



BISHOPSTOKE PARISH COUNCIL

FREEDOM OF INFORMATION POLICY

**This Freedom of Information Policy was last adopted
by the Parish Council at its meeting on 9th May 2023**

D Wheal

Clerk to Bishopstoke Parish Council

**BISHOPSTOKE PARISH COUNCIL
FREEDOM OF INFORMATION POLICY**

Amendment Sheet

Amendment No.	Date Incorporated	Subject
1	23/02/2021	Amendment to clause 5.11 following the exit from the EU.
2	09/05/2023	Amended contact details

FREEDOM OF INFORMATION POLICY

1 Policy Statement

- 1.1 Bishopstoke Parish Council is committed to complying with the provisions of the Freedom of Information Act 2000 ('FOIA') and any related legislation which is applicable.
- 1.2 FOIA enables anyone, anywhere in the world, to request any recorded information held by, or on behalf of, the Commission. There is no need for the applicant to explain their reasons for the request, or that it is a request under FOIA. Requests for information must be made in writing, which includes emails. The request must state the name and address of the person applying for the information and the required information.
- 1.3 Information will be provided if it is held, unless one or more of the exemptions listed in the legislation applies. Information which is exempt does not have to be provided.

2 The Freedom of Information Act (2000)

- 2.1 The Freedom of information Act grants to members of the public rights of access to all kinds of recorded information held by a wide range of public authorities. Information about the Act is available from the Information commissioner's Office at www.ico.gov.uk.
- 2.2 The Act requires every public authority to adopt and maintain a generic model publication scheme which should be adopted and operated by all public authorities from 1 January 2009. Bishopstoke Parish Council first adopted the generic model publication scheme at their council meeting on 26 February 2019. It is intended to provide everyone interested in the Council with a comprehensive guide to the information that the Council will automatically or routinely publish or otherwise makes available to the public.
- 2.3 It is important to note that a publication scheme simply sets out the information that is routinely available. Information that is not listed in the Information Available Guide can still be requested and it will be made available unless it can be legitimately withheld. This can be done by making a written request to the Parish Clerk who will reply within 20 working days after receipt of the request.

3 Responsibilities

- 3.1 The Clerk is responsible for ensuring that Freedom of Information requests that are received are dealt with in accordance with the FOIA and in compliance with this policy. All requests must be dealt with promptly and in line with this policy. If requests are made verbally then the applicant must be asked to put their request in writing (appropriate assistance will be provided to applicants with access requirements) to the Clerk at the address given below.
- 3.2 Bishopstoke Parish Council has overall responsibility for this policy. The Clerk is responsible for ensuring implementation and compliance with this policy.

4 Dealing with Requests

- 4.1** The FOIA provides public access to information held by public authorities as:
- 4.1.1** Public authorities are obliged to publish certain information about their activities, and
 - 4.1.2** Members of the public are entitled to request information from public authorities.
- 4.2** Recorded information held by the Parish Council is subject to the requirements of the FOIA. The type of information which may be requested can be paper or electronic and may include draft documents, agendas, minutes, emails, diaries and even rough handwritten notes.
- 4.3** Where a valid request is received, there is a duty on the Parish Council to confirm or deny whether it holds the information and if it does hold it, to provide the information so long as an exemption does not apply. If information has been requested but is not held, the Parish Council will inform the applicant of this. In exceptional cases the Parish Council may not be able to either confirm or deny if the information requested is held.
- 4.4** If a request is unclear, the Parish Council will ask for clarification as soon as possible to enable us to proceed with considering the request. The Parish Council will provide advice and assistance to help people make requests under the FOIA. We will aim to acknowledge requests for information within five working days of receipt. The Parish Council aims to respond to all requests promptly and in any event within 20 working days following receipt of a valid request. The applicant will be informed if it is not possible to comply with this timescale and given an indication of when the response is likely to be provided.

5 Exemptions

- 5.1** The FOIA does not entitle applicants to be given all information held by the Parish Council. The FOIA sets out exemptions from the right of access to information. In broad terms, there are two kinds of exemptions:
- 5.1.1** Absolute exemptions – the right to information is completely over-ridden by the exemption;
 - 5.1.2** Qualified exemptions – where an exemption may be applied, but the Parish Council must weigh up competing interests to decide whether it serves the interests of the public better to withhold or disclose the information. This is known as the public interest test.
- 5.2** Although there might be occasions when it is appropriate to rely on an exemption, provision of information is an integral part of the Parish Council's work. Therefore, we aim to disclose as much information as possible and rely on exemptions only in limited circumstances.
- 5.3** Where a request is refused a refusal notice must be issued setting out the section of FOIA being relied upon and in most instances explain the reasons for its decision, including the details of any public interest and prejudice tests. The refusal notice will also outline the complaints procedure with relevant details and inform the requester of their right to complain to the Information Commissioner.
- 5.4 Data Protection Act 2018**

The Parish Council is under a legal duty to protect personal data as required by the Data Protection Act 2018 (DPA) and other privacy legislation. The Parish Council will carefully

consider its responsibilities under the DPA before disclosing any personal data about living individuals. If responding to a request under the FOIA would breach the DPA, it may be exempt from disclosure. In deciding whether to refuse a request on this basis, we will consider whether it would be unfair to the individual concerned to disclose their personal data. Any request made by an individual for their own personal data will be treated as a subject access request under the Data Protection Act 2018.

5.5 Vexatious Requests

While we are committed to providing information, we sometimes receive requests which can be deemed 'vexatious'. Some of these requests can be costly for public bodies such as the Parish Council to handle and responding to them may be an inappropriate use of staff time. In determining whether a request may be vexatious we will consider whether it is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation. Where we believe the request to be vexatious, we will issue a refusal notice unless we have already done so in response to an earlier vexatious or repeated request from the same individual, and it would be unreasonable to issue another one.

5.6 Repeated Requests

The Parish Council can refuse requests if they are repeated, whether or not they are also vexatious.

5.7 Confidentiality

If we receive information from someone else and complying with a request for that information would be a breach of confidence that is actionable, the information may be exempt from disclosure.

5.8 Legal Privilege

If complying with a request would reveal information that is subject to 'legal professional privilege' then it may be exempt from disclosure. These long-established rules exist to ensure people are confident they can be completely frank and candid with their legal adviser when obtaining legal advice, without fear of disclosure.

5.9 Cost Limit

The Parish Council reserves the right to refuse requests where the cost of providing the information would exceed the statutory cost limit. This limit is currently £450, which equates to 18 hours' work at a statutory rate of £25 per hour. We are only allowed to take into account staff costs spent on the following activities:

5.9.1 Determining whether we hold the information requested;

5.9.2 Locating the information or documents containing the information;

5.9.3 Retrieving such information or documents;

5.9.4 Extracting the information from the document containing it (including editing or redacting it).

We are not allowed to include the estimated cost of staff time taken in deciding whether any exemptions apply to the disclosure of information requested.

5.10 There are also other exemptions that the Parish Council might apply and these include:

5.10.1 Information already reasonably accessible;

5.10.2 Information intended for future publication;

5.10.3 Research information;

5.10.4 Security bodies and national security

5.10.5 Court records;

5.10.6 Parliamentary privilege;

5.10.7 Communications with the Royal family;

5.10.8 Endangering health and safety;

5.10.9 If complying with the request would prejudice or would be likely to prejudice investigations, law enforcement, audit functions, the effective conduct of public affairs, defence, the effectiveness of the armed forces, international relations, relations between the UK Government, the Scottish Executive, the Welsh Assembly and the Northern Ireland Executive, the economy or the financial interests of the UK, Scottish, Welsh or Northern Irish administrations, and/or • trade secrets and prejudice to commercial interests.

5.11 We will also not disclose information if complying with a request for information:

5.11.1 Is not allowed under law;

5.11.2 Would be contrary to a retained EU obligation or

5.11.3 Would constitute contempt of court.

6 Charges

6.1 We will follow Information Commissioner's Office (ICO) guidance on what we can and cannot charge for. The maximum disbursement we can charge in these cases is limited to the specified costs of postage, printing and photocopying disbursements outlined below.

6.2

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying at 10p per sheet (black and white)	Actual Cost
	Colour copying not available	
	Postage	Cost of 2 nd class stamp
Statutory fee	None applicable	
Other	None applicable	

- 6.3** If we estimate the cost of dealing with the request to be ‘significant’, i.e. over £10, we will issue a ‘Fee Notice’ informing the applicant of the required fee before processing the request for information and as soon as possible within the 20 working day deadline following receipt of the request. Once we issue a Fee Notice, the 20 working day time limit for responding stops and will start again only when we receive payment.

7 Publication Scheme

- 7.1** The Parish Council has adopted the Information Commissioner’s Model Publication Scheme. The Scheme sets out what information the Parish Council will make available, classified by type of information, and how this information can be accessed. The Scheme is available as a separate document from the Parish Council or on the Parish Council website.
- 7.2** All Freedom of Information requests and their responses will be published on the Council’s website.

8 Complaints

- 8.1** The Council would normally expect a named officer to understand what information you have asked for and to be able to tell you where you can find it. If the information you receive is not what you asked for or need, you should first contact the named officer. If the information you have asked for is not available, the named officer will tell you why.
- 8.2** If you believe that the Council has not dealt with the request fairly and cannot deal with it satisfactorily on an informal basis, you should follow our complaints procedure. You can get details from, Bishopstoke Parish Council, Parish Office, Riverside, Bishopstoke, Eastleigh, SO50 6LQ. Telephone 07368 487464 or email clerk@bishopstokepc.org.
- 8.3** If you have followed our complaints procedure and are still not happy with how we have dealt with your request, you may also contact the Information Commissioner to ask them to investigate the matter.

9 Contact Details

- 9.1** Freedom of information requests and requests for hard copies should be directed to the Clerk:

Clerk to Bishopstoke Parish Council
Parish Office
Riverside
Bishopstoke
Hampshire
SO50 6LQ

email: clerk@bishopstokepc.org
phone: 07368 487464



BISHOPSTOKE PARISH COUNCIL

FREEDOM OF INFORMATION POLICY MODEL PUBLICATION SCHEME

**This Freedom of Information Policy Model Publication Scheme was last
adopted by the Parish Council at its meeting on 9 May 2023**

**D Wheal
Clerk to Bishopstoke Parish Council**

**BISHOPSTOKE PARISH COUNCIL
FREEDOM OF INFORMATION POLICY
MODEL PUBLICATION SCHEME**

Amendment Sheet

Amendment No.	Date Incorporated	Subject
----------------------	--------------------------	----------------

FREEDOM OF INFORMATION POLICY

MODEL PUBLICATION SCHEME

1 General

- 1.1** This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.
- 1.2** This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.
- 1.3** The scheme commits an authority:
- 1.3.1** To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below;
 - 1.3.2** To specify the information which is held by the authority and falls within the classifications below;
 - 1.3.3** To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme;
 - 1.3.4** To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public;
 - 1.3.5** To review and update on a regular basis the information the authority makes available under this scheme;
 - 1.3.6** To produce a schedule of any fees charged for access to information which is made proactively available;
 - 1.3.7** To make this publication scheme available to the public;
 - 1.3.8** To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.
- 1.4** The term ‘dataset’ is defined in section 11(5) of the Freedom of Information Act. The term ‘relevant copyright work’ is defined in section 19(8) of that Act.

2 Classes of Information

2.1 Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

- 2.2 What we spend and how we spend it**
Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- 2.3 What our priorities are and how we are doing**
Strategy and performance information, plans, assessments, inspections and reviews.
- 2.4 How we make decisions**
Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
- 2.5 Our policies and procedures**
Current written protocols for delivering our functions and responsibilities.
- 2.6 Lists and registers**
Information held in registers required by law and other lists and registers relating to the functions of the authority.
- 2.7 The services we offer**
Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.
- 2.8 The classes of information will not generally include:**
 - 2.8.1** Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
 - 2.8.2** Information in draft form.
 - 2.8.3** 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 The method by which information published under this scheme will be made available

- 3.1** The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.
- 3.2** Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.
- 3.3** In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.
- 3.4** Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.
- 3.5** Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

4 Charges which may be made for information published under this scheme

- 4.1** The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.
- 4.2** Material which is published and accessed on a website will be provided free of charge.
- 4.3** Charges may be made for information subject to a charging regime specified by Parliament.
- 4.4** Charges may be made for actual disbursements incurred such as:
 - 4.4.1** Photocopying;
 - 4.4.2** Postage and packing;
 - 4.4.3** The costs directly incurred as a result of viewing information.
- 4.5** Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.
- 4.6** Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.
- 4.7** If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

5 Written Requests

- 5.1** Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.



BISHOPSTOKE PARISH COUNCIL

FREEDOM OF INFORMATION POLICY

MODEL PUBLICATION SCHEME

(INFORMATION AVAILABLE)

**This Freedom of Information Policy Model Publication Scheme
(Information Available) was last adopted**

by the Parish Council at its meeting on 9 May 2023

D Wheal

Clerk to Bishopstoke Parish Council

BISHOPSTOKE PARISH COUNCIL
FREEDOM OF INFORMATION POLICY
MODEL PUBLICATION SCHEME
(INFORMATION AVAILABLE)

Amendment Sheet

Amendment No.	Date Incorporated	Subject
----------------------	--------------------------	----------------

FREEDOM OF INFORMATION POLICY

MODEL PUBLICATION SCHEME (INFORMATION AVAILABLE)

1 Class 1 – Who we are and what we do

INFORMATION TO BE PUBLISHED	HOW IT CAN BE OBTAINED	COST
Organisational information, structures, locations and contacts (This will be current information only)	Website or hard copy	Free 10p per A4 sheet
Who's who on the Council and its Committees	Website/hard copy	As above
Contact details for Parish Clerk and council members	Website/hard copy	As above
Location of main Council office and accessibility details	Website/hard copy	As above
Staffing structure	Hard copy	10p per A4 sheet

2 Class 2 – What we spend and how we spend it

INFORMATION TO BE PUBLISHED	HOW IT CAN BE OBTAINED	COST
Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit. (Current and previous financial year as a minimum)	Hard copy	10p per A4 sheet
Annual return form and report by auditor	Hard copy	Free/
Finalised budget	Hard copy + Annual Report	10p per A4 sheet
Precept	Annual Report	Free
Borrowing approval letter	Website/hard copy	Free
Financial Standing Orders and Regulations	Hard copy (if applicable)	10p per A4 sheet
Grants given and received	Hard copy	10p per A4 sheet
List of current contracts awarded and value of contract	Annual Accounts hard copy	Free and/or 10p per A4 sheet
Members' allowances and expenses	Hard copy	10p per A4 sheet

3 Class 3 – What our priorities are and how we are doing

INFORMATION TO BE PUBLISHED	HOW IT CAN BE OBTAINED	COST
Strategies and plans, performance indicators, audits, inspections and reviews	Hard copy or Website	10p per A4 sheet
Parish Plan	Not applicable	Free
Annual Report to Parish meeting (current and previous year as a minimum)	Website/hard copy	Free
Quality status	Hard copy	10p per A4 sheet
Local charters drawn up in accordance with DCLG guidelines with Hampshire County Council	Hard copy	10p per A4 sheet

4 Class 4 – How we make decisions

INFORMATION TO BE PUBLISHED	HOW IT CAN BE OBTAINED	COST
Decision making processes and records of decisions (current and previous council year as a minimum)	Hard copy for current and previous year Website current year only	10p per A4 sheet free
Timetable of meetings (Council, any committee sub-committee meetings and Annual Parish meeting)	Website/hard copy	As above
Agendas of meetings (as above)	Website/hard copy	As above
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meeting	Website/hard copy	As above
Reports presented to council meetings – nb this will exclude information that is properly regarded as private to the meeting	Hard copy	10p per A4 sheet
Responses to consultation papers	Hard copy	10p per A4 sheet
Responses to planning applications	Website/hard copy	Free/10p per A4 sheet
Bye-laws	Hard copy	10p per A4 sheet

5 Class 5 – Our policies and procedures

INFORMATION TO BE PUBLISHED	HOW IT CAN BE OBTAINED	COST
Current written protocols, policies and procedures for delivering our services and responsibilities (current information only)	Website/hard copy	Free/10p per A4 sheet
Policies and procedures for the conduct of council business:		
Procedural standing orders	Hard copy	10p per A4 sheet
Committee and sub-committee terms of reference	Hard copy	10p per A4 sheet
Delegated authority in respect of officers	Hard copy	10p per A4 sheet
Code of Conduct	Hard copy	10p per A4 sheet
Policy statements	Hard copy	10p per A4 sheet
Policies and procedures for the provision of services and about the employment of staff:		
Internal policies relating to the delivery of services	Hard copy	10p per A4 sheet
Equality and diversity policy	Hard copy	10p per A4 sheet
Health and safety policy	Hard copy	10p per A4 sheet
Recruitment policies (including current vacancies)	Hard copy	10p per A4 sheet
Policies and procedures for handling requests for information	Hard copy	10p per A4 sheet
Complaints procedures (including those covering requests for information and opening the publication scheme)	Hard copy	10p per A4 sheet
Information security policy	Hard copy	10p per A4 sheet
Records management policies (records retention, destruction and archive)	Hard copy	10p per A4 sheet
Data protection policies	Hard copy	10p per A4 sheet
Schedule of charges for the publication of information	Website/hard copy	Free/10p per A4 sheet

6 Class 6 – Lists and Registers

INFORMATION TO BE PUBLISHED	HOW IT CAN BE OBTAINED	COST
Currently maintained lists and registers only	Hard copy or website; some information may only be available by inspection	
Any publicly available register or list (eg persons buried in cemetery)	Hard copy	10p per A4 sheet
Assets Register	Hard copy	10p per A4 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)	Hard copy	10p per A4 sheet
Register of members' interests	Hard copy	10p per A4 sheet
Register of gifts and hospitality	Hard copy	10p per A4 sheet

7 Class 7– The services we offer

INFORMATION TO BE PUBLISHED	HOW IT CAN BE OBTAINED	COST
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	Free
Allotments – plans, standard tenancy agreements	Hard copy	10p per A4 sheet
Burial ground and closed churchyard	Hard copy	10p per A4 sheet
Community centres	Not applicable	
Parks, playing fields and recreational facilities	Hard copy	10p per A4 sheet
Seating, litter bins, clocks, memorials and lighting	Hard copy	10p per A4 sheet
Bus shelters	Hard copy	10p per A4 sheet
Markets	Not applicable	
Public conveniences	Not applicable	
Agency agreements	Hard copy	10p per A4 sheet
Parish Newsletter	Hard copy	Free
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g burial fees)	Website/hard copy	Free