

Information Systems

8 Freedom of Information Act

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The Freedom of Information Act provides a general (meaning there are exceptions) right of access to information held by public authorities such as local city councils, the National Health Service, colleges and universities, and the police. The Act does not apply to private organisations such as TradeBreak (described in handout 7 - Data Protection Act) - unless they are making the request for information.

8.1 Overview

The Freedom of Information Act 2000 provides a general right of access to information held by public authorities. Anyone can request information from a public authority and anyone has the right to be told:

1. whether the public authority holds the information, and
2. if it does, to be provided with the information.

Key points include:

- Anyone is entitled to make a Freedom of Information request for any information held by a public authority
- Requests must be made in writing and can include emails or FAX. Requests can be given to any member of staff
- Requests need not mention Freedom of Information and the public authority cannot ask "Why?" the request is being made
- Information is anything held in a recorded form, eg paper files, loose papers, emails, electronic documents, photos, plans, maps, CCTV, videotapes, audiotapes, voice mails.
- Requests should be dealt with promptly and the information provided within 20 working days
- Requests are free if they cost £450 or less (equivalent to 18 hours of effort). But costs such as copying and postage etc can be charged
- Above £450 pounds, public authority can decline the request
- There are exemptions, e.g. personal data is covered by the Data Protection Act.
- Environmental information is covered by separate legislation. This is similar to Freedom of Information but only applies to information about land, air, atmosphere, water etc - Environmental Information Regulations
- In some cases the public authority has to decide if it is in the public interest to disclose information even if there is an exemption
- If a public authority is required to disclose information that might affect the rights and interests of third parties, consultation should take place with them first
- A public authority must manage information properly and preserve all important records
- A public authority must maintain a *Publication Scheme* which contains information routinely available without needing a formal Freedom of Information request.

Bibliography

<http://www.portsmouth.gov.uk/yourcouncil/2730.html> accessed 8 Feb 2009

http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000036_en_1 accessed 8 Feb 2009