

## Legal Guidance on Freedom of Information Requests

- The Freedom of Information Act gives members of the public access to information which is held by the council.
- You have a right to know if the council has certain information and a right to see this information.
- There will be some circumstances where we cannot provide you with the information you have requested.
- If you wish to access information about your own personal records you need to make a request under the Data Protection Act.
- If your request relates to Environmental Information your request will be dealt with under the Environmental Information Regulations not the Freedom of Information Act.
- A large amount of information about the council's decisions and procedures is already available through the council's publication scheme. The publication scheme is accessible from the council offices and through the council's website [www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)

### HOW DO I MAKE A REQUEST

All requests must be in writing. You can send them to the Council Offices, Kiln Road, Thundersley, Benfleet, Essex, SS7 1TF or you can email your request to [info@castlepoint.gov.uk](mailto:info@castlepoint.gov.uk)

In order to receive the information you want please be as specific as possible. If you are aware of the department who holds the information please add this to your request.

If you need assistance to make a request you can ask a friend or relative, or contact a local advice agency such as the Citizens Advice Bureau for assistance.

### WHAT WILL HAPPEN TO MY REQUEST

Your request will be passed to the department who is most likely to hold the information you have requested.

You will be sent an acknowledgement letter to confirm they have received your request. They may also ask you to provide more details about the information you have requested to ensure you receive the right information.

In most cases the council will contact you within 20 working days of receiving your request to confirm if the council holds the information and if you are able to have access to that information.

If the council cannot provide you with the information they will write to you to explain why.

If the council is unable to make a decision within 20 working days we will contact you to inform you of the reasons why and provide you with a date when a decision will be made.

## **WHEN WILL I BE REFUSED ACCESS TO THE INFORMATION?**

There are a number of reasons why the council may not be able to provide the information you have requested.

These reasons include:

- If you recently made the same request
- The council considers the request has only been made to cause nuisance
- The council does not have the information
- The cost to provide you with the information is too high
- An exemption applies

## **WHAT ARE THE EXEMPTIONS?**

There are 2 types of exemption:- absolute exemptions and qualified exemptions.

- If an absolute exemption applies we will be unable to tell you if we hold the information and you will be unable to access it.
- If a qualified exemption applies the council must decide if it is in the public interest to provide you with the information.

This is a complex legal process and in these circumstances it may take longer than 20 working days to process your request.

## **WHAT IF ANOTHER AUTHORITY HAS THE INFORMATION?**

If we do not hold the information but it is likely that another authority has the information then we will contact you to ask for your permission to forward your request to the other Authority.

## **WILL I HAVE TO PAY FOR THE INFORMATION?**

Most requests will be free.

Any request which will cost over £450 the council can refuse the request or make appropriate charges and will advise you accordingly.

If you would like a paper copy of the information or for it to be provided on a disk, there may be a charge. The current charge for paper documents are set out in our corporate charging policy.

If you require the document in large print or Braille please tell us in your request.

## **IF I AM NOT SATISFIED WHAT CAN I DO?**

You may complain to the Review Officer if you are dissatisfied with the Council's response. Details regarding the complaints procedure may be obtained from the Monitoring Officer at the Council Offices in Benfleet. Once you have been through the council complaints procedure you can complain to the Information Commissioner. Full details on the complaint procedure are available on request.

If you would like further information please contact the council on 01268 882200.

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