

Witham Town Council: Freedom of Information Policy

A guide to the principles of Freedom of Information and how to submit requests to the Council, ensuring compliance with the Freedom of Information Act 2000, the General Data Protection Regulation (GDPR), and the Data Protection Act 2018.

Policy Overview

This policy is managed in accordance with the Information Commissioner's Office (ICO) guidance and sets out the rights and obligations of the Council in relation to Freedom of Information (FOI). It also outlines how the Council balances transparency with its responsibilities under GDPR and the Data Protection Act 2018 to protect personal data.

1. Your Rights

When making a request to the Council, you have the right to:

- Be informed whether the Council holds information of the description specified in your request.
- Receive the information we hold that relates to your request, subject to any exemptions under the FOI Act.
- Receive advice and assistance from the Council in making your request.
- Receive a response to your request within 20 working days of receipt.

2. Description of Requests and General Information

2.1 Scope of Requests: Requests must be for recorded information held by the Council. Requests for clarification on policy, comments, or press inquiries fall outside the scope of the FOI Act. The Council will, however, endeavour to answer such queries through other appropriate channels.

2.2 Charges: The Council will usually process FOI requests free of charge. However, a charge may be made where the request involves a manifestly unfounded or excessive amount of information, or if it will require a disproportionate effort to locate, retrieve, and extract the information. Where a charge is applicable, a fees notice will be issued to the applicant, detailing how the charge has been calculated, in accordance with ICO guidelines. Applicants have the right to request an internal review of any charge levied.

2.3 Preferred Communication Method: Where reasonably practicable, the Council will accommodate an applicant's preferred method of communication (e.g., email, large print).

2.4 Clarification of Requests: The Council may ask for clarification from applicants to help identify the information requested, particularly where the initial request is unclear or too broad.

2.5 Vexatious or Repeated Requests: The Council reserves the right not to respond to requests that are vexatious or repeated. The determination of such requests will be based on ICO guidance and will involve a careful assessment of the impact on the Council's resources and the intent of the request.

2.6 Publication Scheme: Many documents and information are already publicly available on the Town Council website within our Publication Scheme. Before submitting an FOI request, please check the Publication Scheme to see if the information is already available.

2.7 Data Protection Considerations: The Council will redact personal data from disclosed information where doing so is necessary to comply with the GDPR and the Data Protection Act 2018. This includes personal data relating to third parties, as well as personal data about Council employees where its release would be unfair or unlawful.

3. Making Requests

3.1 How to Submit: Requests can be submitted by:

Email: townclerk@witham.gov.uk

Post:

Witham Town Council
Town Hall
61 Newland Street
Witham
Essex
CM8 2FE

3.2 Request Requirements: To assist the Council in processing your request efficiently, please provide:

Your full name and contact details.

A clear and specific description of the information you are seeking.

Your preferred method of contact.

4. Disputing Information Received and Internal Reviews

4.1 Internal Review: If you are dissatisfied with the outcome of your FOI request, you may request an internal review. Your request for an internal review should be submitted in writing to the Town Clerk within 40 working days of the date of the original response.

4.2 ICO Appeal: If you remain dissatisfied after the internal review, you have the right to appeal to the Information Commissioner's Office.

5. Data Protection

5.1 Data Protection Act 2018: The council is registered with the ICO as a Data Controller and takes its data protection responsibilities seriously. All requests will be dealt with in accordance with the Data Protection Act 2018.

6. Contact Us

6.1 Contact details

Email: townclerk@witham.gov.uk

Post:

Witham Town Council
Town Hall
61 Newland Street
Witham, Essex CM8 2FE

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