Appleby-in-Westmorland Town Council

Freedom of Information Policy

General Statement

1. The Freedom of Information Act 2000 provides a right to access to all information which is held by the Appleby-in-Westmorland Town Council. The access to information can only and will only be denied if there is an absolute exemption upon its disclosure or the public interest dictates that the information should not be disclosed. The Act is in addition to the existing statutes relating to specific service areas where local authorities already hold and provide a wide range of information which is available to the public. The Act must be considered in particular in conjunction with the Environmental Information Regulations and the Data Protection Act.
2. In complying with its duty any local authority must take account of the Code of Practice issued by the Department for Constitutional Affairs under Section 45 of the Act. The Council will abide by the terms of the Code of Practice whenever this is possible or appropriate.
3. The Council is committed to conducting its affairs in a transparent manner and enabling public access to its information whenever this is appropriate. Generally, the Council will act in as open and transparent a manner as possible whilst ensuring that its services are provided for the benefit of the residents of Appleby-in-Westmorland in the most effective, efficient and proper manner.

Statement of Commitment

The Council will:

- Enable access to the information which it holds subject to the conditions and exemptions which are prescribed by statute.
- In all cases provide the information requested unless it is exempted from disclosure.
- Inform any applicant who requests information whether or not the Council holds it and communicate that information to the applicant unless the disclosure is exempt from inspection and, where appropriate, public interest in maintaining any applicable exemption outweighs the public interest in its disclosure.

The aims of the Policy are to:

- Facilitate the disclosure of information under the Freedom of Information Act by setting out the administrative practices which the Council will follow in handling requests for information.
- Protect the interests of applicants by setting out the standards for the provision of advice and establish an effective means of complaining about any decisions which are taken under the Act.

- Ensure that the interests of third parties who may be affected by decisions to disclose information are considered by the Council.
- Ensure that the Council considers the implications of the Freedom of Information Act before accepting any confidentiality provisions in contracts or information which is provided in confidence.

Code of Practice

The Council will abide by any Code of Practice on the discharge of the functions of Public Authorities which is issued by the Department of Constitutional Affairs. In addition, the Council will take account of any guidance which is issued by the Information Commissioner to promote good practice.

Provision of advice and assistance to persons making requests for information

The Council will be ready and willing to provide advice and assistance to those who make or propose to make requests for information. Advice and assistance will be available through the Town Clerk in the first instance, who will provide such advice and assistance to applicants as will facilitate their use of the Freedom of Information Act. The Council, through its Officers, will provide such advice and assistance as is reasonable to expect of the Council in compliance with the Codes of Practice.

The Council will publish and maintain its procedures for dealing with requests for information. The procedure includes the address, including the e-mail address, to which applicants should direct requests for information and assistance in the first instance.

The Council recognises that requests for information on the Act must be submitted in writing. Where appropriate, assistance will be given to applicants to enable a written request for information to be submitted in a proper manner. On occasions it may be necessary to refer an applicant to the Citizens Advice Bureau who may be able to assist as an independent third party, with any application. the Council, through its Officers, will be flexible in the way in which advice and assistance is given to applicants so that whatever help is given is the most appropriate to the circumstances.

Whenever information is requested in a way which is unclear an applicant will be requested to describe the nature of his or her request more clearly and provide assistance in doing so. The aim of the assistance will be to clarify the nature of the information which is requested and not to determine the aims or motivation of the applicant. The purpose of seeking further information will be to enable the request to be met.

It is recognised that people who seek information may not understand or be aware of the internal systems which apply within the Council and people will not be expected to refer to particular file references. Applicants will be encouraged to supply as much information as is necessary in order to identify and clarify the nature of the request.

Whilst the Council is committed to providing advice and assistance to all applicants who request information, the Council will not do so when it judges that a particular applicant is vexatious within the terms of the Act.

Time lengths in dealing with requests for information

The Council will respond to all requests for information as promptly as it can. The Council will not delay in responding to any request unnecessarily. The Council will comply with any request within the twenty working day period whenever this is possible. On occasions the Council will have to consider the public interest in connection with any request for information. In some cases, it may not be possible to deal with and such application which is complicated or involved within the twenty day period. The Council will make any decision it has to consider as quickly as possible. The Council aims to give an estimate of the date by which any decision is expected to be made is the twenty working day period cannot be met.

It may be necessary in some instances to consult with third parties. The estimates which the Council gives of any anticipated response date will be as realistic and reasonable as is possible in the circumstances. The Council will seek to explain the reasons for any delay in providing any information or making any decisions. The Council will monitor all applications for information and keep a record of the length of time it takes to respond to individual requests.

Fees

The Council will charge fees strictly in accordance with any regulations made. The fee regulations do not apply to material or information which is readily accessible to the applicant by other means or where a particular provision is made under any statute as to the fee which may be charged by the Council for the disclosure of that information.

Transferring requests for information

The Council will only transfer a request for information where it does not hold the information and another public body does. The Council will always process any request with regard to the information which it holds and will only transfer a request to another body when this is entirely necessary. The Council will advise any applicant if part of the information is held by the Council. Where none of the information request is held by the Council the applicant will be advised of this fact.

In deciding whether to transfer an application to another party the Council will take account of whether it is likely that the applicant will object and have grounds to object to the transfer. If the Council concludes that the applicant is likely to object, a transfer will only take place with the applicant’s consent.

Consultation with third parties

In some cases, the disclosure of information may affect the rights of a third party such as where the information is subject to the common law duty of confidence or where it constitutes personal data within the meaning of the Data Protection Act 1998. Where a disclosure of information cannot be made without the consent of a third party the Council will consult with that third party with a view to seeking that third parties consent to the disclosure. The consultation will take place unless it is impracticable because, for example, the third party cannot be located or the costs of any consultation would be disproportionate.

Public sector contract

In entering into contracts, the Council will not include terms or provisions which purport to restrict the disclosure of information held by it and relating to the contract beyond the restrictions which are permitted under the Freedom of Information Act. The Council will not accept confidentiality clauses in any contract unless it is necessary, proportionate and appropriate. The Council will not agree to hold information 'in confidence' when this is not, in fact, confidential in nature.

Accepting information in confidence

The Council will only accept information from third parties in confidence if it is necessary to do so in connection with the exercise of the Council's functions and it would otherwise not be provided.

Refusals of requests

A refusal of a request for information will only be made when it is necessary to do so. The refusal of the request will be made in writing. The reply will state why the application is being refused, specify the exemption which applies and state clearly why the exemption applies. When applicable the Council will identify why the public interest in maintaining an exemption outweighs the public interest in any disclosure. Whenever appropriate the factors taken into account will be identified.

Monitoring

The Council will keep a record of all applications which are specifically made under the Freedom of Information Act. The Council will monitor which requests, if any, are refused and record the reasons for any such refusals.

Complaints procedure

The Council has an established complaints procedure. Any applicant who is dissatisfied with the way in which any request has been handled will be informed of his or her ability to complain in accordance with the procedure. Any complaint will be dealt with by a panel of Councillors in accordance with the provisions of the Council's existing complaints procedure.

Whenever possible attempts will be made to deal with a complaint informally. The formal procedure will only be invoked if it is not possible to resolve a complaint informally.

Whenever appropriate an applicant will be informed of his or her right to refer a matter to the Information Commissioner. The Commissioner may investigate a matter at his discretion.

The Council will maintain a record of all complaints and their outcome.

Corporate responsibility

The Town Clerk has overall responsibility for the implementation of the Freedom of Information Act and will report on compliance to the Council annually. A report will be submitted annually identifying the requests which have been received and how they have been dealt with.

All employees of the Council will be informed of the Freedom of Information Act. Training will be provided to the appropriate Officers of the Council upon the Act and the responsibilities

and duties under it. Training will be provided to employees with regard to the Act and its effects, implications and application together with their levels of responsibility in dealing with requests.

Policy Review

This Policy will be reviewed bi-annually by Appleby-in-Westmorland Town Council at a Full Council Meeting.

This policy has been agreed and approved by Appleby-in-Westmorland Town Council.

Cllr P Davidson

Cllr Pamela Davidson
Chair of Appleby-in-Westmorland Town Council

Adopted by Appleby-in Westmorland Council on 19th March 2025
Review Date: March 2027