



NORTH TAWTON TOWN COUNCIL

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This is a document that sets out North Tawton Town Councils approved and agreed practices. Any deviation must be by resolution of the full Council.

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Version	Point(s)	Description of Change	Date

THIS IS A CONTROLLED DOCUMENT

Whilst this document may be printed, the electronic version maintained on the North Tawton Town Council website is the controlled copy. Any printed copies of this document are not controlled.

Background:

The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) place legislative requirements on all public authorities, including local councils. The laws established the legal Right to Know; a presumption in favour of public access to information held by public authorities, subject to certain exemptions; and other measures to improve public sector transparency.

The Council is obliged to provide information:

Information is to be made available via a publication scheme, and also in response to requests made under the general right of access. When responding to requests, there are set procedures that the Council needs to follow. These include:

- The time limit public authorities are allowed for responding to requests.
- The fees or amount that public authorities can charge for dealing with requests. Public authorities are not obliged to deal with requests if the costs of finding the
- information exceed a set amount known as the appropriate limit.
- Public authorities need not comply with vexatious or repeated requests.

The Act also recognises that there are valid reasons for withholding information by setting out several exemptions from the right to know, some of which are subject to a public interest test.

Policy Statement:

North Tawton Town Council aims to move away from the need for individual freedom of information requests and complaints to ensure routine, proactive and increased transparency on the part of the Council, by:

- Being open and transparent and endeavoring to provide the public with access to official information it holds, as a matter of course.
- Making people aware of their rights to access the official information the council holds.
- Making as much routine information as possible available through the Council's Publication Scheme and website.
- Providing reasonable advice and assistance to applicants for information, including signposting applicants to possible sources of the information they seek if it is not held by the Council.

Dealing with requests for information:

Members of the public have a general right to access information held by North Tawton Town Council, specifically:

- To be told whether the information is held by the Council, and
- if it is, to have the information communicated to them.

Note: There are certain exemptions and limitations to this general right, but just because a document is marked "Confidential" does not automatically mean that it is exempt information, although it may be covered by certain exemptions. Each case will be dealt with on its merits.

Requests for information must:

- Be in writing - a written request includes via email. (For environmental information the request does not have to be in writing – environmental information includes information about pollution, energy production, waste management for example).
- Give the applicant's name and return address
- Describe the information requested in such a way that we can locate it.

Receipt of requests will be acknowledged but if it is possible to respond with the information requested, this will be done instead. If further information is required to locate the information requested, this will be undertaken as quickly as possible.

The Council has 20 working days in which to deal with a request for information. If it is not clear what information is required, the 20-day period does not begin until clarification is received from the applicant as to exactly what is required. (For environmental information the response period is extended to 40 working days for information that is complex and bulky).

A charge will be made for the photocopying of information requested as follows:

- In accordance with the Council's Publication Scheme.
- Additionally, postage will be charged at cost.
- If the cost of finding, sorting and editing the information requested is more than £450 then, under the FOI Act, the Council does not have to provide the information.
(Under EIR, environmental information cannot be refused on the grounds of cost).

Any requests for information that is not contained in the Publication Scheme will be dealt with under the FOI Act. A certain amount of guidance on dealing with requests is held by the Clerk, but it may be necessary that further specific guidance might be required from the Information Commissioner's Office. Certain personal information is covered by the Data Protection Act.

The applicant will be kept informed at all stages of the process of supplying the information requested, particularly if it is a complex request, when guidance may have to be sought from other agencies.

If a request is refused, the refusal notice will give the reasons for refusing the request and advise the applicant as to their rights of appeal – both internally by way of a complaint and, following that, by way of an appeal to the Information Commissioner.

Refusal of Request

In certain circumstances, the council may refuse to provide the requested information. Common reasons for refusal include:

- The request is too broad or vague
- The information is already publicly available
- The request falls under one of the exemptions
- If a request is refused, the council will provide a clear explanation and, where possible, offer
- guidance on how to refine the request.

Review and Appeal:

If a requester is dissatisfied with the council's response or decision, they may ask for an internal review. The review will consider whether the response complied with the law and whether the correct exemptions were applied. If the requester is still dissatisfied after the review, they may appeal to the Information Commissioner's Office (ICO).

Publication Scheme:

In line with the Freedom of Information Act, the council maintains a Publication Scheme that provides information about the types of information the council routinely publishes, such as:

- Minutes and agendas for council meetings
- Annual accounts and financial reports
- Policies and procedures
- Contact details for councillors and staff

The Publication Scheme can be found below and accessed on the Town Council website.

Any initial appeal will be made to the Council and will be dealt with by elected members. If the original decision not to supply the information is upheld by the Council, but is still not accepted by the applicant, then the applicant is able to appeal to the Information Commissioner.

Reasons for refusing information must be in accordance with the respective provisions of the legislation, including consideration of the public interest test where this applies.

Review:

This policy will be reviewed every year (or earlier if required by changes to legislation or additional documentation) and amended as necessary based on good practice or evidence taken forward.