

TOLLER PORCORUM PARISH COUNCIL

DRAFT Freedom of Information Policy

Adopted: 11 March 2026 | Next review date: May 2027 | Last review date: 11 March 2026

Introduction

Toller Porcorum Parish Council (“the council”) is committed to openness and transparency in its decision-making and operations. This policy explains how the council complies with its obligations under the Freedom of Information Act 2000 (FOIA) and related legislation, and how members of the public may access information held by the council.

Scope and Legal Framework

1. This policy applies to all information held by the council and is governed by:
 - a. Freedom of Information Act 2000.
 - b. Environmental Information Regulations 2004 (EIR).
 - c. UK General Data Protection Regulation (UK GDPR).
 - d. Data Protection Act 2018.
2. The council recognises its duty to:
 - a. Proactively publish information.
 - b. Respond appropriately to information requests.
 - c. Protect personal and confidential information.

Publication Scheme

3. The council has adopted the Information Commissioner’s Office (ICO) Model Publication Scheme.
4. The council’s Publication Scheme, which details where different information can be found, is available on the council’s website at www.tollerporcorumparish.org > Policies and Procedures.
5. The council routinely makes available information on the council’s website at www.tollerporcorumparish.org, including:
 - a. Council meeting agendas, minutes and reports.
 - b. Policies and procedures.
 - c. Financial information, including budgets, accounts and audit reports.
 - d. Councillor names, responsibilities and contact details.
 - e. Asset register.
 - f. Transparency data required by law.

Making a Freedom of Information Request

6. Any person may request information held by the council.
7. Freedom of Information (FOI) requests must:
 - a. Be made in writing (email or letter) to the clerk using the contact information at the end of this document.
 - b. Include the requester’s name.
 - c. Provide an address or email address for correspondence.
 - d. Clearly describe the information requested.

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8. Timescales for responses
 - a. The council will respond no later than 20 working days following the date of receipt.
 - i. This may be extended where permitted by law, such as when a public interest test is required.
9. Fees and charges:
 - a. Information published under the council's Publication Scheme is provided free of charge via the council's website (www.tollerporcorumparish.org).
 - b. Paper copies of information published under the council's Publication Scheme may attract fees for copying, printing and postage. These fees are detailed within the Publication Scheme (available at www.tollerporcorumparish.org > Policies and Procedures).
 - c. Requests exceeding the statutory cost limit of £450 (18 hours of work) may be refused or require the scope to be narrowed.
10. Exemptions and refusals:
 - a. Some information may be withheld under exemptions set out in the FOIA, including but not limited to:
 - i. Personal data.
 - ii. Confidential or commercially sensitive information.
 - iii. Information intended for future publication.
 - iv. Information whose disclosure would prejudice the effective conduct of public affairs.
 - b. Where information is withheld, the council will issue a refusal notice explaining the reasons.

Vexatious or Repeated Requests

11. Under Section 14 of the FOIA, the council may refuse requests that are deemed vexatious or repeated.
12. A request may be considered vexatious if it:
 - a. Places a disproportionate burden on the council's resources.
 - b. Is part of an unreasonable or obsessive pattern.
 - c. Lacks serious purpose or value.
 - d. Is intended to harass or disrupt.
13. Each request will be considered on its own merits and in line with ICO guidance.

Vexatious Requests Procedure

14. The council will assess and respond to requests that may be considered vexatious under Section 14(1) of the FOIA.
15. The council will apply this procedure fairly, consistently and in line with ICO guidance.
16. General principles:
 - a. Each request will be considered on its own merits, taking into account the context and history.
 - b. The council will not label an individual as vexatious; only a specific request may be deemed vexatious.
 - c. Requests will not be refused simply because a requester is persistent, critical, or makes frequent requests.
 - d. The council will aim to be helpful and proportionate wherever possible.

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17. Identifying a vexatious request:

- a. A request may be considered vexatious if it places a disproportionate or unjustified burden on the council and displays one or more of the following characteristics:
 - i. Repeated requests for the same or similar information where it has already been provided.
 - ii. An obsessive or unreasonable pattern of requests.
 - iii. Abusive, harassing or aggressive language.
 - iv. A lack of serious purpose or value.
 - v. Requests designed to disrupt the council's work or harass employees or councillors.
 - vi. Requests that are excessively broad, unfocused or burdensome without justification.
- b. The council will consider:
 - i. The burden on staff time and resources
 - ii. The value or purpose of the request
 - iii. The wider context and history of correspondence

18. Assessment process:

- a. The clerk will review the request and relevant background information.
- b. Where appropriate, the clerk may seek advice from the chair, vice-chair, monitoring officer or external adviser.
- c. A balanced judgement will be made, considering whether refusal is necessary and proportionate.
- d. The reasoning for the decision will be recorded in the FOI request log.

19. Responding to a vexatious request:

- a. If a request is refused under Section 14(1) of the FOIA:
 - i. The council will issue a refusal no later than 20 working days following the date of receipt of the request.
 - ii. The notice will explain that the request has been refused as vexatious.
 - iii. The refusal will cite Section 14(1) of the FOIA.
 - iv. The notice will explain the requester's right to request an internal review and to complain to the ICO.
- b. The council is not obliged to provide further assistance on the same or substantially similar requests.

20. Repeated or continuing correspondence:

- a. Where a pattern of repeated or harassing correspondence develops, the council may:
 - i. Limit responses to new and substantive issues only.
 - ii. Refuse to engage further on matters already concluded.
 - iii. Set reasonable boundaries for future correspondence.
- b. Any such action will be proportionate and documented.

21. Internal review:

- a. Requesters may ask for an internal review of a vexatious request decision:
 - i. Reviews will be conducted by a person not involved in the original decision, where possible.
 - ii. The review outcome will be provided within a reasonable timescale.

22. Record-keeping

- a. The council will retain:
 - i. A copy of the request.

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- ii. The decision rationale.
- iii. Correspondence issued.
- iv. Any internal review outcome.

b. These records will be held securely in accordance with the council's Retention and Disposal Policy (available at www.tollerporcorumparish.org > Policies and Procedures).

23. Review of procedure

- a. This procedure will be reviewed and updated as required to reflect changes in legislation or ICO guidance.

Making an Environmental Information Request

24. Requests for environmental information are handled under the EIR. The council is likely to hold limited information under EIR.

25. Environmental Information (EI) requests:

- a. May be made verbally or in writing (email or letter) to the clerk using the contact information at the end of this document.
- b. Where possible, requests should clearly describe the information sought.

26. The council will respond no later than 20 working days following the date of receipt.

- a. This may be extended in limited circumstances permitted by EIR.

27. Environmental information is normally provided free of charge. However, the council may make a reasonable charge for printing, copying or postage where appropriate as detailed in the council's Publication Scheme (available at www.tollerporcorumparish.org > Policies and Procedures).

28. Environmental information may be withheld only where an exception under the EIR and the council is required to consider whether the public interest favours disclosure.

- a. Exceptions include, but are not limited to:
 - i. Personal data.
 - ii. Confidential commercial information.
 - iii. Information provided in confidence.
 - iv. Internal communications.

29. Under Regulation 12(4)(b) of EIR, the council may refuse requests that are manifestly unreasonable, including those that are vexatious or impose a disproportionate burden on resources.

- a. Such requests will be treated in the manner described in this document for vexatious or repeated FOI requests.

30. Following sections of this document relate to EI requests in the same way as FOI requests.

Responsibility and Record-Keeping

31. The clerk is responsible for managing FOI and EI requests.

32. A log of requests will be maintained to demonstrate compliance.

33. Records will be held securely in accordance with the council's Retention and Disposal Policy (available at www.tollerporcorumparish.org > Policies and Procedures).

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Personal Data and Subject Access Requests

33. Requests for personal information about an individual are not FOI requests and will be handled as Subject Access Requests under data protection legislation and as detailed in the council's Data Protection Policy (available at www.tollerporcorumparish.org > Policies and Procedures).

Complaints and Appeals

34. If a requester is dissatisfied with the council's response, they may request an internal review.

- a. Reviews will be conducted by a person not involved in the original decision, where possible.
- b. The review outcome will be provided within a reasonable timescale.

35. Record-keeping

- a. The council will retain:
 - i. A copy of the request.
 - ii. The decision rationale.
 - iii. Correspondence issued.
 - iv. Any internal review outcome.
- b. These records will be held securely in accordance with the council's Retention and Disposal Policy (available at www.tollerporcorumparish.org > Policies and Procedures).

36. If a requester remains unhappy, they may complain to the ICO:

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

Helpline number: 0303 123 1113 www.ico.org.uk/make-a-complaint

Contact Information

Clerk: Clare Smith

Email address: clerk@tollerporcorumparish.org

Postal address: Toller Porcorum Parish Council, c/o 3 The Briars, Wool, Wareham, Dorset BH20 6NA