

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 subject access request under the Data Protection Act.

A large amount of information about the Council's decisions and procedures is already available through the Council's publication scheme and on the Council's website. The publication scheme is accessible from the Council offices and through the Council's website www.castlepoint.gov.uk

If you make a request for information and the information is already publically available then the Council will refuse your request under the Freedom of Information Act but will direct you to where you can see the information. You may want to search the Council's website before making a request.

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

In order to receive the information you want please be as specific as possible. If you know 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. If they are unclear on the information you are requesting they may 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.

WILL I RECEIVE THE INFORMATION?

Where a valid request has been made then in the majority of cases the Council will provide you with the information you have requested. There are some circumstances when we will be unable to provide you with the information which are set out below:

- If the Council no longer or never had the information you have requested it cannot provide it to you. This may be because in order to ensure compliance with the Data Protection Act documents are regularly destroyed in line with the Council's document retention policy.
- If you recently made the same request
- The council considers the request has only been made to cause nuisance
- The cost to provide you with the information is too high. Any request which will cost over £450 to provide the information will be refused. This is based on an hourly rate of £25. If the request is estimated to take over 18 hours it will be refused. Where possible the Council will give you advice on alternative information that we can provide.
- 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.

There are a large number of possible exemptions that include where information is part of an ongoing investigation, is commercially sensitive or is subject to legal privilege. This is a complex legal process and in these circumstances it may take longer than 20 working days to process your request. If you would like further information on exemptions please view the Information Commissioner's Guidance on line at <https://ico.org.uk/>

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?

All requests are free to make.

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.

Dated: February 2018