

**FREEDOM OF
INFORMATION &
PUBLICATION SCHEME
POLICY**

As adopted at a meeting of Meppershall Parish Council on 13th September 2021

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DOCUMENT CONTROL

Organisation	Meppershall Parish Council
Title	MPC Freedom of information Policy
Creator	Alessandra Marabese - Clerk
Source	Procedures Working Group
Approvals	Monday 13 th September 2021
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Owner	Clerk
Subject	Transparency
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Review date	Annually after adoption or as required

DOCUMENT AMENDMENT HISTORY

Revision No.	Originator of change	Date of change	Change Description
v1.0	Clerk	13/09/2021	Policy creation

1. INTRODUCTION

- 1.1. Meppershall Parish Council (MPC) is committed to the Freedom of Information Act 2000 and will meet all obligations so required under it.
- 1.2. Wherever possible, MPC will provide additional information beyond the limited requirements of the Freedom of Information Act 2000 but will be conscious of the Data Protection Act 2018 and Copyright Laws.

2. REQUESTS FOR INFORMATION

- 2.1. You might not need to make a Freedom of Information (FOI) request if MPC has already;
 - 2.1.1. Published the information.
 - 2.1.2. Previously responded to an FOI request.
- 2.2. Before you make a request for information, please check with MPC via the Clerk
 - 2.2.1. By email clerk@meppershall.org or
 - 2.2.2. By telephone 07930813808.
- 2.3. All requests for information must:
 - 2.3.1. Be made in writing (including in email form) in a legible form and capable of being used for subsequent reference.
 - 2.3.2. Include the name and full contact details of the member of the public or legal persons (e.g. a corporate body) who has requested it. Requests sent using pseudonyms are not validly made requests (e.g.: Mr Santa Claus, North Pole Lane).
 - 2.3.3. Contain details of the information required.
 - 2.3.4. Contain the manner in which the information is to be provided e.g.: via email, in person etc.
 - 2.3.5. Be sent by e-mail to clerk@meppershall.org or by post to Meppershall Parish Council c/o 30 cherry Trees, Lower Stondon, Beds, SG16 6DT.
- 2.4. If you cannot make your request in writing because of a disability, contact MPC and we will help you to make the request another way - for example over the telephone.

3. HOW THE REQUESTS WILL BE HANDLED

- 3.1. Requests will be handled in a logical manner. If the information is available on MPC website, those enquiring will be so directed.
- 3.2. MPC will determine whether it holds the information. If not, MPC will issue a notice to this effect.
- 3.3. The Clerk will aim to satisfy all information requests within twenty working days following its receipt. The first day starts the day after a valid request is received by MPC. The date on which a request is received is the day on which it arrive or, if this is not a working day, the first working day following its arrival. Non-working days include weekends and public holidays.

- 3.4. Where the information is to be provided in hard copy form, MPC reserves the right to make a nominal charge to cover costs. MPC will determine whether there will be a charge and will issue a fee notice (the applicant has three months to pay the required fee beginning on the day the fee notice is received). If payment is not made within 3 months MPC does not have to answer the information request. When the payment is received the twenty-day period for the response resumes the day after receipt.
- 3.5. MPC will compile the information for the request.
- 3.6. MPC will assess if any exemptions and apply the public interest test (if the request is subject to an exemption, then an exemption notice must be issued to the applicant).
- 3.7. MPC will consider whether the information contains personal information. If information relates to any personal information under Section 40 (2) to (4) of the Freedom of Information Act 2000 it becomes subject to the Data Protection Act 2018 and might be exempt.
- 3.8. The Classes of Information will not generally include information that is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.
- 3.9. MPC will provide the requested information or issue an exemption notice, stating the reason why it is exempt and outlining the complaints / appeal process.
- 3.10. A record will be kept of all requests received as per the FOI Internal Control Sheet (Template 8).

4. NOTICES

- 4.1. A notice is a letter on MPC headed paper informing the applicant of MPC's decision and the reason for it.

5. EXEMPTIONS

- 5.1. Exemptions to the provision of information under section 14 of the Freedom of Information Act 2000 covers vexatious (includes repeated or obsessive requests).
Section 14 Vexatious or repeated requests.
(1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.
(2) Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.
- 5.2. If MPC decides based on evidence, that a request is vexatious, repeated or obsessive it can make the decision not to enter into any further correspondence with that individual and will issue a notice to that effect.
- 5.3. Exemptions to the provision of information under section 12 of the Freedom of Information Act 2000 covers requests that exceed an appropriate cost limit as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the 2004

Regulations). This is currently £450, equivalent to 18 hours' work at £25 per hour regardless of actual hourly rates. When estimating whether responding to a request would breach the cost limit MPC will include:

- 5.3.1. Establishing whether the information is held.
 - 5.3.2. Locating and retrieving information.
 - 5.3.3. Extracting relevant information from the document containing it.
- 5.4. If MPC decides based on evidence, that a request exceeds the cost limit, they will discuss with the requester whether they would like to modify their request so as to reduce costs to below the £450 limit. If no modification is made MPC will issue a notice refusing the information request.

6. THE COMPLAINTS / APPEAL PROCESS

- 6.1. In the first instance the applicant will make an appeal to MPC as per the MPC Complaints Policy. MPC will review the request again and based on the evidence either uphold the exemption or provide the requested information.
- 6.2. If MPC decides to uphold its decision, then the applicant can appeal to the Information Commissioners Office (ICO). The ICO's contact details are:
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF. Tel: 0303 123 1113. Alternatively, visit the ICO's website www.ico.org.uk
- 6.3. The ICO may uphold MPC's decision on the exemption or ask MPC to comply with the request.

7. INFORMATION AVAILABLE FROM MPC UNDER THE FREEDOM OF INFORMATION ACT 2000

Information to be published	Where available	Cost of hard copy
Class1 - Who we are and what we do?		
Who's who on the Council and its Committees	Website Hard or electronic copy available from the Clerk	10p per sheet
Contact details for Clerk and Council members	Website Hard or electronic copy available from the Clerk	10p per sheet
Location of main Council office	Website Hard or electronic copy available from the Clerk	10p per sheet
Staffing structure	Website Hard or electronic copy available from the Clerk	10p per sheet
Class 2 – What we spend and how we spend it?		

Annual return form and report by auditor	Website Hard or electronic copy available from the Clerk	10p per sheet
Finalised budget	Website Hard or electronic copy available from the Clerk	10p per sheet
Precept	Website Hard or electronic copy available from the Clerk	10p per sheet
Borrowing Approval letter	Not applicable	
Financial Regulations and Standing Orders	Website Hard or electronic copy available from the Clerk	10p per sheet
Grants given and received	Website Hard or electronic copy available from the Clerk	10p per sheet
List of current contracts awarded and value of contract	Website Hard or electronic copy available from the Clerk	10p per sheet
Members' allowances and expenses	Not applicable	
Class 3 – What our priorities are and how we are doing?		
Parish Plan)	Website Hard or electronic copy available from the Clerk	Free
Neighbourhood Plan	Website Hard or electronic copy available from the Clerk	Free
Annual Report to Parish or Community Meeting	Website Hard or electronic copy available from the Clerk	Free
Class 4 – How we make decisions?		
Timetable of meetings (Council, Committee and Annual Parish Meetings)	Website Hard or electronic copy available from the Clerk	10p per sheet
Agendas of meetings	Website Hard or electronic copy available from the Clerk	10p per sheet
Minutes of meetings – N.b. this will exclude information that is properly regarded as private to the meeting.	Website Hard or electronic copy available from the Clerk	10p per sheet
Reports presented to council meetings – N.b. this will exclude information that is properly regarded as private to the meeting.	Website Hard or electronic copy available from the Clerk	10p per sheet

Responses to consultation papers	Website Hard or electronic copy available from the Clerk	10p per sheet
Responses to planning applications	Available on the Central Bedfordshire Council Website Hard or electronic copy available from the Clerk	10p per sheet
Bye-laws	Website Hard or electronic copy available from the Clerk	10p per sheet
Class 5 – Our policies and procedures		
Policies and procedures: <ul style="list-style-type: none"> • Asset Register Policy • Committee Terms of Reference • Code of Conduct • Co-option Policy • Data Protection Policy • Dealing with Complaints • Dealing with Habitual or Vexatious Complaints • Dispensation Guidance • Document Retention Policy • Engagement with Developers • Equality and Diversity Policy • Financial Regulations • Freedom of information Policy • Investment Policy • Marking the Death of a National Figure • Meeting Recording and Filming • Press and Media Relations Policy • Privacy Notice • Reserves Policy • Risk Assessment Review & Internal Controls • Schedule of charges (for the publication of information) • Social Media Policy • Standing Orders • Website Policies and Statements 	Website Hard or electronic copy available from the Clerk	10p per sheet
Class 6 – Lists and Registers		
Assets register	Hard or electronic copy available from the Clerk	10p per sheet
Land and Building Assets	Hard or electronic copy available from the Clerk	10p per sheet
Register of members' interests	Available on the Central Bedfordshire Council Website Hard or electronic copy available from the Clerk	10p per sheet
Register of gifts and hospitality	Hard or electronic copy available from the Clerk	10p per sheet
Class 7 – The services we offer		

Allotments	Website Hard or electronic copy available from the Clerk	10p per sheet
Burial grounds and closed churchyards	n/a	
Community centres and village halls	n/a	
Parks, playing fields and recreational facilities	Website Hard or electronic copy available from the Clerk	10p per sheet
Seating and litter bins	Hard or electronic copy available from the Clerk	10p per sheet
Bus shelters	n/a	

8. SCHEDULE OF CHARGES

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

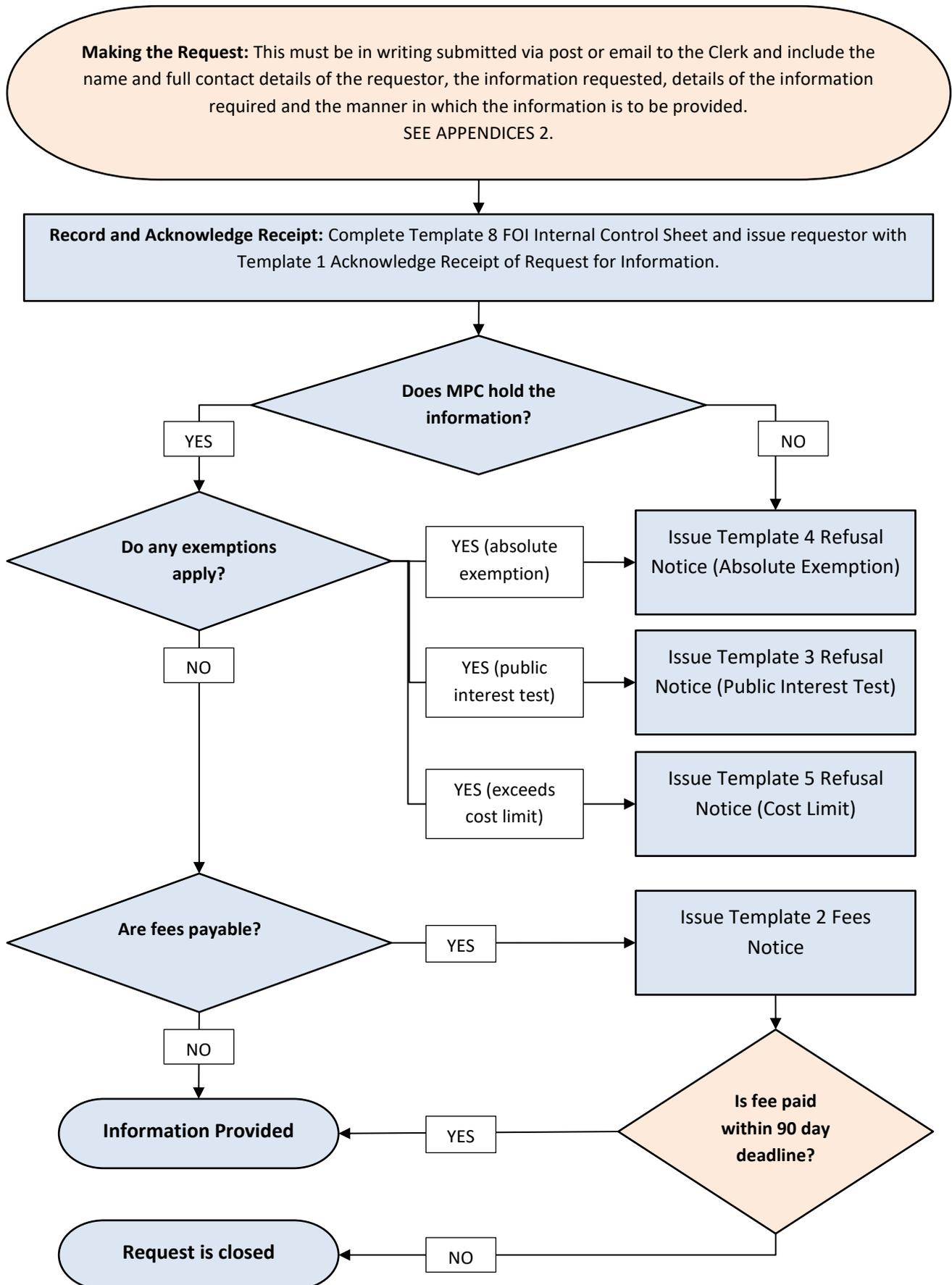
Type of Charge	Description	Basis of Charge
Disbursement Cost	<u>Photocopying</u> 10p per A4 sheet - Black and White 20p per A4 sheet – Colour 20p per A3 sheet – Black and White	Actual Cost *
	Postage	Actual cost of Royal Mail 2 nd class postage
Other	£18 per hour - Viewing Information	Actual Cost *

* the actual cost incurred by MPC.

9. PARISH COUNCIL CONTACT DETAILS

Miss Alessandra Marabese
 Meppershall Parish Council
 c/o 30 Cherry Trees
 Lower Stondon
 Bedfordshire
 SG16 6DT
 T: 07930813808
 E: clerk@meppershall.org
 W: www.meppershall.org

APPENDICES 1 – QUICK REFERENCE GUIDE TO MPC FOI PROCEDURE



APPENDICES 2 – FREEDOM OF INFORMATION REQUEST FORM

This form can be completed and sent by email or alternatively it can be printed and posted to Meppershall Parish Council. You do not have to use this form to make your information request but it will help us deal with your request as promptly as possible if you do. If you prefer, you can make your request in writing e.g. letter, or email. MPC May also use this form to log your request.

Requestor Name:	
Requestor Organisation:	

Date:	
-------	--

Address:	
----------	--

Email Address:	
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(at least one of the above (address or email) must be provided for contact purposes)

Telephone Number: (optional)	
---------------------------------	--

Description of the information you seek:
--

Any other details that may help us to identify and locate the information:
--

In what format would you prefer to receive the information (insert a ✓)? *(we will try to meet your wishes as best we can)*

Hard Paper copy via post: Electronic copy via email: Personal Viewing:

Other, please specify

--

Any special requirements:

TEMPLATE 1 – ACKNOWLEDGE RECEIPT OF REQUEST FOR INFORMATION

Dear

FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST

Request Reference:

Thank you for your request for information about **[subject]**. Your request was received on **[date]** and I am dealing with it under the terms of the Freedom of Information Act 2000.

In some circumstances a fee may be payable and if that is the case I will let you know. A fees notice will be issued to you, and you will be required to pay before I proceed to deal with your request.

You will receive the information requested within 20 working days unless the Council does not hold the information or there is a reason for it to be withheld. I will write to you in any event.

If you have any requirements regarding the format any information should be supplied in, e.g. the language to be used, audio, large print and so on, then please let me know. If you have not already done so, please supply your email address if you are willing to receive the information electronically.

If you have any queries or concerns then please do not hesitate to contact me. Please remember to quote the request reference number above in any future communications.

Further information about your rights is also available from the Information Commissioner at:
Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF
Telephone: 08456 306060 or 01625 545745 www.ico.gov.uk

Yours sincerely

TEMPLATE 2 – ADVISE APPLICANT OF FEE PAYABLE (FEES NOTICE)

Dear

FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST

Request Reference:

I am considering your request for information which was received on **[date]**. I can confirm that the Council holds information that falls within the description specified in your request.

I have estimated that it will cost £XYZ to process your request.

The charge has been calculated in accordance with Section 13 of the Freedom of Information Act 2000 and the Freedom of Information Fees Regulations, and as per our Freedom of Information Policy.

I will be unable to continue processing your request until the fee is paid. Your cheque or postal order in pounds sterling should be made payable to Meppershall Parish Council. If you wish me to continue dealing with your request you should pay the fee requested within 3 calendar months by **[date]**. If I do not receive the payment fee by this date I shall take it that you do not wish to pursue this request and will consider the request closed.

If you narrow the scope of your request the Council may be able to provide the information free of charge or at a lower cost because it would cost less than the appropriate limit to do so. For instance, if you **[provide appropriate advice and assistance]**. Any reformulated request I receive will be treated as a fresh FOI request.

If you have any queries or concerns about the fees notice, then please do not hesitate to contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of the decision, you should write to the Meppershall Parish Council at the above address.

If you are not content with the outcome of your complaint or review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Council. The Information Commissioner can be contacted at:

Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF
Telephone: 08456 306060 or 01625 545745 www.ico.gov.uk

Yours sincerely

TEMPLATE 3 – REFUSAL NOTICE (PUBLIC INTEREST TEST)

Dear

FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST

Further to your request for information dated [date], I can confirm that the information you requested is being withheld under the Freedom of Information Act 2000.

You requested **[Insert a brief summary of the information requested]**.

It is considered that the public interest in withholding the information outweighs the public interest in disclosing it and that therefore the information is exempt from release.

The exemption applied is **INSERT WHICH PUBLIC INTEREST EXEMPTION**.

This exemption applies because **INSERT REASON/S**.

The reasons why the public interest favours withholding the information (OR declining to confirm or deny that it is held) are **INSERT REASON/S**.

[You are not obliged to explain why an exemption applies or why the balance of the public interest favours non-disclosure if to do so would involve the disclosure of exempt information]

If you wish to discuss any of the above please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to **Meppershall Parish Council** at the above address.

If you are not content with the outcome of your complaint or review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Council.

The Information Commissioner can be contacted at:

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

Telephone: 08456 306060 or 01625 545745 www.ico.gov.uk

Yours sincerely

TEMPLATE 4 – REFUSAL NOTICE (ABSOLUTE EXEMPTION)

Dear

FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST

Further to your request for information dated [date], I can confirm that the information you requested is being withheld under the Freedom of Information Act 2000.

You requested [brief summary of the information requested].

The exemption applied is INSERT ABSOLUTE EXEMPTION.

This exemption applies because INSERT REASON.

[You are not obliged to explain why an exemption applies if to do so would involve the disclosure of exempt information]

If you wish to discuss any of the above please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the **Meppershall Parish Council** at the above address.

If you are not content with the outcome of your complaint or review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Council.

The Information Commissioner can be contacted at:

Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF
Telephone: 08456 306060 or 01625 545745 www.ico.gov.uk

Yours sincerely

TEMPLATE 5 – REFUSAL NOTICE (COST OF LOCATING/RETRIEVING EXCEEDS LIMITS)

Dear

FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST

Thank you for your request for information about [subject]. Your request was received on [date] and I am dealing with it under the terms of the Freedom of Information Act 2000.

I can confirm that the Council holds information that falls within the description specified in your request.

However, I have estimated that it will cost more than the appropriate limit to consider your request. The appropriate limit is specified in regulations and for the Council this is set at £450. This represents the estimated cost of one person spending 2½ working days in determining whether the Council hold the information, and locating, retrieving and extracting the information. Consequently, the Council is not obliged under Section 12 of the Freedom of Information Act 2000 to respond to your request and we will not be processing your request further.

If you narrow the scope of your request the Council may be able to provide the information free of charge because it would cost less than the appropriate limit to do so, although I cannot guarantee that this will be the case. For instance, if you **[provide appropriate advice and assistance]**. Any reformulated request I receive will be treated as a fresh FOI request.

If you have any queries or concerns about this letter then please do not hesitate to contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of the decision, you should write to the **Meppershall Parish Council** at the above address.

If you are not content with the outcome of your complaint or review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Council.

The Information Commissioner can be contacted at:

Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF
Telephone: 08456 306060 or 01625 545745 www.ico.gov.uk

Yours sincerely

TEMPLATE 6 – RESULT OF INTERNAL APPEAL - SUCCESSFUL

Dear

FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST

Your appeal against the Refusal Notice in relation to provision of information in accordance with the Freedom of Information Act 2000 has been considered.

The decision is that your appeal is successful.

The information requested is enclosed.

[If unable to provide in the format requested by the applicant because it was 'unreasonable to do so' then state why]

or

[As you have asked to view the records in which the information is contained, and we are content to let you do so please telephone me to make the necessary arrangements]

consider

[Information you receive may be protected by the copyright of the person or organisation from which the information originated. You must ensure that you gain their permission before reproducing any third-party information.]

If you have any queries or concerns about the handling of your request please do not hesitate to contact me. Please remember to quote the reference number above in any future correspondence.

Further information about your rights is also available from the Information Commissioner at:

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

Telephone: 08456 306060 or 01625 545745 www.ico.gov.uk

Yours sincerely

TEMPLATE 7 – RESULT OF INTERNAL APPEAL - UNSUCCESSFUL

Dear

FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST

Your request for a review of the issue of the Refusal Notice in relation to provision of information in accordance with the Freedom of Information Act 2000 has been considered by

The decision is that your appeal is unsuccessful.

The reason/s is/are INSERT BRIEF REASONS WITH REFERENCE TO THE ORIGINAL REFUSAL LETTER – CONFIRM WHETHER ALL REASONS UPHELD AND GIVE DETAIL IF ANY REASONS NOT UPHELD

If you are dissatisfied with this decision you may request the Information Commissioner to investigate. The contact details are:

Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF
Telephone: 08456 306060 or 01625 545745 www.ico.gov.uk

Yours sincerely

TEMPLATE 8 – FOI INTERNAL CONTROL SHEET

Name of requestor:	Request form attached?	Ref Nos:
Date request received:	20 working days date:	Post Fee paid 20 working days date:

Stage 1 - Do we hold the information?		
Yes, where:	No, why not:	Date notice issued:

Stage 2 – Do any exemptions apply? Please provide detail including if public interest overrides exemption			
Is the information readily available elsewhere?			
Does the request contain personal information?			
Is the request against the public interest?			
Is the request vexatious, repeated or obsessive?			
Does the request exceed the cost limit?			
Other			
Exemption Notice issued?	No:	Yes:	Date notice issued:

Stage 3 – Fees Payable?			
No:	Yes:	Fee details:	
Fees Paid?	Date notice issued:	90 day deadline date:	Date Paid:

Stage 4 – Information Provided		
Date provided:	Format:	Issued by:

Stage 5 – Appeals				
Date received:	Reviewed by:	Appeal successful:	Appeal refused:	Date notice issued:
External appeal details	Reference Nos:	Appeal refused::	Appeal successful:	Information issued: