

Freedom of Information Act

As a public authority, Hungerford Town Council has a duty placed upon it by the Freedom of Information Act to adopt and maintain a publication scheme intended to encourage Local Government to publish more information and so ensure that Council activities are more open and accountable.

Hungerford Town Council fully supports these aims and has for some time made information (including the minutes of Council meetings) readily available through a display at the Town library and more recently through our website. The Council also encourages all residents to come to the main Council meetings which are usually held on the first Monday of each month in the Hungerford Town Hall for which an agenda is displayed on the Town Notice Board in the High Street.

This scheme makes available the information relevant to Hungerford Town Council as listed below, but subject to the list of exemptions detailed at the end of this document.

Minutes of Hungerford Town Council meetings (limited to last 2 years)

- Procedural Standing Orders
- Councils Annual Report to Parish Meeting
- Members Declaration of Acceptance of Office
- Members Register of Interests
- Register of Members Interests Book
- Information relating to the last Periodic Electoral Review and latest boundary review
- Terms and conditions of employment (excludes specific salary details, personal records etc)
- Job descriptions
- Responses to planning applications
- Annual Audit Return Form
- Annual Statutory report by auditor (limited to last financial year)
- Receipt/Payment books, Bank statements (limited to last financial year)
- Precept Payment request (limited to last financial year)
- VAT records (limited to last financial year)
- Financial Regulations
- Assets Register

Your request must be made in writing (including emails, faxes and so on), should state your name and address and describe the information you seek. We will endeavour to send you the information within twenty working days of receiving your request – although we may also advise you to re-direct your request to a more appropriate authority. This would be in the case for example where the information you seek is held formally by another body – such as West Berkshire District Council.

Information within the above areas can be made available either for inspection of the original before a Town Council meeting or as a printed copy.

Normal commercial rates for photocopying will be levied and postage and packing where appropriate will be charged at cost and at standard postal rates.

Exempt Information

The Freedom of Information Act refers to certain types of information, known as exempt information, which we may hold - but which is not suitable for publication.

There are 24 of these specific information types defined in the Freedom of Information Act, but only some of these are likely to be relevant to information held by Hungerford Town Council.

The two groups of exemptions are known as "absolute exemptions" and "non-absolute exemptions".

Absolute exemptions

Information falling within this category will not be made public, nor in fact need the Council confirm or deny that it holds such information.

There are eight absolute exemptions set out below :

- Reasonably accessible by other means: applies to information that is already in the Public domain
- Security Matters: issues affecting National Security
- Court Records: documents that are being used as part of legal proceedings
- Parliamentary Privilege: release of information would infringe upon parliamentary privilege.
- Effective conduct of public affairs: release of information would prevent 'free and frank' provision of advice or exchange of views in discussions
- Personal Information: if information is personal information about the person making a request, then the information is exempt under the Freedom of Information Act. Instead, it must be dealt with under the Data Protection Act 1998.
- Information provided in confidence: if information has been provided to the Council by another Authority or body in confidence then the information is exempt.
- Prohibition on disclosure: we cannot disclose information if we have been prohibited from doing so by any other Act, Court decision etc.

Non-absolute exemptions

There are seventeen non-absolute exemptions within the Act and if the Council considers that particular information comes under this category it becomes subject to "public interest test".

The basis of the public interest test is whether the benefit to the public of disclosing the information outweighs the concerns for confidentiality.

The following non-absolute exemptions fall within this second category:

- Information intended for future publication: if a request is made for information that is due to be made Public in due course then that information will be exempt. However, A Public Interest Test may conclude that there is no reason for delaying publication.
- National security: issues affecting National Security, which are now 'Absolutely' exempt.
- Defence: if disclosure threatens the defence of the UK then it will be exempt.
- International relations: information will be exempt if its disclosure would harm UK interests abroad.
- Relations within the UK : if relations between Authorities and Administrations within the UK would be harmed by disclosure then an exemption will apply.
- The Economy: this exemption protects the economic interests of the Authority, the region or the UK as a whole.
- Investigations and proceedings conducted by Public Authorities: if information relates to criminal proceedings instigated by or involving the County Council it will be exempt, subject to a Public Interest Test.
- Law Enforcement: this protects procedures for preventing and detecting crime.
- Audit functions: this applies to information held where the County Council has acted as an Auditor for another Public Authority.
- Formulation of Government policy: this protects information that is used in formulating policy.
- Communication with Her Majesty: any communication with the Royal family will be exempt. This may occur during correspondence about Honours awards etc.
- Health & Safety: If information was to be released that would harm the mental or physical health of an individual or threatens their safety, then it would be exempt.
- Environmental Information: environmental information is released under a different set of regulations.
- Personal information: similar to the section above on Health & Safety but a Public Interest test can apply.
- 42 Legal Professional Privilege: this protects existing rights to the exchange of information under Legal Professional Privilege.
- Commercial interests: if Commercial Interests would be harmed or the information is a Trade Secret then the information will be exempt.

If you want further information about the Freedom of Information Act 2000 itself, or regarding the exemptions detailed here, it may be obtained from the office of the [Information Commissioner](#).