

# Fishguard & Goodwick Town Council



## Freedom of Information Act 2000 Policy (FOIA)

### **Fishguard & Goodwick Town Council:**

## Introduction

The Freedom of Information Act 2000 (FOIA) gives rights of public access to all types of recorded information held by public authorities. Local Councils are subject to the 2000 Act and the Information Commissioner's Office (ICO) is the regulator of the freedom of information regime.

### 1. Duties under Freedom of Information Act 2000:

The Town Council has the following duties:

1. To adopt a publication scheme
2. To initially respond to all requests within 5 working days, acknowledging receipt of the request.
3. To confirm or deny that they have the information that is being sought
4. To supply the requested information within 20 working days, unless the information is subject to exemptions
5. To supply the information in the format requested
6. To provide advice and assistance to the requestor, where it is unable to provide the requested information.
7. To make this information available on the Town Councils website.

### 2. Process:

1. The requester must submit a written request, either by letter or email.
2. The letter/email must outline their full name and correspondence address and what information they are seeking.
3. Upon receipt of the letter, the Town Clerk will acknowledge the request, within 5 working days, advising whether or not that information is available. The request does not need to be referred to the Council at this stage.
4. If the information is already available elsewhere, then the Town Clerk will advise the requestor where to find the information
5. If the requested information is not available, or is refused, a refusal notice will be issued by the Town Clerk, outlining the reasons for the refusal.
6. The decision can be challenged by way of the complaint's procedure by the requestor
7. If the requestor is still dissatisfied, they can complain to the Information Commissioner's Office: <https://ico.org.uk/>

### 3. Fees:

1. Fees will be chargeable for photocopying and for postage.
2. The requestor will be advised what the anticipated fees are in advance
3. The Council may, or may not, charge for the time taken to research and to respond.
4. Requests are not limited to residents of Fishguard and Goodwick.

### 4. Exemptions:

A request, or part of a request, can be refused under the following circumstances:

1. The cost is excessive to the Town Council (as set out on FOI and Data Protection Regulations 2004: £450, equivalent to 18 hours work at £25 per hour regardless of actual hourly rates.)
2. The request will take up too much time to deal with

3. The request is vexatious
4. The request repeats a previous request for the same person.
5. The request is for private information on an employee or a Councillor.

#### **Use of personal email accounts for Council business (The Commissioner's approach)**

- Information held in non-work personal email addresses (eg Hotmail, Yahoo and Gmail) may be subject to a FOIA if it relates to the official business of the public authority. All such information which is held by someone who has a direct, formal connection with the public authority is potentially subject to FOIA regardless of whether it is held in an official or private email account. If the information held in a private account amount to public authority business, it is very likely to be held on behalf of the public authority. Eg a Councillor may hold information relating to local authority business in their private email account on behalf of the local authority.
- It may be necessary to request relevant individuals to search private email accounts in particular cases, these occasions are expected to be rare.

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