



## **Penance Town Council**

### **Freedom of Information Policy / Publication Scheme**

Penance Town Council is committed to complying with the provisions of the Freedom of Information Act 2000 and to publishing or making available information held by it in accordance with the Freedom of Information Act 2000 as set below.

#### **FREEDOM OF INFORMATION ACT 2000**

This policy applies to all recorded information the Council holds, regardless of how it was created or received. It applies regardless of the media the information is stored in, whether the information is paper-based held electronically or as an audio recording. The Act is fully retrospective.

#### **Dealing with Requests**

Penance Town Council is committed to dealing with requests within the statutory timescales of no more than 20 working days. This can be extended in specific circumstances on legal advice. However, the Council is committed to providing a prompt service.

The Town Council will claim exemptions as appropriate whilst maintaining a commitment to openness, scrutiny and the public interest and will inform the FOI applicant when exemptions have been applied. Where appropriate, requests in writing will be treated as FOI requests.

#### **Making a Freedom of Information Request**

If you want to make a request for some information under the Freedom of Information Act, then your request should:-

- Be in writing
- Contain your name and address
- Contain sufficient information to allow us to locate the information you request
- Be legible

Once a request is received, the Town Council has 20 working days to:-

- Confirm whether we hold the information requested
- Advise whether you need to pay a fee for the information
- Advise who holds the information if we do not have it (if the information requested is held by another public authority, then your request may be transferred to the correct body with your agreement)

All requests will be recorded by the Town Council and will be handled in accordance with The Freedom of Information Act 2000 and the Data Protection Act 1998.

## **PUBLICATIONS SCHEME**

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. .

Penzance Town Council is committed:

- To proactively publish, or otherwise make available as a matter of routine, including environmental information which is held by the Council or Parish and falls within the classes set out below.
- To specify the information that is held by the authority and falls within the classification below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within the 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.

## **CLASSES OF INFORMATION**

**Class 1** – Who we are and what we do – Organisation information, location and contacts, constitutional and legal governance.

**Class 2** – What we spend and how we spend it – Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

**Class 3** – What our priorities are and how we are doing – Strategy and performance information, plans, assessments, inspections and reviews.

**Class 4** – How we make decisions – Policy proposals and decisions, decision making processes, internal criteria and procedures, consultations.

**Class 5** – Our policies and procedures – Current written protocols for delivering our functions and responsibilities.

**Class 6** – Lists and registers – Information held in registers required by law and other lists and registers relating to the functions of the Town Council.

**Class 7** – The services we offer – Advice and guidance, booklets and leaflets, transactions and media release, 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 format.
- 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.

### **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 Town Council for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on the 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.

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.

### **DATA PROTECTION ACT**

Penzance Town Council has a legal duty to protect personal data under the Data Protection Act 1998. The Council will carefully consider its responsibilities under the Data Protection Act before releasing any personal data about living individuals, including current and former officers, current and former Council Members and users of the Council's services.

There are a number of exemptions to The Freedom of Information Act 2000 in law. The Town Council may need to consider whether the information requested should be released or whether it is exempt. If the information requested is exempt, then the Council has the right to refuse the request and, under these circumstances, will communicate the reasons for refusal.

Applicants who are not satisfied with the information provided have the right to complain to the Town Council. If the issue is still not resolved satisfactorily, then they can take their complaint to the Information Commissioner.

## **RESPONSIBILITIES**

The Town Clerk is responsible for ensuring that any request for information is dealt with under the Act and in compliance with this policy. The Town Clerk is also responsible for good information handling practices and implementing records management policies and procedures.

To make a request, please apply either by email to [info@penzancetowncouncil.co.uk](mailto:info@penzancetowncouncil.co.uk) or by post to Penzance Town Council, Town Clerk's Office, Alverton Street, Penzance TR18 2QP.