wishing to see information about themselves need to make a Subject Access Request under the Data Protection Act 2018.

We will acknowledge receipt of a request for personal information as soon as possible and we must be able to verify the identity of the requester. If the information is not subject to exemptions (or contains personal data relating to third parties) we will provide a written response within one month.

Under the terms of the Data Protection Act, we will provide you with a statement, or copies of data if it is truly personal and it is not exempt from disclosure.

A copy of the information will be provided free of charge. However, a 'reasonable fee' may be charged if a request is manifestly unfounded or excessive, particularly if it is repetitive, or if further copies of the same information are requested. This fee will be based on the administrative costs of providing the information. In cases where requests are excessive or repetitive, we may charge a reasonable fee or refuse to respond. If we refuse, we will explain the reasons to the individual and inform them of their right to complain to the supervisory authority and seek a judicial remedy without undue delay, and at the latest within one month.

If the request is made electronically, we will endeavour to provide the information in a commonly used electronic format.

3 Environmental Information Regulations 2004 (EIR)

The Environmental Information Regulations 2004 (the Regulations) provides the public the right to request environmental information from public authorities. The regulations cover information on the state of the environment, such as:

- air, water, soil, flora, fauna (including humans), diversity, genetically modified organisms.

- information on emissions and discharges, noise, energy, radiation, waste and other similar substances.
- measures and activities such as policies, plans, and agreements.
- reports, cost benefit and economic analyses.
- human health and safety and contamination of the food chain.
- cultural sites and built structures (as they may be affected by environmental factors).

There are 20 working days to respond to the request. A further 20 days is permitted though if the request is complex, or there is a large amount of information involved. Cost recovery is permitted with reasonable charges published in advance.

4 Freedom of Information Act 2000

The Freedom of Information Act 2000 (the Act) places legislative requirements on all public authorities, including town and parish councils, to provide public access to information held by public authorities. It does this in two ways:

- Public authorities are obliged to publish certain information about their activities through a publication scheme.
- Members of the public are entitled to request information from public authorities to which the council is obliged to respond

Requests for information must be in writing, must give the applicant's name and return address and must describe the information requested in such a way that we are able to locate it. A written request includes an e-mail. Receipt will be acknowledged but if it is possible to respond with the information requested, this will be done instead.

We will respond to an FOI request in 20 working days counting the first working day after the request is received as the first working day. We will confirm or deny whether we hold the information within the 20 days. If we do not hold the information we will explain why not. If it is not clear what information is required, the 20-day period does not begin until clarification is received from the applicant as to exactly what is required. If the authority sends a fee notice to the applicant and the fee is paid, the days between the notice being given and the fee being received do not count when calculating the 20 working days for responding to the request. We will let you know if we need longer than 20 days to apply the public interest test and we will tell you at that point what exemptions we are looking at and how long we think we need. If we do need more time to apply the public interest test this will be up to a maximum of a further 20 working days so the total time will be a maximum of 40 working days. All FOI requests will be recorded. The request & response will be published on our website.

The Act allows the local authorities to charge a fee for providing information in response to a request. Charges may be made for costs incurred such as photocopying, printing, postage and packaging. If the cost of finding, sorting and editing the information requested is more than £450 (based on 18 hours at a cost of £25 per hour) the information does not have to be provided.

5 Refusals & Exemptions

We can refuse to give you the information you request if we do not hold the information you are looking for, the information is exempt from disclosure or your request is considered vexatious or repeated

The FOI Act recognises there are valid reasons for withholding information by setting out a number of exemptions from the right to know, some of which are subject to a public interest test. Exemptions include information already reasonably accessible, information intended for future

publication, research information and if complying with the request would cause prejudice (a full list of exemptions can be found in Part II of the Act).

Where a repeated request is received that is identical or substantially similar to a previous request from the same person, the Town Council will consider this as a repeated request.

In reaching a decision about whether an application for access should be categorised as a repeat request the Town Council will have regard to

- the time that has elapsed since the previous request.
- whether the request is identical or substantially similar to the previous request.
- whether any relevant, new information has been generated since the previous request.
- a 'reasonable interval' will follow Information Commissioner Office guidance - The likelihood of significant differences in the information provided and the time since the previous request was fulfilled.

6. Appeals

If the response is not satisfactory, the applicant can request a review by the Town Council at a Full Council meeting. The Town Clerk will refer the applicant to the relevant meeting and agenda. If a review is requested, it will be completed within the legal timescale of the next Full Council meeting and agenda.

If a request is refused, reasons for refusing the request will be provided and the applicant can appeal – both internally by way of a complaint and, following that, by way of an appeal to the Information Commissioner.

7. Vexatious Requests

Under the FOI Act Section 14 (1), the Town Council is not obliged to comply with vexatious requests. The indicators to be used by the Council to identify whether a request for information is vexatious is taken from ICO Guidance.

- Abusive or aggressive language
- Burden on the authority
- Personal grudges
- Unreasonable persistence
- Unfounded accusations
- Intransigence
- Frequent or overlapping requests
- Deliberate intention to cause annoyance
- Scattergun approach
- Disproportionate effort
- No obvious intent to obtain information
- Futile requests
- Frivolous requests

We will respond to advise that section 14 applies. We may also advise that we will not respond with any further response to further requests on the same or similar topics

Reviewed at P&R Committee 18th March 2025

Ratified at Full Council 26th March 2025

Due for review 2028