

Freedom of Information Guide

What to expect when making a Freedom of Information request

Version: 1.1 - January 2025



Contents

Introduction.....	3
The benefits of FOIA	3
The approach we take to requests	3
The definition of a request under FOIA.....	3
Are all requests for information FOI requests?	3
What information can be requested?.....	4
How to make a request	4
Advice and assistance	4
The time we have to respond	4
Clarifying a request	5
Transferring a request.....	5
When a request may be refused	5
What if we do not have the information requested?.....	5
Dissatisfied with the answer provided.....	6
Charging for Information.....	6
Copyright	7
Our Publication Scheme	7
Other Information Access Options.....	7
Version Control	7

Introduction

The Freedom of Information Act (FOIA) came into force on 1 January 2005. Its aims were:

- To improve openness and transparency of public bodies;
- To make public bodies more accountable;
- To improve decision-making;
- To allow the public to engage in decision making.

Because Southend-on-Sea City Council (the Council) is a public authority, we must publish and disclose information in accordance with the FOIA. This guide explains how the Council will carry out its obligations.

The benefits of FOIA

The information we provide either through publication or in response to individual requests helps the Council:

- To demonstrate our openness and accountability for decisions made and money spent;
- To inhibit excessive or inappropriate spending;
- To identify weaknesses in the organisation.

The approach we take to requests

The assumption is always in favour of disclosure. Refusal will be the exception and must be justifiable under an exemption from the FOIA.

We will establish what information we hold first, and decide whether to give it, second.

The definition of a request under FOIA

To be valid, a request must be:

- In writing;
- State the name of the applicant and an address for correspondence;
- Describe the information requested.

We may refuse to deal with anonymous requests or those which appear to be being made under a fictitious name.

You do not need to give a reason for wanting the information you have requested. However, we may be better able to provide what you are seeking if you provide some context so that we can accurately direct our search.

Are all requests for information FOI requests?

Technically all written requests for recorded information fall under the FOIA. However, we will take a reasonable approach to deciding whether a request is to be formally considered under the Act, or whether it can be answered in the normal course of business.

Deciding which applies is considered on the merits of each request, but generally we will treat a request formally if under FOIA where it:

Mentions FOI or is sent through an FOI channel; or

Asks for information that might need to be withheld under an exemption to the FOIA; or

Implies that disclosure under the FOI Act is appropriate, for example asks for a lot of information not likely to be readily available.

What information can be requested?

You can request any recorded information held by us. This includes electronic and paper records, photographs, and recordings.

The law gives you the right to access information we already hold. There is no obligation for us to create new information to respond to your request.

We will provide you with advice and assistance if you need help to make, clarify or refine a request.

The Information Commissioner has provided [Top tips for making a clear request](#)

How to make a request

A request can be made in the following ways:

- Using our on-line form
- To any council e-mail address. To be sure we have oversight of all requests we have a dedicated central e-mail which we would ask you to use SouthendFOIRequests@southend.gov.uk
- By post
- Over our social media accounts. A requester using social media will be asked to supply an alternative delivery method for the response.

A request cannot usually be taken verbally, including over the telephone. If, however, there are reasons why you would find it difficult to make a written request, such as a disability, we will make reasonable adjustments to our usual process.

Advice and assistance

We have a duty to provide advice and assistance to those applying for information. We do this by publishing this guide on our website and having a central enquiry point SouthendFOIRequests@southend.gov.uk. If you have a particular need for advice, assistance or adjustment to our usual procedures, please contact us.

The time we have to respond

The FOIA requires that within 20 working days of the Council receiving the request the information requested is either:

- supplied to the requester; or
- a response is sent denying the Council holds the information required; or
- A response is sent advising an exemption has been applied

We will acknowledge your request within 3 working days of receiving it and let you know the date by which you should expect to receive a response. In exceptional circumstances we may need to extend the timescale for answering your request. We will let you know if this happens and tell you why.

Clarifying a request

If we are not clear from your request what information you are looking for, we will contact you to ask for clarification. The time we have to respond will be paused until a satisfactory reply is received. If no response is received after two months of the clarification being requested, we will close your request.

Transferring a request

We may not hold the information you have requested but have reason to believe another public authority does. If this happens, while we will refuse your request, we will where possible provide you with the contact details for the public authority we believe holds the requested information so that you may apply to them.

When a request may be refused

The most common reasons for refusing a request are:

- We do not have the information you requested;
- [your request will cost more than the limit](#)
- the information contains personal data; or
- the information is commercially sensitive.

If we refuse all or part of your request, we will explain why and let you know any exemptions we have used. We will advise you of our internal complaint procedure, this is known as Internal Review.

We will also advise you that you have the right to complain to the Information Commissioner and provide their contact details.

Some requests can be very time consuming to fulfil. In such cases the Council will follow the [guidance of the Information Commissioner](#) about refusing requests which are likely to take over 18 hours to fulfil.

If we refuse a request because of this, where possible we will advise you if there may be a way to amend your request so that it can be met within the limit.

Some requests can be burdensome or unreasonable. In such cases the Council will follow the [guidance of the Information Commissioner](#) about refusing such requests.

If we refuse a request because of this, we will let you know why we have refused and the exemptions to FOIA we have used.

What if we do not have the information requested?

The FOIA only requires the Council to disclose information that the Council holds (has on record).

Officers are not required to provide information they have in their head (from their memory).

Officers are not required to create information to answer a request unless it is a simple task to do so.

If we refuse a request because of this, we will let the person requesting the information know that we do not have the information they wanted.

In exceptional circumstances we may need to neither confirm nor deny whether we have the requested information.

Dissatisfied with the answer provided

When we refuse a request, we will provide details of how to make a complaint, and how to ask for an Internal review of the earlier response.

A complaint about the content of a Freedom of Information response will be considered through our Internal Review process and should be made within 40 working days of the initial response having been made. We are not obliged to accept requests after this period.

The review will be carried out by a senior member of the central FOIA team. Where possible this will be a different person to the provider of the information previously given.

We aim to carry out an Internal Review within 20 working days of the complaint being made.

Where there are reasons it may take longer, we will let you know and tell you why. This might be because the review is complex, requires consultation with third parties or a high volume of information is involved. The extended period will usually be no longer than an additional 20 working days.

If the complaint is solely about the administration of the Freedom of Information request, for example if you were not kept updated, it will be considered under our general complaint process.

Where a complaint is about both content and administration, the Internal review process will be followed.

During the Internal Review we will look at what you were told in the original response and the information the central team was provided to send you. We will consider any comments you have made when requesting the review. We will re-evaluate our handling of your request paying particular attention to any concerns you have raised. At the conclusion of the review, we will write to you explaining whether we have changed our position and whether any additional information can be disclosed.

Any such additional information will normally be provided at the same time you are informed of the outcome of the review. If this is not possible, you will be informed how soon the information will be provided.

We will also explain that if you remain dissatisfied you may ask the Information Commissioner for a review of whether we have met the requirements of the FOIA.

Charging for Information

Generally, we do not charge for responding to FOIA requests.

Where information is printed and posted, we may charge of 10p per sheet for supplying the information requested by the applicant (inclusive of postage). However, if the total

cost is under £10, then the information will be provided free of charge

Copyright

Some information released under the FOIA may be protected by copyright. Where this is the case, it is the responsibility of the person receiving the information to ensure that they do not re-use the information in a way which infringes copyright.

Our Publication Scheme

The Council has a Publication Scheme which is available on the Council's website: It sets out details of information which the Council routinely makes available.

Other Information Access Options

The Council has very similar obligations to deal with:

Subject Access Requests - requests for your own personal data; made under the Data Protection Act. Information about [how to request information about yourself](#) is available on our website.

Environmental Information Regulations (EIR) – The Regulations provide a separate right of access to information about the environment. All other types of information are covered by the FOIA.

There are similarities between the two regimes for accessing information, but there are some important differences.

If you are not sure whether FOIA or EIR apply to your request, when making a request to us ask us to use whichever we think applies, you do not need to specify.

Version Control

Date	Version	Reason	Owner	Author
March 2024	V1	Replacement of 'FOI Key Processes V2'	Val Smith	Val Smith
January 2025	V1.1	ICO hyperlinks updated following updates to their website.	Val Smith	Val Smith

Purpose:	To provide guidance to the public concerning what to expect when making a FOIA request and the standards expected when doing so.
Status:	Final
Date:	March 2024
To be reviewed by:	March 2025
Governance:	Corporate Leadership Team