

COCKERMOUTH TOWN COUNCIL FREEDOM OF INFORMATION POLICY

Document Date: June 2026

Approved: 17th June 2026

TABLE OF CONTENTS

1. General Statement
2. Statement of Commitment
3. Code of Practice
4. Corporate Responsibility
5. Provision of Advice and Assistance
6. Time Limits for Responding to Requests
7. Fees and Charges
8. Transfer of Requests
9. Consultation with Third Parties
10. Contracts and Confidential Information
11. Refusal of Requests
12. Monitoring and Record Keeping
13. Complaints and Review Procedure
14. Training and Awareness
15. Policy Review

1. General Statement

The Freedom of Information Act 2000 provides a right of access to information held by Cockermouth Town Council. Access to information can only be withheld where an absolute exemption applies, or where the public interest in maintaining a qualified exemption outweighs the public interest in disclosure.

The Act works alongside the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, and the Environmental Information Regulations 2004. These regimes must be considered together when processing and disclosing information.

In complying with its duties, the Council will have regard to the Section 45 Code of Practice issued under the Freedom of Information Act 2000, and any guidance issued by the Information Commissioner's Office (ICO). The Council will seek to follow such guidance wherever appropriate.

The Council is committed to transparency and openness in the conduct of its affairs and will provide access to information wherever it is appropriate to do so.

The Council will aim to operate in an open and transparent manner while ensuring that services are delivered efficiently and in the best interests of the residents of Cockermouth.

2. Statement of Commitment

The Council will:

- Enable access to information it holds, subject to statutory exemptions.
- Provide information unless an exemption applies under legislation.
- Confirm whether or not information is held, unless an exemption applies.
- Apply the public interest test where required before refusing disclosure.

The aims of this policy are to:

- Facilitate compliance with the Freedom of Information Act 2000 by setting out clear procedures for handling requests.
- Protect applicants by setting clear standards for handling requests and complaints.
- Ensure appropriate consideration of third-party rights, including confidentiality and personal data.
- Ensure confidentiality clauses are not used inappropriately in contracts or information sharing arrangements.

3. Code of Practice

The Council will comply with the Section 45 Code of Practice and will take into account all relevant guidance issued by the Information Commissioner's Office to promote good practice in handling requests for information.

4. Corporate Responsibility

The Town Clerk has overall responsibility for the implementation of this policy and compliance with the Freedom of Information Act 2000.

The Town Clerk will:

- Oversee FOI compliance
- Maintain records and reporting
- Ensure procedures are followed

All Councillors, staff, and contractors are responsible for complying with this policy.

5. Provision of Advice and Assistance

The Council will provide reasonable advice and assistance to individuals making or intending to make requests for information.

In the first instance, applicants should contact the Town Clerk, who will:

- Assist with framing and clarifying requests
- Explain the types of information held by the Council
- Help applicants understand how to make valid requests
- Provide guidance on the most appropriate route for obtaining information

Where appropriate, the Council may suggest alternative sources of assistance, such as the Citizens Advice service.

The Council recognises that applicants may not be familiar with internal systems and will not require reference numbers or technical detail to identify information.

Where a request is unclear, the Council will seek clarification and assist the applicant in refining their request. This assistance will not extend to assessing the applicant's motives.

The Council will not provide assistance where a request is deemed vexatious under the relevant Act.

6. Time Limits for Responding to Requests

The Council will respond to requests promptly and in any case within 20 working days of receipt, unless a valid reason for extension applies under legislation.

Where the public interest test is engaged, the Council may extend the time for response but will:

- Act without undue delay
- Inform the applicant of expected timescales
- Keep the applicant informed where delays occur

Where third-party consultation is required, this may affect response times. The Council will keep a record of response times and reasons for any delays.

7. Fees and Charges

The Council will charge fees only in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

Where a fee is applicable:

- The applicant will be informed in advance
- The request will be processed once payment is received (where required)
- Standard publication material may be provided free of charge where possible

8. Transfer of Requests

Where the Council does not hold requested information but believes another public authority does, it will:

- Inform the applicant as soon as possible
- Transfer the request where appropriate
- Or direct the applicant to the relevant authority

Where part of the information is held by the Council, that part will be processed and disclosed as appropriate.

Transfers will only be made where it is reasonable to do so, and where the applicant is unlikely to object (or consents where necessary).

9. Consultation with Third Parties

Where disclosure may affect third-party interests (including confidentiality, commercial interests, or personal data), the Council will consult with the relevant third party where practicable.

Consultation will not be undertaken where:

- The third party cannot be located
- It is not reasonably practicable
- The cost or delay would be disproportionate

10. Contracts and Confidential Information

The Council will not include contractual terms that seek to restrict disclosure of information beyond what is permitted under the Freedom of Information Act.

Confidentiality clauses will only be used where necessary and proportionate, and will not be used to avoid legitimate disclosure obligations.

Information will only be accepted in confidence where it is necessary for the Council to perform its functions and would not otherwise be provided.

11. Refusal of Requests

Where a request is refused, the Council will:

- Confirm the refusal in writing
- State the exemption(s) relied upon
- Explain how the exemption applies
- Where applicable, explain the public interest test balancing exercise
- Inform the applicant of their right to internal review and complaint

Refusals will only be made where necessary and proportionate under the Act.

12. Monitoring and Record Keeping

The Council will maintain records of:

- All FOI requests received
- Response times
- Outcomes of requests
- Exemptions applied
- Complaints and internal reviews

This ensures accountability and supports annual reporting.

13. Complaints and Review Procedure

The Council operates an internal review process for FOI decisions.

If an applicant is dissatisfied, they may request a review in writing. This will be considered by a different officer than the one involved in the original decision.

The Council will attempt to resolve matters informally where appropriate before initiating a formal review.

Applicants will also be informed of their right to complain to the Information Commissioner's Office (ICO):

Information Commissioner's Office (ICO)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
Website: ico.org.uk

14. Training and Awareness

The Council will ensure that relevant staff and Councillors are made aware of their responsibilities under the Freedom of Information Act.

Training will be provided where appropriate to ensure effective handling of requests.

15. Policy Review

This policy will be reviewed periodically and updated where required due to changes in legislation, guidance, or Council practice.