



Freedom of Information Act Policy

POLICY

Central Milton Keynes Town Council [CMKTC] will make available upon request any published information it holds, or the applicant will be told how to access the information where the information is already reasonably accessible.

PROCEDURES

All requests for information under the Freedom of Information Act 2000 [“the Act”] will be dealt with the Clerk. The Clerk will first determine if a request for information might be subject to an absolute or qualified exemption.

Provided the information is not subject to an exemption, the applicant will be told how to access the information, where the information is already reasonably accessible, or it will be provided to the applicant by the Clerk within 20 working days of the request being received. Charges for copying are as per the schedule.

If the Clerk believes that a request is subject to an exemption, the request will be referred for consideration to next meeting of CMKTC, who will decide whether the exemption should apply or, in the case of a qualified exemption, the information should be disclosed. The applicant will be informed that a referral to CMKTC has been made.

DEFINITIONS

1. Absolute exemptions

- Information will not be disclosed by CMKTC and the following absolute exemptions under “the Act” will be made by CMKTC if the information requested: -
- Forms part of a court record.
- Has been provided in confidence.
- Such disclosure would be prohibited by law.
- It is incompatible with any European Community obligation.
- If the request is for personal information held by CMKTC about the applicant or a third-party. In this case the request will be processed as a request made under the Data Protection Act 1998.
- Relates to the personal lives of Councillors.
- Relates to the personal lives of employees of CMKTC including home addresses, disciplinary matters and actual salary.

2. Qualified exemptions

- If the information requested is subject to one of the qualified exemptions under the “the Act”,
- CMKTC will determine if it would best serve the public interest to disclose or withhold the information. Qualified exemptions would include: -

- Health and Safety issues which might directly affect an individual's safety, physical or mental health.
- Legal professional privilege.
- Information prejudicial to a trade secret or the commercial interest of any party.
- Any other qualified exemption within the "the Act".

CONSULTATION WITH THIRD PARTIES

1. Where information has been supplied to CMKTC by Contractors or third parties [the parties] CMKTC will consult with the parties who will be asked for their views on disclosure where: -

- a) There may be doubt about a likely breach of confidence, which may be subject to litigation by the parties.
- b) Where a potential breach of confidentiality may occur between CMKTC and the parties if the information were to be released.
- c) Where the information may be prejudicial to a trade secret or the commercial interest of the parties.

COMPLAINTS PROCEDURE

If an applicant is dissatisfied with manner in which a decision has been handled or made by the Clerk to a request for information under "the Act", a complaint can be made to CMKTC who will respond within 28 working days of the complaint being received.

This Freedom of Information Policy was adopted by CMKTC on 14th May 2015

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