



**FREEDOM OF INFORMATION AND
ENVIRONMENTAL INFORMATION REQUESTS
POLICY**

ADOPTED 12 OCTOBER 2026



Purpose and scope

This policy explains how Owslebury Parish Council handles requests under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). These laws provide public access to recorded information held by the Council. The FOI Act provides access in two ways:

- Public authorities are obliged to publish certain information about their activities
- Members of the public are entitled to request information from public authorities

The FOI Act gives two related qualified rights: the right to be told whether information is held and the right to receive it, subject to the Act. Applicants do not need to explain why they want the information.

The Act covers any recorded information held by a public authority in England, Wales and Northern Ireland and by UK-wide public authorities based in Scotland. Recorded information includes printed documents, computer files, letters, emails, photographs, hand written notes and sound or video recordings.

Requests for your own personal data are handled as subject access requests under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018, rather than under FOIA or the EIR. These requests are normally free; a reasonable fee may be charged only where the law permits, for example for a manifestly unfounded or excessive request or further copies.

Environmental information

Environmental information includes information about land, the natural environment and plans or activities affecting them. Requests about land use, development or maintenance of open spaces may therefore fall under the EIR. The Council will identify the correct legislation from the information requested, regardless of the label used by the applicant, and will separate mixed requests where necessary.

Policy

Owslebury Parish Council will:

- Acknowledge receipt of the request promptly.
- Log information requests, the applicable legislation and the response deadline.
- Record correspondence and the searches, reasons and decisions relevant to handling each request.
- Respond promptly and normally within 20 working days, counting from the day after receipt. Use extensions or adjusted deadlines only where permitted by the applicable legislation, explain the legal basis and expected response date, and keep the requester informed.
- Maintain a 'Publication Scheme' that provides information which is readily accessible without the need for a formal FOIA request.
- Protect personal data in accordance with the UK GDPR and the Data Protection Act 2018, applying the relevant FOIA exemption or EIR provision where required.
- Consult third parties where appropriate if disclosure could affect their rights or interests. The Council will make its own decision under the applicable legislation; a third



party has no automatic veto. Decisions remain subject to internal review and the statutory complaint and appeal processes.

- Make charges only where permitted by the applicable legislation and as explained in the fees section of this policy.
- Where information is withheld, issue a written refusal within the applicable deadline, identifying the legal basis, explaining the reasons and any public interest assessment required, and setting out the review and ICO complaint rights, subject to any lawful exceptions to these notice requirements.
- Provide the internal review process set out below.
- Ensure that staff and councillors understand their responsibilities and pass requests promptly to the Clerk. Information held for Council business must be considered when identifying relevant records.
- The Clerk will coordinate requests, record decisions and respond within the Council's approved delegated authority. Decisions outside that authority will be referred promptly to the Council or an authorised committee. Referral to a meeting must not cause a statutory deadline to be missed.

Making a request for information

To be valid under the FOI Act, requests:

- Must be in writing;
- Must clearly describe the information being sought;
- Can be made by an individual or an organisation;
- Can be made by letter, email or another written communication received by the Council;
- Must be legible and
- Must contain the applicant's real name and an address for correspondence, which may be an email address.

To be valid under the FOI Act requests do not:

- Have to be written in a special form;
- Need to mention the FOI Act; or
- Need to refer to "Freedom of Information".

EIR requests may be made verbally, including by telephone or in person, as well as in writing. The Council will record verbal requests and obtain suitable contact details. It will provide reasonable help to anyone who needs assistance making a request.

When making your request you should include:

- Your preferred correspondence details e.g. name, email or postal address
- A clear description of the information you are requesting. The Council will help you clarify the request where necessary.

The Council will provide reasonable advice and assistance under section 16 FOIA or regulation 9 EIR. Where clarification is genuinely necessary to identify and locate the information, the Council will explain what is needed promptly. For FOIA, the 20-working-day period starts the



day after sufficient clarification is received. An unnecessary request for clarification does not extend the deadline.

For EIR requests that are too general, the Council will seek clarification and offer assistance as soon as possible and within 20 working days. A refusal under regulation 12(4)(c) must follow the EIR requirements. Where that procedure applies, a fresh response period begins the day after sufficient clarification is received.

For FOIA, extra time may be taken where lawfully needed to consider the public interest in a qualified exemption. The Council will identify the exemption and notify the applicant within 20 working days, giving an expected decision date. Any extension must be reasonable and should normally be no more than a further 20 working days. Workload, staff absence or part-time working do not themselves extend the deadline.

For EIR, the normal deadline is 20 working days. It may be extended to a total of 40 working days only where the volume and complexity make it impracticable to provide the information or decide whether to refuse within 20 working days. The Council will explain the extension and its reasons as soon as possible and within the original 20-working-day period.

Please send requests to clerk@owslebury-pc.gov.uk or write to the Parish Clerk at the Council's current postal address published on its website, <https://owslebury.org>. The Clerk can also provide that address. You do not have to use a special form or identify the legislation. Requests received elsewhere within the Council will be forwarded promptly to the Clerk.

Disclosure under FOIA or the EIR is not restricted to the applicant's personal use. Existing copyright and other intellectual property rights remain in place and may belong to the Council or a third party. Disclosure does not itself grant unrestricted permission to reproduce or reuse protected material. Any applicable statutory reuse rights will be respected.

Repeated requests under FOIA

Under section 14(2) FOIA, the Council may refuse an identical or substantially similar request from the same applicant only where it previously supplied the information or confirmed that it did not hold it, and a reasonable interval has not elapsed since that compliance. Requests for materially new or changed information will be assessed on their own terms.

In deciding whether section 14(2) applies, the Council will consider:

- The time since the Council complied with the previous request;
- Whether the information requested is identical or substantially similar;
- Whether the information has changed or relevant new information has been generated;
- What interval is reasonable in the particular circumstances. There is no fixed 40-working-day rule.

Vexatious requests under FOIA

Owslebury Parish Council is not obliged to comply with vexatious requests under the FOI Act. It is the request, rather than the person, that is assessed. Further requests from the same person will be considered on their own merits, taking relevant context into account.

The Council will consider all relevant circumstances and evidence, including:



- The context and history of requests submitted by an applicant;
- Whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- The purpose and public value of the information sought;
- The burden of compliance and whether it is justified by the purpose and value of the request;
- Whether the wider pattern of requests shows an unreasonable pursuit of an issue, while recognising that persistence or criticism alone is not enough;
- Any evidence of harassment or an intention to disrupt Council business. No single indicator will automatically determine the outcome

The Council will record its evidence and reasons, taking account of current ICO guidance. A finding under a general complaints or unacceptable-behaviour policy does not automatically justify refusing an information request. The Council will issue the required refusal notice and explain review and complaint rights, unless a lawful exception applies.

Refusing environmental information requests

FOIA sections 12 and 14 do not apply to EIR requests. An EIR request may be refused as manifestly unreasonable under regulation 12(4)(b) only after assessing the circumstances, including any burden or vexatiousness, and applying the public interest test. There is no fixed statutory £450 or 18-hour EIR refusal threshold.

Other EIR exceptions will be assessed individually. The Council will apply the presumption in favour of disclosure and any required public interest test, release separable information where appropriate, and explain any refusal and the available review rights.

FOIA fees and the cost limit

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 govern FOIA charges. Where the cost limit is not exceeded, the Council cannot charge for staff time spent searching, considering exemptions, redacting or responding. It may charge permitted actual communication costs, such as copying and postage, by issuing a written fees notice under section 9 FOIA.

Under section 12 FOIA, the Council may refuse to provide information where a reasonable, evidenced estimate shows that the permitted costs would exceed the applicable limit, currently £450 for a parish council.

When relying on section 12, the Council must still confirm or deny whether it holds the information unless the cost of doing that alone would exceed the limit, or another applicable provision permits it to withhold that confirmation.

When calculating the cost limit, the Council may include only the reasonable costs of:

- Determining whether it holds the information requested;
- Locating the information, or document containing the information;
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it



Staff time for these activities is calculated at £25 per hour per person, regardless of actual pay. The £450 limit therefore represents 18 hours of permitted work. Time spent considering exemptions, consulting, redacting or writing the response is not included in this threshold calculation.

Where the permitted costs are reasonably estimated to exceed £450, the Council may:

- Refuse the request under section 12 FOIA, with the required explanation and advice on narrowing it; or
- Choose to provide the information voluntarily and offer a charge calculated under section 13 FOIA and the Fees Regulations, explaining the amount before work proceeds.

Where reasonable, the Council will help the applicant narrow or reframe the request so that it falls within the limit. Payment is not a condition of submitting a narrower request. The applicant cannot require the Council to undertake an over-limit request simply by offering to pay.

The Council need not carry out work up to the limit before refusing an over-limit request. Any voluntary charge must cover only legally permitted costs. Under-limit FOIA fees notices must be issued within the statutory response period; the period awaiting payment is excluded from the response calculation, and payment must be made within three months.

EIR charges

EIR charges are governed by regulation 8, rather than the FOIA cost-limit rules. Before imposing any charge, the Council must have published a schedule explaining the charges and when they may be made or waived. Any charge must be reasonable, no higher than the permitted actual costs, and assessed in light of the public right of access. Routine charging will not be assumed.

No charge will be made for access to public registers or lists, or for the act of inspecting information at a place provided by the Council. Any proposed charge for preparing information for inspection will be assessed separately under regulation 8 and current ICO guidance.

The Council will notify any EIR charge within 20 working days. If advance payment is required, the applicant has 60 working days after notification to pay, and the period awaiting payment is excluded from the response deadline.

Requests for review

You may ask for an internal review if you are dissatisfied with the handling of your request, including a refusal, an incomplete response, the interpretation of your request or a delay. Please explain your concerns; you do not need to use the words "internal review".

For FOIA, please request a review in writing within 40 working days of the Council's response. For EIR, representations should be made in writing no later than 40 working days after the date on which you believe the Council failed to comply. If a response is overdue, you do not need to wait for it before raising your concerns. Send your review request to the Clerk using the contact details above.

The Council will acknowledge the review request and arrange a fresh assessment by a person or body authorised to conduct it, who was not involved in the original decision wherever possible. For FOIA, reviews will normally be completed within 20 working days and, exceptionally, within



40 working days; any delay will be explained. EIR reviews will be completed as soon as possible and always within 40 working days of receipt, with a written outcome and reasons.

Complaints to the Information Commissioner

If you remain dissatisfied after the internal review, or the Council has failed to respond or complete a review within the relevant timescale, you may complain to the Information Commissioner. The ICO website explains its current complaint procedure and submission timescales:

Information Commissioner

Website and current contact details: <https://ico.org.uk>

FOI and EIR complaints: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/>

Further information about your rights under FOIA, the EIR and data protection legislation is available at <https://ico.org.uk>.

Policy administration

The Parish Clerk is responsible for maintaining this policy. The Council will review it annually and sooner where changes to legislation or ICO guidance require it. Adoption and subsequent review dates will be recorded in the Council's approving minutes.