

# South Kirkby and Moorthorpe Town Council



## **Freedom of Information Policy**

### **Introduction**

The Freedom of Information Act:

- Provides public access to recorded information held by public bodies – including local authorities such as South Kirkby and Moorthorpe Town Council.
- Applies to documentary information and electronic data held by a public body.
- Obliges public bodies to disclose information/data unless an exemption detailed in the legislation is applicable.

### **General enquiries**

If you have any queries regarding the Freedom of Information Act, please contact the Town Clerk.

### **Requests for information**

- Requests for information must be in writing and include the enquirer's name and address (a contact telephone number would be helpful though not essential).
- Requests can either be in paper format addressed to South Kirkby and Moorthorpe Town Council, Stockingate, South Kirkby, Pontefract, WF9 3QF or in electronic format via email to [townclerk@skmtc.org](mailto:townclerk@skmtc.org).
- When requesting information the enquirer does not have to mention the Freedom of Information Act nor the reason(s) why the information is sought.
- The enquirer does not necessarily have to reside in South Kirkby or Moorthorpe.
- The enquirer can be an individual or an organisation.
- The Town Clerk (or, in his absence, the Deputy Town Clerk) is responsible for responding to requests.
- South Kirkby and Moorthorpe Town Council has a duty to respond to all requests by informing the enquirer whether or not it holds the requested information and then supplying the information (except where an exemption applies).
- Charges can be made in respect of disbursement costs (copying, printing, postage etc) to reflect the costs incurred in meeting a request.

- Charges will not be made for staff time in sourcing information if the estimated cost is less than £450.00 or 18 hours.
- Requests can be denied if the staffing cost necessary to retrieve/supply the information is greater than £450 or 18 hours (as per exemption 12). Alternatively, a fee notice can be issued setting out the intended amount to be charged for the supply of the requested information.
- Requests can be denied (wholly or in part) if an exemption applies. The Freedom of Information Act contains 32 exemptions but not all of them are applicable to South Kirkby and Moorthorpe Town Council. The exemptions that are most likely to apply to the Council are listed below (the list is not exhaustive).
  - (i) If the request exceeds the cost limit (as already mentioned).
  - (ii) If the requested information is accessible by other means.
  - (iii) If the requested information is intended for future publication.
  - (iv) If the requested information would prejudice the effective conduct of public affairs.
- Requests for personal information in respect of the enquirer him/herself cannot be dealt with by the Freedom of Information Act. Such requests should be submitted in accordance with the Data Protection Act.
- South Kirkby and Moorthorpe Town Council is statutorily obliged to respond to requests within 20 working days. The day after the request is received is the first day of the 20 (working) days.
- If a request is too vague and/or insufficiently clear, the enquirer will be contacted for clarification. However, the 20 days response timescale would commence the day after a sufficiently clear request has been received.
- If South Kirkby and Moorthorpe Town Council does not hold all the requested information, it will supply the information it does hold and provide guidance as to whom to contact to obtain the remainder of the information.
- If the response is not satisfactory, the enquirer can request a review by contacting either (a) the Town Mayor and/or (b) the Freedom of Information Section of Wakefield Council (respective contact details below).
  - (a) Town Mayor, The Grove, Stockingate, South Kirkby, WF9 3QF  
*(please mark correspondence as "private/confidential")*
  - (b) Freedom of Information Section, Room 115, County Hall, Bond Street, Wakefield, WF1 2QW
- If a review is requested it will be completed within 20 working days (or within 40 working days in exceptional cases).

- If the review(s) is not satisfactory, the enquirer has a right of appeal to the Information Commissioner (contact details below).

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF