



## 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.

The Council will handle FOI requests in line with the Freedom of Information Act 2000, the Environmental Information Regulations 2004 (where applicable), the UK GDPR and Data Protection Act 2018, and the ICO's section 45 Code of Practice.

### 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.

In certain limited circumstances, for example where the public interest test is being considered, the Council may extend the time for responding by a further reasonable period, normally up to an additional 20 working days, in line with ICO guidance.

### Description of Requests and General Information

**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.

**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.

Where the estimated cost of complying with a request exceeds the appropriate limit set out in FOI fees regulations, the Council may refuse the request, charge for compliance, or offer the applicant the option of refining the scope of their request.

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

**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.

**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.

**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.

**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.

**Environmental Information:** Requests for environmental information (for example, about land, air, water, noise, waste or planning) may fall under the Environmental Information Regulations 2004 rather than FOI, but will be handled in a similar way, with regard to ICO guidance.

## **Making Requests**

**How to Submit:** Requests can be submitted by:

Email: [townclerk@witham.gov.uk](mailto:townclerk@witham.gov.uk)

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

**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 and your preferred method of contact.

If you need help to make a request (for example due to a disability, language or literacy needs), the Council will take reasonable steps to provide assistance or signpost you to appropriate support.

## **Disputing Information Received and Internal Reviews**

**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.

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

The Council will ensure that internal reviews are handled by someone not involved in the original decision wherever reasonably possible, and will normally aim to complete reviews within 20 working days, in line with the section 45 Code of Practice.

### **Data Protection**

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.

Requests for access to your own personal data will normally be treated as subject access requests under data protection legislation rather than FOI and will follow the timescales and requirements set out in UK GDPR guidance.

### **Contact Details**

Email: [townclerk@witham.gov.uk](mailto:townclerk@witham.gov.uk)

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

### **Publication Scheme**

The Council has adopted the ICO model publication scheme and maintains a Guide to Information describing what information is routinely made available, how it can be accessed and any charges that may apply.

We will keep our publication scheme and guide under review to ensure that information is provided proactively wherever possible, reducing the need for formal FOI requests.

**Agreed:** Minute 58(d) of Policy & Resources Meeting held 29<sup>th</sup> March 2022

**Reviewed:** Policy & Resources Meeting held 23<sup>rd</sup> March 2026

**Review Date:** March 2027

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