

## **Harberton Parish Council Freedom of Information Policy**

Harberton Parish Council has a commitment to openness and transparency. The Transparency Code for Smaller Authorities came into force in December 2014 requiring Parish Councils to make information available via its website to increase democratic accountability.

The Freedom of Information Act, which came into force on 1 January 2005, gives everyone a statutory right of access to information held by bodies such as the Parish Council.

### **Model Publication Scheme**

In 2014 the Parish Council adopted the model publication scheme issued by the Information Commissioners Office (ICO). You can access a copy of the model scheme at the bottom of this page or via the Parish Council Website [www.harbertonparishcouncil.org](http://www.harbertonparishcouncil.org). In 2018 the Parish Council agreed to include a link to version 1.2 of the ICO's model publication scheme to be read in conjunction with this policy: <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

### **Making a request for information**

Individuals or organisations may make a written request for other information which they believe the Parish Council holds. To request information under the provisions of the Act and to help us to help you in identifying the precise information you require, please email [clerk@harbertonparishcouncil.org](mailto:clerk@harbertonparishcouncil.org) or write to the Clerk c/o Little Cholwell, Harberton, Totnes, Devon, TQ9 7RZ.

Please be sure to include your name, address and a clear description of the information you are seeking when you make your request. The Parish Council advise that you look at guidance available on the Information Commissioner's Office (ICO) website about making requests and 'dos and don'ts' when applying for information.

### **Responding to your request**

The Parish Council will inform you in writing whether we hold the information you have requested and if so, provide it to you no later than 20 working days after we receive the requests. In some circumstances we may ask you to clarify your request.

The Parish Council will refer to the ICO document 'The Guide to Freedom of Information' when processing your request and will seek further advice directly from the ICO if necessary.

The Freedom of Information Act does identify a number of categories of information which the Parish Council is not required to disclose under the Act. In this case, we will write to you stating the exemption which provides the basis for refusal within the Act and why it applies to the information you requested. The Parish Council are obligated to safeguard the privacy of individuals (under the Data Protection Act) and this may also have a bearing on being able to supply you with the information you request. Reasons for refusal will be communicated to you within the 20 working day time period.

### **Charges for providing information under the Freedom of Information Act**

There is no 'flat rate' fee to receive information and in many cases the Parish Council will provide the information free of charge. However, you should note that if the information you are seeking is not

readily available in the form in which you are seeking it, the Parish Council may charge you a fee based on the cost associated with providing the information, for example photocopying and postage (known as 'disbursements').

The Freedom of Information Act does permit the Parish Council to refuse your request if it is estimated this will cost in excess of the appropriate cost limit (currently £450) to fulfil your request.

#### **Freedom of Information Fees Notice**

If you need to pay a fee for disbursements or because the costs exceed the appropriate limit, we will write to you advising you of the fee required within 20 days of receipt of your request. This is known as a 'Fees Notice'. When you are issued the Fees Notice, the 20 working day limit for responding stops, and then will start again when we receive payment. If we do not receive the fee from you within three months we are not obliged to comply with the request.

#### **Complaints**

If you are dissatisfied with the way the Parish Council has responded to a request for information please write to the clerk.

The Information Commissioner's Office (ICO) is responsible for enforcing the operation of the Act and you may raise issues with this office at any time. More information can be found on the ICO website [www.ico.org.uk](http://www.ico.org.uk), by telephone on 0303 123 1113 or by writing to the address below:

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



Information available from Harberton Parish Council under the model publication scheme.

This guidance/template gives examples of the kinds of information that we would expect Parish/Community Councils to provide in order to meet their commitments under the model publication scheme.

We would expect Parish/Community Councils to make the information in this definition document available unless:

- it does not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited by another statute;
- the information is readily and publicly available from an external website; such information may have been provided by the public authority or on its behalf. The authority must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

The guidance is not meant to give an exhaustive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and public authorities should look to provide as much information as possible on a routine basis.

### **Publishing datasets for re-use**

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance](#) on the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

Information to be published	How the information can be obtained	Cost
<p><b>Class1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts)</p> <p>This will be current information only.</p> <p>N.B. Councils should already be publishing as much information as possible about how they can be contacted.</p>	(hard copy or website)	
Who's who on the Council and its Committees	Website Hard copy from Clerk	Free 10p/sheet
Contact details for Parish Clerk and Council members (named contacts where possible with telephone number and email address (if used))	Website Hard copy from Clerk	Free 10p/sheet
<del>Location of main Council office and accessibility details</del>		
<del>Staffing structure</del>		
<p><b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>	(hard copy or website)	
<p>Annual return form and report by auditor</p> <p>Annual return form and report by auditor current year</p> <p>Annual return form and report by auditor previous year</p>	Website Hard copy from Clerk	Free 10p/sheet
<p>Finalised budget</p> <p>Finalised budget current year</p> <p>Finalised budget previous year</p>	Website Hard copy from Clerk	Free 10p/sheet
<p>Precept</p> <p>Precept current year</p> <p>Precept previous year</p>	Website Hard copy from Clerk	Free 10p/sheet
<del>Borrowing Approval letter</del>		
Financial Standing Orders and Regulations		
Grants given and received	Website Hard copy from Clerk	Free 10p/sheet
<del>List of current contracts awarded and value of contract</del>		
<del>Members' allowances and expenses</del>		
<p><b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)</p> <p>Current and previous year as a minimum</p>	(hard copy or website)	

Parish Plan (current and previous year as a minimum)	Website Hard copy from Clerk	Free 10p/sheet
Annual Report to Parish or Community Meeting (current and previous year as a minimum)	Website Hard copy from Clerk	Free 10p/sheet
Quality status		
<del>Local charters drawn up in accordance with DCLG guidelines</del>		
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)  Current and previous council year as a minimum	(hard copy or website)	
Timetable of meetings (Council and any committee/sub-committee meetings and parish meetings)	Website Hard copy from Clerk	Free 10p/sheet
Agendas of meetings (as above)	Website Hard copy from Clerk	Free 10p/sheet
Minutes of meetings (as above) – n.b. this will exclude information that is properly regarded as private to the meeting.	Website Hard copy from Clerk	Free 10p/sheet
Reports presented to council meetings – n.b. this will exclude information that is properly regarded as private to the meeting.	Website Hard copy from Clerk	Free 10p/sheet
Responses to consultation papers	Website Hard copy from Clerk	Free 10p/sheet
Responses to planning applications	Website Hard copy from Clerk	Free 10p/sheet
<del>Bye-laws</del>		
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities)  Current information only	(hard copy or website)	
Policies and procedures for the conduct of council business:  Procedural standing orders Committee and sub-committee terms of reference - Harberton Parish Neighbourhood Plan Terms of Reference - Harberton Parish Council Finance Committee Terms of Reference Delegated authority in respect of officers Code of Conduct Policy statements: - Harberton Parish Council protocol on the filming and recording of local council and committee meetings	Website Hard copy from Clerk	Free 10p/sheet
<del>Policies and procedures for the provision of services and about the employment of staff:</del>	Website Hard copy from Clerk	Free 10p/sheet

Internal instructions to staff and policies relating to the delivery of services Equality and diversity policy Health and safety policy Recruitment policies (including current vacancies) Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)		
Information security policy		
Records management policies (records retention, destruction and archive)		
Data protection policies		
Schedule of charges (for the publication of information)		
<b>Class 6 – Lists and Registers</b>  Currently maintained lists and registers only	(hard copy or website; some information may only be available by inspection)	
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice) Register of Electors	Inspection only (by arrangement)	
Assets register	Website Hard copy from Clerk	Free 10p/sheet
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by parish councils)	Inspection only (by arrangement)	
Register of members' interests	Website Hard copy from Clerk	Free 10p/sheet
Register of gifts and hospitality		
<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)  Current information only	(hard copy or website; some information may only be available by inspection)	
Allotments		
Burial grounds and closed churchyards		
Community centres and village halls		
Parks, playing fields and recreational facilities		
Seating, litter bins, clocks, memorials and lighting		
Bus shelters		
Markets		
Public conveniences		
Agency agreements		

Services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)		
<b>Additional Information</b> This will provide Councils with the opportunity to publish information that is not itemised in the lists above		
Risk Assessment		

**Contact details:** Cat Radford, Harberton Parish Clerk email: [clerk@harbertonparishcouncil.org](mailto:clerk@harbertonparishcouncil.org), tel: 0845 557 8469, post: c/o Little Cholwell, Harberton, Totnes, Devon, TQ9 7RZ

#### SCHEDULE OF CHARGES

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

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
<b>Disbursement cost</b>	Photocopying @ 10p per sheet (black & white)	Actual cost *
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class
<b>Statutory Fee</b>	A cost of £25.00 per person, per hour can be charged if a request for information exceeds the appropriate limit, currently set at £450 (or 18 hours of work or more).	In accordance with the relevant legislation (Requests where the cost of compliance with a request exceeds the appropriate limit 20120927, version 1.1)
<b>Other</b>		

\* the actual cost incurred by the public authority