



# **FREEDOM OF INFORMATION POLICY**

## Contents

Freedom of Information Policy .....	3
1. What is Freedom of Information? .....	3
2. Scope .....	3
3. Dealing with Requests .....	3
Submission of Requests .....	3
Response Time .....	3
Assistance to Requesters .....	3
Fees and Charges .....	4
Exemptions .....	4
4. Publication Scheme .....	4
5. Relationship with the Data Protection Act .....	4
6. Environmental Information Regulations 2004 .....	5
7. Responsibilities .....	5
Executive Officer .....	5
All Council Staff .....	5
Councillors .....	5
8. Records Management .....	5
9. Vexatious and Repeat Requests .....	6
10. Appeals and Complaints Procedure .....	6
11. Policy Review .....	6
12. Contact Details .....	6

This Freedom of Information Policy was adopted by the council at its meeting held on 26<sup>th</sup> May 2026. Reviewed and updated May 2026 to reflect the Data (Use and Access) Act 2025.

## **Freedom of Information Policy**

### **1. What is Freedom of Information?**

The Freedom of Information Act 2000 (FOIA) gives the public the right to request information held by public authorities, including Town Councils. This policy outlines how Ashington Town Council will meet its obligations under the Act.

### **2. Scope**

This policy applies to all recorded information the Council holds regardless of how it was created or received. It applies no matter what media the information is stored in and whether the information is on paper or held electronically. The Act is fully retrospective.

Ashington Town Council is committed to complying with the provisions of the Freedom of Information Act 2000, the Environmental Information Regulations 2004, and related legislation.

### **3. Dealing with Requests**

#### ***Submission of Requests***

Requests must be made in writing, which includes emails and online forms. The request must include:

- The requester's name
- A correspondence address
- A clear description of the information being requested

The Council will accept verbal requests for environmental information under the Environmental Information Regulations 2004, but requesters will be encouraged to put these in writing to avoid misunderstandings.

#### ***Response Time***

The Council is committed to dealing with requests within the statutory timescale of no more than 20 working days. It should be noted that the Town Council operates a 5-day working week and that the 20 working days will be based upon this timescale.

The time period may be extended in specific circumstances, such as when:

- A public interest test must be applied to an exemption
- Clarification is needed from the requester
- The information requested is particularly complex or voluminous

Any extension will be communicated to the requester promptly, explaining the reason for the delay.

#### ***Assistance to Requesters***

The Council offers advice and assistance to anybody who wishes to make a request for information, in accordance with Section 16 of the FOIA. This may include:

- Helping requesters to frame their requests more clearly
- Transferring requests to another public authority if appropriate
- Advising when information is already publicly available

There is no need for requests to indicate they are made under the Act. Where appropriate, requests made in writing will be treated as Freedom of Information requests.

### ***Fees and Charges***

Most FOI requests will be processed free of charge. However:

- The Council reserves the right to refuse requests where the cost of supplying the information would exceed the statutory maximum (currently £450, equivalent to 18 hours of staff time).
- Where the cost falls below this threshold but a charge is applicable (e.g., for photocopying, postage), the Council will issue a fees notice.
- Payment must be received before the information is provided.
- Any charges will be calculated according to the FOI Fees Regulations.

Detailed information about potential charges is included in our Publication Scheme.

### ***Exemptions***

The Council will claim exemptions as detailed within the Act whilst maintaining a commitment to openness, scrutiny, and the public interest. When considering exemptions, we will:

- Apply them consistently and fairly
- Consider whether partial disclosure is possible
- Apply the public interest test rigorously for qualified exemptions
- Provide clear explanations if information is withheld

## **4. Publication Scheme**

The Council has adopted the **Information Commission's** Model Publication Scheme and is committed to updating and maintaining it to keep it current and relevant. The Publication Scheme identifies many of the documents, policies, plans and guidance which are regularly asked for.

Material referred to within the publication scheme, and a copy of the scheme itself, is readily available on our website. Where charges are applicable these are detailed within the Scheme. Officers of the Council will give advice and assistance on how to use the scheme as appropriate.

The Publication Scheme will be reviewed annually to ensure information remains accessible and relevant.

## **5. Relationship with the Data Protection Act**

The Council is under a legal duty to protect personal data under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. **These obligations are supplemented by the Data (Use and Access) Act 2025 (Royal Assent 19 June 2025), which amends the UK GDPR and DPA 2018 in several respects relevant to information requests. In particular, the DUAA 2025 clarifies that a "reasonable and proportionate" search standard applies when responding to requests for personal data, and introduces a new right for individuals to complain directly to the Council as data controller about how their personal data has been handled in the course of responding to an information request.** The Council will carefully consider its responsibilities under data protection legislation before releasing personal data about living individuals, including current and former officers, Members, and users of its services.

Where a request includes both personal and non-personal information, the Council will:

- Release non-personal information where appropriate
- Consider whether any of the exemptions for personal data apply
- Consult with affected individuals where appropriate

The Council has a separate Data Protection Policy which should be read alongside this policy.

## **6. Environmental Information Regulations 2004**

The Council recognises its obligations under the Environmental Information Regulations 2004 (EIR). Requests for environmental information will be processed in accordance with EIR provisions, which differ slightly from the FOIA in terms of:

- Accepting verbal requests
- Different exemptions (called "exceptions" under EIR)
- Different time extension provisions
- Different charging arrangements

## **7. Responsibilities**

### ***Executive Officer***

- Overall responsibility for FOI compliance
- Final decision-maker on complex or contentious requests
- Reporting on FOI performance to relevant committees

### ***All Council Staff***

- Recognising FOI/EIR requests and forwarding them promptly to the appropriate person
- Maintaining good records management practices
- Assisting in locating and providing information for responses
- Undertaking relevant training

### ***Councillors***

- Understanding FOI principles and obligations
- Supporting the Council's commitment to transparency
- Distinguishing between information held in an official capacity (subject to FOI) and party political information (not subject to FOI)

## **8. Records Management**

The Council recognises that good records management is essential for effective FOI compliance. We will:

- Maintain an information asset register
- Establish and follow retention schedules for different types of information

- Ensure information can be located and retrieved efficiently
- Securely dispose of information when appropriate

## 9. Vexatious and Repeat Requests

The Council reserves the right to refuse requests that are vexatious or repeated, in accordance with Section 14 of the FOIA. A request may be deemed vexatious if it:

- Is intended to cause disproportionate or unjustified disruption, irritation, or distress
- Has the effect of harassing the Council or its staff
- Imposes a significant burden and serves no legitimate purpose
- Is designed to cause disruption or annoyance

Each case will be considered on its own merits, and the Council will issue a refusal notice explaining the decision.

## 10. Appeals and Complaints Procedure

If a requester is dissatisfied with how their request has been handled, they can request an internal review by:

- ✓ Writing to the Town Clerk (or the Chair of the Council if the complaint is about the Town Clerk)
- ✓ Detailing their concerns and reasons for requesting a review
- ✓ Submitting this within 40 working days of receiving the response

Internal reviews will:

- ✓ Be conducted by someone not involved in the original decision
- ✓ Be completed within 20 working days (or 40 working days in exceptional cases)
- ✓ Result in a written response explaining the outcome

If a requester remains dissatisfied following the internal review, they have the right to complain to the Information Commission (formerly the Information Commissioner's Office, renamed under the Data (Use and Access) Act 2025):

Information Commission Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

Website: [www.ico.org.uk](http://www.ico.org.uk) Telephone: 0303 123 1113

## 11. Policy Review

This policy will be reviewed annually, or sooner if there are significant changes to legislation or guidance from the Information Commission.

## 12. Contact Details

For advice and assistance please contact:

Ashington Town Council Offices Town Hall 65 Station Road Ashington Northumberland NE63 8RX

Telephone: 01670 624521 Email: [clerk@ashingtontowncouncil.gov.uk](mailto:clerk@ashingtontowncouncil.gov.uk)