



# **Minehead Town Council**

## **Freedom of Information (FOI) and Subject Access Request (SAR) Policy**

# 1. Policy Statement

Minehead Town Council is committed to openness, transparency, and accountability. The Council will handle Freedom of Information (FOI), Environmental Information Regulations (EIR) requests, and Subject Access Requests (SARs) in full compliance with UK legislation and ICO guidance.

We will provide advice and assistance to all requesters, ensure timely responses, and process information securely and fairly. This policy explains how the Council manages requests for information, personal data, and environmental information.

## 2. Legal Framework

This policy is based on:

- Freedom of Information Act 2000 (FOIA)
- Environmental Information Regulations 2004 (EIR)
- UK GDPR
- Data Protection Act 2018 (DPA 2018)
- ICO Section 45 Code of Practice (FOI)
- ICO SAR Guidance
- Local Government Transparency Code 2015
- Equality Act 2010 (reasonable adjustments for accessibility)

## 3. Scope

This policy applies to all councillors, staff, volunteers, and contractors handling information requests. It covers:

- FOI requests
- EIR requests
- SARs
- Mixed requests (e.g., FOI + SAR)
- Repeated or vexatious requests
- Requests received by email, post, online, verbally, or via social media
- Internal review processes

## 4. Roles and Responsibilities

### Town Clerk

- Senior responsible officer for FOI, EIR, and SAR compliance.
- Oversees logging, responses, security, and review processes.

### All Staff and Councillors

- Must recognise requests and pass them to the Town Clerk promptly.

### **External Advisors**

- Complex cases or exemptions may be referred to the Monitoring Officer or external legal advice.

## **5. Duty to Advise and Assist (FOI Section 16 & ICO principles)**

The Council will:

- Help requesters refine unclear or overly broad requests.
- Explain available information and formats.
- Provide reasonable adjustments or accessible formats on request.
- For SARs, guide individuals on identity checks and how to receive their data securely.

# **FOI & EIR Handling Process**

## **6. Understanding FOI vs EIR**

Information is processed under:

- FOI if it relates to general Council information;
- EIR if it relates to environmental matters such as land, planning, wildlife, waste, air, water, emissions, or policies affecting the environment.

Requests must be processed under EIR where environmental information is involved.

## **7. Step 1: Receipt & Logging**

- Accept written requests in any format.
- Log in FOI/EIR Register: name, date received, summary, statutory deadline.
- Acknowledge within 5 working days.
- Standard response deadlines:
  - FOI: 20 working days
  - EIR: 20 working days, extendable to 40 working days for complex environmental requests.

## **8. Step 2: Determining “Information Held”**

Information “held” includes:

- Emails, documents, digital files, metadata, notes, CCTV, and audio.
- Information held by contractors on behalf of the Council.
- Drafts, unless they are genuinely incomplete and not relied upon.

## 9. Step 3: Responding

The Council will:

- Provide the information unless an exemption (FOI) or exception (EIR) applies.
- Apply the public interest test for EIR decisions.
- Explain any refusal and refer the requester to ICO rights.
- Ensure two competent staff or councillors review responses before release.

## Common FOI Exemptions

- Section 21 – Information accessible by other means
- Section 22 – Intended for future publication
- Section 40 – Personal data
- Section 43 – Commercial interests
- Section 14 – Vexatious or repeated requests

## Common EIR Exceptions

- Regulation 12(4)(d) – Material in the course of completion
- Regulation 12(5)(a–g) – Various public interest exceptions
- Regulation 13 – Personal data

## 10. Charging (FOI & EIR)

- **FOI:** disbursements such as printing or postage may be charged. Staff time is chargeable only if the cost limit is exceeded.
- **EIR:** reasonable charges permitted for supplying copies.
- Charges will be communicated in advance.

## 11. Vexatious or Repeated Requests

Under FOI Section 14 and EIR principles, the Council may refuse requests that are:

- Grossly unreasonable
- Repeated without new justification
- Abusive in intent

A written explanation will be provided with ICO escalation details.

## 12. Internal Review (FOI/EIR)

- Request must be made within 40 working days.
- Acknowledge within 5 working days.
- Reviewed by an independent panel of 3 members.
- Completion within 20 working days (or 40 for complex cases).
- Records retained for 3 years.

# Subject Access Request (SAR) Handling Process

## 13. Step 1: Recognising a SAR

SARs can be made verbally or in writing. Common indicators include requests for:

- “All information you hold about me”
- Copies of emails naming the requester
- Copies of personnel or case files

## 14. Step 2: Logging & Acknowledgement

- Log in SAR Register with deadline.
- Acknowledge within **3 business days**.
- Standard deadline: **1 month**, extendable by **2 months** if complex.

## 15. Step 3: Identity Verification

- Request minimal necessary ID if identity is uncertain.
- Pause the statutory timeframe until ID is received.
- For representatives, require written authority or legal documentation.

## 16. Step 4: Determining Entitled Information

Personal data includes:

- Information identifying the requester directly or indirectly
  - Digital records, emails, notes, CCTV images, HR files, and metadata
- The Council provides **copies** of data, not original documents.

## 17. Step 5: Locating Data

The Council will search:

- Email systems
- Shared drives

- Paper files
- CCTV systems
- Relevant third-party processors (where applicable)

A clear record of searches carried out will be kept.

## **18. Step 6: Review, Redaction & Security**

- Remove or redact third-party personal data unless consent or lawful basis exists.
- Apply GDPR/DPA exemptions where appropriate.
- All SAR responses must be reviewed by two competent staff or councillors.
- Data will be supplied securely: encrypted files, password-protected attachments, or signed-for hard copy.

## **19. Step 7: Responding**

The Council will provide:

- The requester's personal data
- A clear cover letter
- Information on the right to complain to the ICO
- Any exemptions applied and reasons

## **20. Manifestly Unfounded or Excessive SARs**

The Council may:

- Refuse a request, or
  - Charge a reasonable administrative fee
- A written justification and ICO rights will be provided.

## **21. SAR Review**

Individuals may request an internal review of their SAR decision.  
Records are retained for 3 years.

## **22. Security, Data Handling and Retention**

- Personal data accessed during FOI/EIR/SAR handling will be kept secure at all times.
- Access is limited to authorised staff.
- Redaction tools and encryption methods must follow ICO best practice.
- FOI/EIR/SAR correspondence and registers are retained for **3 years**, unless a longer period is justified (e.g., legal dispute).

## **23. Training & Policy Review**

- Staff and councillors will receive training to recognise and handle requests.
- The Town Clerk will review this policy annually or following legislative changes.
- The policy will be approved and adopted by Full Council.