



TODMORDEN TOWN COUNCIL

# Item 9c Full Council January 2026

## Freedom of Information Policy

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#### 1. Background

1.1 The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) place legal duties on all public authorities, including town and parish councils. These laws create the Right to Know and establish a presumption in favour of openness, subject to certain exemptions and exceptions.

1.2 The Council is required to provide information:

- Through its Publication Scheme
- In response to written requests made under FOIA or EIR

When responding to requests, the Council must follow procedures set out in legislation, including:

- Statutory time limits for responding
- Lawful charges that may be made
- The ability to refuse vexatious or repeated requests
- Use of exemptions (FOIA) and exceptions (EIR), including application of the public interest test where required.

1.3 The Act and Regulations also recognise valid reasons for withholding information. Where information is withheld, the Council must clearly state the exemption/exception being relied upon and, where applicable, the public interest test outcome.

## **2. Policy statement**

Todmorden Town Council is committed to openness, transparency, and accountability. The Council aims to reduce the need for individual FOI requests by:

- Routinely providing as much information as possible through the Council's Publication Scheme and website
- Ensuring the public are aware of their rights of access
- Providing reasonable advice and assistance to applicants
- Directing applicants to other public bodies where the requested information is not held by the Council
- Responding to all FOI and EIR requests in a fair, timely, and lawful manner

The Council will comply fully with FOIA, EIR, and related Information Commissioner's Office (ICO) guidance.

## **3. Dealing with requests for information**

3.1 Members of the public have a general right of access to recorded information held by the Council. This includes:

- Confirmation or otherwise of whether the information is held
- Communication of the information, unless an exemption/exception applies

Information marked "Confidential" is not automatically exempt; each case will be considered on its merits.

### **3.2 Making a request**

Requests must:

- Be in writing (letter or email)
- Include the applicant's name and an address for correspondence
- Describe the information sought sufficiently for the Council to identify it

Requests for environmental information may be made verbally, but the Council may ask for confirmation in writing to avoid misunderstanding.

The request must be sent to the Town Clerk at [townclerk@todmorden-tc.gov.uk](mailto:townclerk@todmorden-tc.gov.uk) or Todmorden Town Hall, Bridge Street, Todmorden OL14 5AQ

### 3.3 Logging and acknowledging requests

- All requests will be logged by the Clerk or designated FOI Officer.
- Receipt will be acknowledged unless the information is provided immediately.
- Any need for clarification will be sought promptly; the statutory time limit pauses until clarification is received.

### 3.4 Time limits

- FOIA: 20 working days
- EIR: 20 working days, extendable to 40 working days for complex or voluminous requests

The Council will keep applicants informed where more time is required.

### 3.5 Charges

The Council may charge:

- 10p per A4 sheet for photocopying/printing
- Postage at cost

FOIA:

- The Council does not charge for officer time spent locating or retrieving information.
- If the cost of locating, retrieving, and extracting information exceeds £450 (18 hours), the Council may refuse the request or advise how it may be refined.

EIR:

- Environmental information cannot be refused solely due to cost.
- The Council may charge a reasonable amount for staff time spent locating, retrieving, and collating information.
- Applicants will be provided with a fee estimate before work proceeds.

### 3.6 Handling requests

- Non-routine requests will be managed by the Clerk.
- Staff will refer any uncertainty about personal data, exemptions, or complex requests to the Clerk, who may seek advice from the ICO if needed.
- The applicant will be kept informed at appropriate stages, especially where the request is complex.

### 3.7 Refusal of requests

If a request is refused (in whole or in part), the Council will issue a refusal notice that:

- States the exemption/exception relied upon
- Provides an explanation (unless this would itself disclose exempt information)
- Explains the public interest test if relevant
- Advises how to request an internal review
- Provides details of the right to complain to the ICO

#### 4. Appeal process

4.1 If information cannot be supplied, the applicant has the right to request an internal review.

4.2 Internal reviews will be:

- Conducted by elected members not involved in the original decision
- Completed within 20 working days (extendable to 40 working days for complex cases)
- Managed in accordance with the Council’s Complaints Procedure

4.3 If the applicant remains dissatisfied after the internal review, they may appeal to the Information Commissioner’s Office (ICO), who may uphold or overturn the Council’s decision.

Reasons for refusing information will always be based on FOIA/EIR legislation and ICO guidance.

#### 5. Review

This policy will be reviewed annually, or sooner if required by legislative changes, ICO guidance updates, or good practice developments.

### Appendix 1

The following indicators are based on ICO Guidance “*Dealing with Vexatious Requests*” and the Council’s Vexatious Complaints Policy. These indicators may suggest that a request is vexatious, although no single indicator is determinative:

- Abusive or aggressive language
- Burden on the authority (grossly oppressive use of resources)
- Personal grudges directed at staff or councillors
- Unreasonable persistence (attempts to reopen previously resolved matters)
- Unfounded accusations
- Intransigence or unwillingness to engage
- Frequent or overlapping requests
- Clear intention to cause annoyance or disruption
- Scattergun or fishing-expedition style requests
- Disproportionate effort required relative to the seriousness of the issue
- No genuine intent to obtain information
- Futile or frivolous requests

A request will **not** be considered vexatious simply because it is complex, requests a large amount of information, or is inconvenient or uncomfortable for the Council.

