



# Freedom of Information Act (FOIA) & Environmental Information Regulations (EIR) Policy, Charges and Fees

## 1. Introduction

This policy outlines Illogan Parish Council's approach to handling requests for information and adopting and maintaining a Publication Scheme, as required by the Freedom of Information Act 2000 ("FOIA") and the Environmental Information Regulations 2004 ("EIR").

### Purpose

To ensure that Illogan Parish Council ("the Council") adheres to the provisions of the Freedom of Information Act and the Environmental Information Regulations by applying appropriate measures of compliance in the two main parts of the legislation:

- The requirement for the authority to develop and maintain a Publication Scheme and;
- The requirement for the authority to respond to any requests for information.

### Scope

This policy applies to all employees and Councillors, as well as other workers (including casual and agency workers, secondees and contractors) employed by the Council.

### Policy Statement

The Council is committed to being open and transparent in providing access to information to the public. However, there may be occasions where unfortunately information cannot be released, such as in the case of commercially sensitive information or where data protection principles apply. Where exemptions apply, the Council will seek to rely on the appropriate Regulations.

### Roles and Responsibilities

Overall responsibility for the Council's compliance with legislation lies with the Council.

Officers of the Council will exercise the Authority's function as "qualified person" under Section 36 of the Freedom of Information Act.

### The Parish Council will:

- maintain this policy and associated procedures and supporting documentation in relation to the Freedom of Information Act and The Environmental Information Regulations.

**Clerk: Mrs Sarah Rimell**

**Illogan Parish Council Community Office, Trevelyan Road, Illogan, TR16 4RG**

**Telephone: 01209 711433**

**Email: [enquiries@illoganparishcouncil.gov.uk](mailto:enquiries@illoganparishcouncil.gov.uk)**



- maintain the Council's Publication Scheme
- monitor and report on the processing of the Freedom of Information Act and The Environmental Information Regulations requests within the Council.
- monitor and report compliance with this policy to the Governance Review Committee.
- arrange for appropriate learning, development and training to be carried out where appropriate.

## **2. Dealing with Freedom of Information (FOI) and Environmental Information Regulation (EIR) Requests**

The Council is committed to dealing with requests within statutory guidelines; no more than 20 working days and more speedily where possible. This may be extended in specific circumstances, including when a Public Interest Test is engaged (FOI) or where the case is particularly large or complex (EIR).

Exemptions under   may be applied as appropriate, whilst maintaining and balancing the Council's commitment to openness, transparency, scrutiny and the public interest.

Any repeated requests or requests that place an unnecessarily large burden on the Council may be refused as vexatious or manifestly unreasonable, taking into account legislation and guidance.

A request in writing for information that the Council holds will be considered a Freedom of Information Act or Environmental Information Regulation request unless the information is already in the public domain. The Council reserves the right to refuse requests where the cost of supplying the information would exceed the 'appropriate limit', currently 18 hours of officer time under Freedom of Information Act & which can also be used as a guide under the "manifestly unreasonable" exemption under The Environmental Information Regulations.

## **3. Adopting and Maintaining a Publication Scheme**

The Council has adopted a Publication Scheme and is committed to updating and maintaining it, taking into account changes to and new legislation. The Publication Scheme contains documents, policies, plans and guidance used by the Council. Most information is available on request and where any charges are applicable, these will be indicated.

## **4. Charging**

The Council is committed to ensuring that information will be accessible to applicants, irrespective of ability to pay. Rather than routinely charging fees whenever the cost limit is exceeded, it is our policy to offer advice and assistance



to help in submitting a new modified request, capable of being dealt with free of charge.

The Council will advise the applicant of any fee before the request is met and will take care to ensure that estimated fees are as accurate as possible to prevent over or under charging.

If the actual cost of answering the request turns out to be greater than the estimated amount charged, the additional cost will be borne by the Council. If lower, the Council will refund the excess amount. The Council will not charge VAT on requests for information.

**Freedom Of Information Act** – If in order to comply with a request, the appropriate limit would be exceeded, the Council will provide help and assistance to bring the request under the appropriate limit. If it is not possible to narrow down the request, the Council may charge the actual cost of complying with the request or issue a refusal notice under Section 12 of the Freedom of Information Act. The Council will use its discretion on a case by case basis.

**Environmental Information Regulations** – The Environmental Information Regulations do not have a specific fee regulation in relation to time spent answering a request, so an appropriate limit does not apply when considering requests. However, under regulation 12(4)(b) “manifestly unreasonable” – the time frame in the associated legislation may be considered as a factor in determining that the request may be classed as “manifestly unreasonable”. Additionally, Regulation 12(4)(c), (the request is too general), may also be considered and applied. Where it is considered that these exceptions apply, help and assistance will be provided as far as reasonably possible, in order to comply with the request.

As highlighted earlier, even where a request under the Environmental Information Requests regulations is not classed as “manifestly unreasonable”, a charge may still apply for certain classes of environmental information.

## **5. Complaints relating to Freedom Of Information & Environmental Information Regulation requests**

The Council will deal with any complaints relating to the Freedom of Information Act and The Environmental Information Regulations responses under its Internal Review procedure. A request for an Internal Review must be made within 40 working days of receiving a response. The Council has 40 working days to deal with the request, but will endeavour to provide a response earlier than this wherever possible and within 20 working days in most cases. Where a requestor is still unhappy following an Internal Review, they have the right to refer the matter to the Information Commissioner’s Office (ICO) using the following details:

Information Commissioner’s Office  
Wycliffe House  
Water Lane

**Clerk: Mrs Sarah Rimell**  
**Illogan Parish Council Community Office, Trevelyan Road, Illogan, TR16 4RG**  
**Telephone: 01209 711433**  
**Email: [enquiries@illoganparishcouncil.gov.uk](mailto:enquiries@illoganparishcouncil.gov.uk)**



Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545700  
Email: [mail@ico.gov.uk](mailto:mail@ico.gov.uk)

## **6. Review**

Officers will record requests and complaints in relation to the Freedom of Information Act and The Environmental Information Regulations, as well as monitoring the timeliness and quality of responses. This information will be regularly reported to the Council's Governance Review Committee, along with any recommendations for changes to policy and/or procedures.

The Publication Scheme will be reviewed annually, taking into account any new or evolving guidance issued by the Information Commissioner.

## **7. Contact**

Clerk  
Illogan Parish Council  
Illogan Parish Council Community Office  
Trevelyan Road  
Illogan  
Redruth  
Cornwall  
TR16 4RG

Email: [enquiries@illoganparishcouncil.gov.uk](mailto:enquiries@illoganparishcouncil.gov.uk)  
Tel: 01209 711433



**Freedom of Information (FOI) & Environmental Information Regulations (EIR) - Fees & Charges – 2022/23**

**Environmental Information Regulations (EIR) Requests**

Cost of dealing with a request for environmental information under the Environmental Information Regulations - £18.32 per hour

This cost has been calculated based on the Information Commissioner’s Office (ICO) Guidance, [Charging for Environmental Information](#)

Based on the average time that officers of different roles and grades spend dealing with chargeable Environmental Information Regulations 2004 (EIR) requests, the charge has been based on the workings below.

- Clerk
- Assistant to the Clerk

Based on average grades for these officers, the proportion of time spent dealing with requests, as well as allowing 30% uplift for on costs including staff overheads, the figure for 2022/2023 is: £21.25 per hour.

**Freedom of Information (FOI) Requests**

Cost of dealing with a request that exceeds the “appropriate limit” of 18 hours of staff time - £25 per hour. This is based on ICO charging guidance - [Fees that may be charged when the cost of compliance exceeds the appropriate limit](#)

**Disbursements – Freedom Of Information (FOI) & Environmental Information Regulations 2004 (EIR)**

Formatting Costs

<b>Cost for supplying hard copy information</b>	
A3 (297mm x 420mm) B&W	£0.50 per sheet
A4 (210mm x 297mm) B&W	£0.10 per sheet
A3 (297mm x 420mm) colour	£2.00 per sheet
A4 (210mm x 297mm) colour	£2.00 per sheet
Braille preparation	As quoted



<b>Other:</b>	
Bulk photocopying by Council provider	As quoted
Postal charge for sending copies	As quoted

These costs have been prepared in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Fees Regulations) which can be found using the following link:

<http://www.opsi.gov.uk/si/si2004/20043244.htm>

<b>Review Date:</b>	<b>Reviewed By:</b>	<b>Amendments</b>	<b>Minute No</b>
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