

## **FOI & EIR IMPORTANT INFORMATION**

The authority may be obliged to disclose information relating to pre application enquiries if a request is submitted under the FOI or EIR.

The authority shall act reasonably and use its discretion when making a decision to release or withhold information in accordance with the relevant Act.

## **FREEDOM OF INFORMATION**

The documents contained with a pre-application enquiry, together with any response made by the Council, will be made available for public inspection unless you confirm in writing to us, at the point of the pre-application submission, that the information provided is commercially sensitive. If the Local Planning Authority receives a request, under the Freedom of Information Act (FOI) or Environmental Information Regulations (EIR), to disclose information relating to a pre-application enquiry they are obliged to do so unless the information is deemed exempt under the Act.

We can only withhold information under FOI or EIR if the information falls under one of the exemptions (FOI) or exceptions (EIR) set out in legislation. For certain pre-application issues the applicant would be advised to complete the [Commercially Sensitive Checklist](#) available on the Council's website. The form should set out the reasons why, and for how long, they feel any information relating to the case needs to remain confidential. However, whilst we will take account of these views, the final decision on whether the information should be withheld rests with the Council. The Council maintains compliance to the Data Protection Act and we will not release any personal information to third parties.

## **DATA PROTECTION ACT**

Tendring District Council is required by law to protect the public funds it administers. To meet this obligation this will include sharing information internally and externally to prevent and detect fraud, improve the way it delivers services and for the purpose of performing any of its statutory enforcement duties. This will also include sharing information with other bodies responsible for auditing and administering public funds.

All personal information will be processed in accordance with the provisions of the Data Protection Act 1998.