Lympstone Parish Council Freedom of Information Policy

The following guide was adopted and agreed by Lympstone Parish Council on 13th April 2026.

BACKGROUND
The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) place legislative requirements on all public authorities, including local councils. The laws established the legal Right to Know; a presumption in favour of public access to information held by public authorities, subject to certain exemptions; and other measures to improve public sector transparency.

Under this legislation, Lympstone Parish Council (LPC) is obliged to provide information:
• Through a publication scheme – (LPC have adopted the model publication scheme from the Information Commissioner's office).
• In response to requests made under the general right of access.

When responding to requests, there are set procedures that the Council needs to follow. These include:
• The time limit public authorities are allowed for responding to requests.
• The fees or amount that public authorities can charge for dealing with requests. Public authorities are not obliged to deal with requests if the costs of finding the information exceed a set amount known as the appropriate limit.
• Public authorities need not comply with vexatious or repeated requests. (See Appendix 1 for some of the indicators that the Council will use to identify a vexatious request).

The Act also recognises that there are valid reasons for withholding information by setting out a number of exemptions from the right to know, some of which are subject to a public interest test.
The Information Commissioner's Office (ICO) is responsible for regulating and enforcing the Act. The ICO is an independent authority which has legal powers to ensure Parish Councils comply with the Act. This policy outlines LPC's responsibilities to the Act and provides a framework for managing requests.

POLICY STATEMENT
Lympstone Parish Council has a commitment to openness and transparency, and seeks to encourages a move away from the need for individual freedom of information requests, towards a culture of routine, proactive and increasing transparency on the part of LPC, by:
• Being open, transparent and endeavouring to provide the public with access to the official information that it holds, as a matter of course.
• Making people aware of their rights to access the official information LPC holds.
• Making as much routine information as possible available through LPC's publications and website.
• Providing reasonable advice and assistance to applicants for information, including pointing applicants to appropriate sources , if the council does not hold the information they seek.

DEALING WITH REQUESTS FOR INFORMATION
Members of the public have a general right of access to information held by Lympstone Parish Council, specifically:

• To be told whether or not the information is held by LPC, and
• If it is, to have the information communicated to them.

1. Requests for information must be in writing, must give the applicant's name and return address and must describe the information requested in such a way that we are able to locate it. A written request includes an email. All requests should be sent to the clerk at: clerk@lympstoneparishcouncil.gov.uk or c/o Minnows, Longmeadow Rd, Lympstone, Nr. Exmouth, Devon, EX8 5LF.
2. All requests for information will be logged on a record sheet.
3. Receipt will be acknowledged but if it is possible to respond with the information requested, this will be done instead. If further information is required in order to locate the information requested, this will be undertaken as quickly as possible.
4. LPC has 20 working days in which to deal with a request for information. If it is not clear what information is required, the 20-day period does not begin until clarification is received from the applicant as to exactly what is required. (For environmental information, the response period is extended to 40 working days for information that is complex.)
5. Nominal charges, as listed in the publication scheme, will made to cover costs of photocopying, printing, postage etc in most instances. However, if the cost of finding, sorting and editing the information requested is more than £450 then, under the FOI Act, the Council does not have to provide the information. (Under EIR, environmental information cannot be refused on the grounds of cost).
6. The applicant will be kept informed during the process of supplying the information requested, particularly if it is a complex request, when guidance may have to be sought from other agencies.
7. If a request is refused, the refusal notice will give the reasons for refusing the request and advise the applicant as to their rights of appeal – both internally by way of a complaint and, following that, by way of an appeal to the Information Commissioner.

EXEMPTIONS / REFUSALS

The Freedom of Information Act contains 23 exemptions whereby information can be withheld. These exemptions include, but are not limited to:

• Personal data (under the Data Protection Act 2018)
• Information held for law enforcement purposes
• Commercially sensitive information
• Information that could harm national security

There are two categories: absolute and non-absolute. LPC will only withhold information if it falls within the scope of one or more of these exemptions. Where an absolute exemption applies, LPC can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where LPC decides that the public interest is best served by withholding the information.
If an exemption applies, the council will explain why the information cannot be provided, and the information will be withheld.

LPC may refuse to supply information if the information is already publicly available, or if the request is too broad or unclear (clarification will be sought in these instances). They will also refuse to supply information under the FOIA, where the request is considered "vexatious" or "repeated" and under the EIR, where the request is considered 'manifestly unreasonable.' *(See Appendix 1)*

The release of third-party information will be considered carefully to prevent breaches of confidence or, in the case of living individuals, breaches of the DPA and/or GDPR. Both the EIR and FOIA permit information to be withheld when its release would breach the provisions of the DPA and/or GDPR.

REVIEW PROCESS
The applicant has the right to ask for a review of a decision to refuse disclosure, initially to LPC, but ultimately to the Information Commissioner. The review process will be undertaken in accordance with the ICO Code of Practice.
This request should be made within 20 working days of receipt to LPC's response, and the requester should set out what they are dissatisfied with. LPC shall then conduct a review within 20 working days. (If additional time is required due to the complexity of the request, notification will be provided.)
If the requester is not happy with the outcome of the review, they have the right to apply directly to the Information Commissioner for a decision.

The Information Commissioner can be contacted at:
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK95AF
Tel: 0303 123 1113
www.ico.org.uk

POLICY REVIEW
This policy will be reviewed every three years (or earlier if required by changes to legislation or additional documentation) and amended as necessary based on good practice or evidence taken forward.

RELATED POLICIES AND PROCEDURES
These include but are not limited to:
Lympstone Parish Council Freedom of Information Act and Guide to the Publication Scheme.
Complaints Procedure Policy *(and point 14 of policy: Persistent, vexatious, and abusive complaints.)*

Lucy Tyrrell, Clerk and RFO to Lympstone Parish Council

Date of next review: ***April 2029***

APPENDIX 1.

Reference: Information Commissioner's Office – Dealing with Vexatious Requests Some of the indicators to be used by Cuxton Parish Council to identify whether a request for information is vexatious. These indicators should not be regarded as either definitive or limiting.

Abusive or aggressive language. The tone or language of the requester's correspondence goes beyond the level of criticism that a public authority or its employees should reasonably expect to receive.

Burden on the authority. The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester.

Personal grudges. For whatever reason, the requester is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity.

Unreasonable persistence. The requester is attempting to reopen an issue which has already been comprehensively addressed by the public authority or otherwise subjected to some form of independent scrutiny.

Unfounded accusations. The request makes completely unsubstantiated accusations against the public authority or specific employees.

Intransigence. The requester takes an unreasonably entrenched position, rejecting attempts to assist and advise out of hand and shows no willingness to engage with the authority.

Frequent or overlapping requests. The requester submits frequent correspondence about the same issue or sends in new requests before the public authority has had an opportunity to address their earlier enquiries.

Deliberate intention to cause annoyance. The requester has explicitly stated that it is their intention to cause disruption to the public authority or is a member of a campaign group whose stated aim is to disrupt the authority.

Scattergun approach. The request appears to be part of a completely random approach, lacks any clear focus, or seems to have been solely designed for the purpose of 'fishing' for information without any idea of what might be revealed.

Disproportionate effort. The matter being pursued by the requester is relatively trivial and the authority would have to expend a disproportionate number of resources in order to meet their request.

No obvious intent to obtain information. The requester is abusing their rights of access to information by using the legislation as a means to vent their anger at a particular decision, or to harass and annoy the authority, for example, by requesting information which the authority knows them to possess already.

Futile requests. The issue at hand individually affects the requester and has already been conclusively resolved by the authority or subjected to some form of independent investigation.

Frivolous requests. The subject matter is inane or extremely trivial, and the request appears to lack any serious purpose. The request is made for the sole purpose of amusement.