**BERRY POMEROY PARISH COUNCIL**

Berry Pomeroy Parish Council, at its full Council Meeting on Tuesday 5th March 2024 agreed to make a public statement regarding the recent complaint made to the ICO (Information Commissioner’s Office) regarding an FOI (Freedom of Information) request.

The Complainant stated that the Parish Council and its Clerk were under investigation and that the Clerk was a ‘discredited’ Clerk. These statements are untrue and the ICO confirmed that the Parish Council had acted correctly in its response to the Complainant, that the information requested, was not held by the Parish Council.

The Parish Clerk also contacted the ICO to ask whether it needed to carry out an Internal Review, the ICO stated that no internal review was necessary as the information requested was not in the Parish Councils possession.

The Parish Council’s Solicitor also stated the same.

However, the response from the ICO to the Parish Council comments, *The Parish Council consistently discussed the Complaint and reviewed it on a monthly basis under our Part 2 meetings.*

when it noted that an ICO Agent had confirmed that no Internal Review was necessary is as follows:

Thank you for your email below. I note your comments with regards to the internal review and you having spoken to someone at our offices.

However, to save any future confusion, as per this decision notice, the Commissioner does expect public authorities to carry out an internal review when requested, in line with the FOIA Section 45 Code of Practice.

Below is Section 45 Code of Practice:

What is the Code of Practice under Section 45 of the Freedom of Information Act?

The section 45 Code of Practice (the Code) fulfils the duty set out in section 45 of FOIA. The Code provides guidance on the practice it would be **desirable** for you to follow in connection with the discharge of your functions under Part 1 of FOIA.

Desirable but not mandatory

What does desirable mean in the Oxford dictionary?

/dɪˈzaɪrəbl/ 1(formal) something that you would like to have or do; worth having or doing.

Wording agreed at the full Parish Council meeting on Tuesday 5th March 2024