

# COLNEY HEATH PARISH COUNCIL

✉ **Postal Address:** Highfield Park Visitor Centre, Hill End Lane AL4 0RA  
☎ **Telephone:** (01727) 825 314  
💻 **Website:** <https://colneyheathparishcouncil.gov.uk>  
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<b>SUBJECT</b>	Freedom of Information (FOI) Request – 2 <sup>nd</sup> October 2023
<b>MEETING</b>	Parish Council Meeting
<b>MEETING DATE</b>	22 February 2024
<b>AGENDA ITEM NO.</b>	Item 110e
<b>REPORT BY</b>	Lisa Peters – Clerk/RFO

## 1. BACKGROUND

The Freedom of Information Act 2000 provides public access to information held by public authorities.

It does this in two ways: public authorities are obliged to publish certain information about their activities; and members of the public are entitled to request information from public authorities.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002.

Public authorities include government departments, local authorities, the NHS, state schools and police forces. However, the Act does not necessarily cover every organisation that receives public money. For example, it does not cover some charities that receive grants and certain private sector organisations that perform public functions.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

If a member of the public wants to see information that a public authority holds about them, they should make a data protection subject access request.

Anyone has a right to request information from a public authority. There are two separate duties when responding to these requests:

- to tell the applicant whether you hold any information falling within the scope of their request; and
- to provide that information

You normally have 20 working days to respond to a request. To review legal timescales under Section 10 of the Freedom of Information Act please see the following link to the ICO website - <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/time-limits-for-compliance-under-the-freedom-of-information-act-section-10/>

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## 2. TIMELINE OF FOI REQUEST RECEIVED BY PARISH COUNCIL

A Freedom of Information (FOI) request was received on 2<sup>nd</sup> October 2023. Information relating to working parties was requested from councillors. The legal response date was 27<sup>th</sup> October 2023. All calculations are as stated by the ICO – working days only, do not include Saturdays, Sundays or public bank holidays.

Date	Action	Timescale
2 <sup>nd</sup> October 2023	FOI Request received	Day 1
4 <sup>th</sup> October 2023	Date Confirmation sent	Day 3
26 <sup>th</sup> October 2023	Notification of extension to 20 days	Day 19
27 <sup>th</sup> October 2023	1 <sup>st</sup> response deadline (missed)	Day 20
21 <sup>st</sup> November 2023	FOI Response sent – (9.75 hours)	Day 37
12 <sup>th</sup> December 2023	Internal Review request received citing CHPC Freedom of Act (2000) Reviewed and adopted 18 May 2023 with reference to Paras 3c, 4a, 11b and Annex B6	Day 52
14 <sup>th</sup> December 2023	Verbally confirmed to the Parish Council that a request for an internal review had been received	Day 54
19 <sup>th</sup> December 2023	Confirmed request for internal review in writing to all Parish Councillors issuing deadline for review of 10 <sup>th</sup> January 2024	Day 57
19 <sup>th</sup> December 2023	Response sent to request for internal review response 12 <sup>th</sup> January 2024 – to allow 20 working days for internal review	Day 57
16 <sup>th</sup> January 2024	Internal review of documents received completed, redacted and sent (11.5 hours)	Day 74
22 <sup>nd</sup> January 2024	Cllr Parish sent Community Liaison Party response – 11 pages to review and redact	Day 78
29 <sup>th</sup> January 2024	Cllr Burns sent 1169 emails for the Planning WP	Day 83
30 <sup>th</sup> January 2024	Cllr Clemow sent 8 emails containing 194 items and a We Transfer folder containing 189 items – some multiple documents in each file	Day 85
1 <sup>st</sup> February 2024	Notification sent regarding the remaining information which would require time to be redacted	Day 87
2 <sup>nd</sup> February 2024	Email received from requestor	Day 88

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## 3. ACTIONS REQUIRED AND THOSE TO BE CONSIDERED

- a) If the amount of information held on personal councillor accounts had been communicated to the Parish Clerk the request would have been initially refused with a request for narrowing sent.
- b) The request will have to be answered and will take a significant amount of time, probably close to the 18 hours limit on FOI request for a Parish Council. Expected response date 1<sup>st</sup> March = 108 days.
- c) The email which came in on 2<sup>nd</sup> February asks the following questions to Council
  - How the process of responding to this FOI, and the additional responses supports the Council vision to be a “Good Council” and create a culture of being “straightforward, open and transparent”
- d) Will the Council consider self reporting itself to the ICO for the failure to respond to the original request and internal review of this FOI?

Implications (completed by the Clerk)	
Staffing Implications	Co-ordination and overseeing of review and redaction of documents by the Clerk – significant time will be required
Council objectives	The response time on this case fell short of what the public can expect from this local authority in handling freedom of information requests
Equalities and human rights	There are no equality or human rights issues
Crime & Disorder	There are no Crime and disorder issues
Biodiversity	There are no biodiversity issues in this case, documents will be sent in electronic form
Financial	Staff time costs and potential for increased insurance costs in the event of any claims or future fines from not learning from the handling of this case.
Legal	Freedom of Information Act (2000) Environmental Information Regulation (EIR) Re-use of Public Sector Information Regulations 2015 (RPSI)
Risk Management	Risks have been considered and this report will be added to reducing risk in mitigation of future issues.