

Ettington Parish Council

Freedom of Information/Publication

Scheme

Date Adopted: 8 January 2014

Readopted May 15

June 2016

May 2017

May 2018

Due for review: Annually in May (unless legislative changes require earlier review)

NB: The schedule of information held (Appendix 2) will be updated as necessary and without the need for review.

1 Introduction

1.1 The intention behind the scheme is to be open, transparent and accountable.

1.2 The scheme fully adopts the "Model Publication Scheme" of the Information Commissioner's Office (Appendix 1). The Schedule of Information Held is at Appendix 2.

1.3 The Schedule of Charges is listed at Appendix 3.

2 Process

a) All requests for information must be in writing (e-mail is acceptable), to the Clerk to the Council, and capable of being used for subsequent reference and to identify what information is requested.

b) Information will, where possible be provided to the application in the manner requested, eg a summary, the full document or the applicant can ask to inspect the record.

c) Applicants are not entitled to information covered by an exemption (see 5 below), though such information may be released if it is in the public interest to do so. If it is decided that the information should not be released then the Clerk will inform the applicant, in writing of this decision and the reason for it.

d) The Clerk will respond promptly and within 20 working days to all requests.

e) The Clerk will seek clarification in order to identify and locate the information.

f) If a fee is applicable (refer to Appendix 3) then the applicant will be notified of this, in writing, within the timescale referred to. If this fee is not paid within a 3 month period then the information will not be released.

3 Complaint

a) If the applicant is dissatisfied with the way in which his/her request has been handled then he/she has the right to make a complaint in accordance with the complaint's procedures of Ettington Parish Council.

b) In addition, he/she has the right to make a complaint to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow

Cheshire
SK9 5AF

Information Line 01625 54 57 45/0845630 60 60
Switchboard 01625 54 57 45
Fax 01625 52 45 10
Website www.ico.gov.uk

4 Vexatious Request

- a) The Council will not be required to comply with vexatious requests.
- b) Requests will be deemed to be vexatious if they are requests for the same information, from the same person within a short period of time.

5 Exemptions

The Freedom of Information Act sites two categories of exemptions - exemptions where the public interest test applies ("qualified exemptions") and absolute exemptions. Not all of the exemptions sited in the act are listed below but those deemed to be appropriate to the Council are though reference will be made to the Act where a doubt arises.

The following exemptions apply:

a) Qualified Exemptions

- Information intended for future publication
- Investigations and proceedings conducted by the authority
- Audit functions (until such time as the audit is completed)
- Prejudice to effective conduct of public affairs
- Health and safety
- Environmental information
- Personal information of a third party (ie not data relating to the requester)
- Legal professional privilege
- Commercial interests

b) Absolute Exemptions

- Information accessible to the applicant by other means
- applicant has the right of "subject access" under the Data Protections Act 1998. Where the information concerns a third party and disclosure would breach one of the data Protection Principles or if disclosure would contravene a notice received under Section 10 of the DPA (the right to prevent processing likely to cause damage or distress) ; or if the person who is the subject of the data would not be entitled to access it under the DPA access regime because one of the DPA subject access exemptions would apply.
- Information provided in confidence.

6 Guidance to be referred to

In applying this scheme reference will be made to:

- Secretary of State Codes of Practice (November 2004)
- The Lord Chancellor's Codes of Practice (November 2002)
- The Data Protection Act 1998 (Policy to be drafted)

Appendix 1

ICO

Model publication scheme

Freedom of Information Act

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. 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.

The scheme commits an authority:

- 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.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- 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.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- 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 a specified licence. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of that Act.

Classes of information

Who we are and what we do

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

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- 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.
- Information in draft form.
- 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.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

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.

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.

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.

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.

Charges which may be made for information published under this scheme

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.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

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.

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 either regulations made under section 11B of the Freedom of Information Act or other enactments.

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.

Written requests

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.

Appendix 2

Information Available from Ettington Parish Council under the Model Publication Scheme

Information to be published	How the information can be obtained	Cost
Class 1 - Who we are and what we do		
Who's who on the Council	Website/Hard Copy/e-mail	As per schedule of charges
Contact details for the Parish Clerk	Website/Hard Copy/e-mail	As per schedule of charges
Class 2 - What we spend and how we spend it		
Annual return form and report by auditor	Website/hard copy/e-mail	As per schedule of charges
Finalised budget	Website/hard copy/e-mail	As per schedule of charges
Precept	Website/hard copy/e-mail	As per schedule of charges
Financial Regulations	Website/hard copy/e-mail	As per schedule of charges
List of current contracts awarded and value of contract	N/A at present/e-mail	As per schedule of charges
Members' allowances and expenses	N/A at present	As per schedule of charges
Class 3 - What our priorities are and how we are doing (Strategies and plans, inspections, reviews etc)		
Annual report to Parish Meeting	Website/hard copy /e-mail	As per schedule of charges
Class 4 - How we make decisions (Decision making processes and records of decisions)		
Timetable of meetings	Website/hard copy/e-mail	As per schedule of charges
Agendas of meetings	Website - forthcoming meetings and previous 11 meetings Hard copy /e-mail	As per schedule of charges
Minutes of meetings, nb this will exclude information that is properly regarded as confidential to the meeting	Website - once approved at subsequent meeting and for previous 11 meetings Hard copy/e-mail	As per schedule of charges
Reports presented to council meetings , nb this will exclude information that is properly regarded as confidential to the meeting	Website - forthcoming meetings and previous 11 meetings Hard copy/e-mail	As per schedule of charges
Responses to planning applications	Hard copy	As per schedule of charges
Class 5 - Our Policies and procedures (Current written protocols, policies and procedures)		
Policies and procedures for the conduct of Council business: Standing Orders Complaints Code of Conduct	Website/hard copy/e-mail	As per schedule of charges
Policies and procedures for the provision of services and employment of staff	N/A at this time	As per schedule of charges
Data Protection Policies	N/A at this time	As per schedule of charges
Class 6 - Lists and Registers Currently maintained lists and registers only		
Any publicly available register or list, eg Electoral Register	Inspection only	As per schedule of charges
Assets Registers	Hard Copy/e-mail	As per schedule of charges
Register of members interests	Via Stratford District Council website	
Class 7 - The services we offer		
Playing field and recreational facilities	To be developed/asset register (hard copy/e-mail)	As per schedule of charges

Seating, noticeboards and grit bins	To be developed/asset register (hard copy/e-mail)	As per schedule of charges
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Contact Details

Ettington Parish Council
PO Box 6271
STRATFORD ON AVON
CV37 1NX
epc.clerk@yahoo.com
Mob. 07786938072

Appendix 3

SCHEDULE OF CHARGES

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement Cost	Photocopying at 15p per sheet (black and white)	Cost incurred
	Postage	Actual cost of Royal Mail Standard 2nd class
Website		Free at www.ettington.org
Other	Inspection of documents	Free - by appointment