

From 01 January 2005 the public have new legal rights under the Freedom of Information Act to obtain a wide range of information held by the Council.

### **Obtaining Information**

There are two ways to obtain the information:

#### **(i) Publication Scheme**

This lists the type of information which the Council routinely publishes and where to obtain it from. The information you want may already be included in the publication scheme - so please check the documents first.

#### **(ii) Individual Written Request**

If the information is not included in the publication scheme, you may send a written request to the Freedom of Information Officer by letter or email to the following:

Parish Clerk to Earnley Parish Council

1 Charlmead

East Wittering

Chichester

West Sussex

PO20 8DN

Email: [clerk@earnleypc.org](mailto:clerk@earnleypc.org)

Your request must include your name, address for correspondence, and a description of the information you require.

### **Council's Response to a Written Request**

Within 20 working days of receipt of your written request the Council will:

- confirm to you whether or not it holds the information
- advise you if a fee will be charged
- provide you with the information (after any relevant fee has been paid) unless an exemption applies (see 'Exemptions' paragraph below).

### **Fees**

The Act only allows the Council to charge for answering Freedom of Information requests in the following circumstances:

i) Disbursement costs such as printing, photocopying and postage; and

ii) when estimated staff costs involved in locating and or compiling the information exceed £450. Under these circumstances, the Council can refuse the request on the grounds of cost, or charge the applicant £25 per hour for the estimated work.

For the majority of requests, it is expected that the charge for locating and compiling information will be less than £450 and therefore, except for disbursement costs, no reimbursement can be sought. However, where costs are estimated to exceed £450 (based on an hourly charge-out rate of £25), the Council can decide to:

i) refuse the request; or

ii) comply with the request and charge for allowable costs as prescribed in the regulations; or

iii) comply with the request free of charge.

If the estimated cost of a request is more than £450, and it is decided to release the information and make a charge for the information then:

- i) A fee notice will be sent to the applicant requesting the appropriate fee.
- ii) The request will not be answered until the fee has been received.
- iii) If the actual cost of completing the request is more than the estimate then the Council will incur the additional cost.
- iv) Where the cost is less than the estimated cost then the difference will be refunded to the applicant.

For disbursements costs, it is proposed that the Council will charge 20p per sheet for photocopying and printing documents, and recover the actual cost of postage or any other transmission costs from the applicant.

## **Exemptions**

Some information may not be provided by the Council as there are 23 exemptions in the Freedom of Information Act, for example, personal data about individuals which is protected by the Data Protection Act 1998, or commercially confidential information.

## **Further Help**

If you need help in accessing information from the Council under the Freedom of Information Act, please contact the Parish Clerk at Earnley Parish Council (address as before).

You will also find more detailed guidance on the website of the Information Commissioner.

## **Complaints**

If you are dissatisfied with the response from the Council, you may submit a written complaint under the Council's complaints scheme, by writing to the Clerk to Earnley Parish Council, Earnley Parish Council (address as before). If, after using the Council's complaints scheme you are still dissatisfied, you may contact the Information Commissioner at:

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

Tel: 01625 545700

Email: [mail@ico.gov.uk](mailto:mail@ico.gov.uk)