

Your guide to openness



What is the Freedom of Information Act?

The **Freedom of Information Act 2000** gives people a general right of access to information held by or on behalf of public authorities. It should create better public understanding of:

- how public authorities carry out their duties;
- why they make their decisions; and
- how they spend public money.

It will also promote a culture of openness and accountability across the public sector.

What are public authorities?

The Act applies to public authorities. This broadly means publicly funded organisations that work for the welfare of the whole population, including:

- government departments;
- local authorities;
- educational establishments;
- police forces;
- health authorities; and
- health bodies including GPs and dentists.



What information can I have access to?

The Freedom of Information Act gives you a general right of access to all recorded information held by public authorities. Recorded information can be held in the form of documents, emails, notes, videos, letters and even audio tapes. It does not have to be about you, and you do not need to give a reason for wanting it.

How do I get hold of the information?

There are two ways to ask for the information held by a public authority.

You can make a formal freedom of information request. This must:

- be in writing;
- clearly describe the information you want; and
- include your name and address.

Alternatively every public authority makes some information publicly available already, for example its annual reports, policy documents and financial information. The information an authority is committed to routinely publishing is described in the approved model publication scheme which all authorities must adopt. A copy of the model scheme can be accessed via the ICO website. The scheme commits every authority to provide a guide to the specific information they routinely provide. In most cases you should be able to access the guide and the information contained within it electronically and free of charge. In certain circumstances some information will be only available by contacting the authority. If this is the case the authority must send it to you immediately.

When will I receive the information?

If the information is covered by a publication scheme, the public authority should provide it without delay.

However, if you make a formal freedom of information request, a public authority has up to 20 working days to provide a response, starting from the day after it gets your request.

In some cases this time limit may be extended. If so, the public authority should write to you within the 20 day limit and let you know when it will be able to send you the information.

Will the information cost me anything?

Charges may be made for information which is routinely released and covered by the publication scheme. These charges must be shown in the authorities guide to information.

The Act does not state how these charges should be calculated, but the Information Commissioner's Office (ICO) expects that:

- public authorities should provide as much information as possible free of charge; and
- if charges are made, they must be justifiable and transparent.

If I make a freedom of information request, will I get everything I ask for?

Yes, often the public authority will provide all the information you have requested. However, there are some restrictions on what it can provide. These are called exemptions. They allow public authorities to withhold information that should not be released into the public domain. Examples include information that identifies other people or may compromise national security. More information about this is available from the ICO website www.ico.gov.uk.

If a public authority intends to rely on an exemption to withhold information from you, it must send you a refusal notice stating the exemption and saying why it applies.

Could there be other reasons for refusing my request?

Yes. A public authority may also refuse your request if:

- it estimates that the cost of complying would exceed a set limit – currently £600 for government departments, £450 for all other authorities;
- it cannot identify the information you want – in which case it should work with you to clarify your request;
- it thinks your request is vexatious – in other words, if the primary purpose of your request is to cause unjustified distress, disruption or irritation; or
- it has already given you similar information recently.

Can I complain?

Yes, you may complain to the public authority if you are unhappy about how it has responded to your freedom of information request, or the decisions it reached over what to disclose. You may also complain if the public authority:

- failed to respond to your request within 20 working days or to explain why an extension to the 20-day reply period is needed;
- failed to offer advice and help in connection with your request; or
- made excessive or unreasonable charges for the information it supplied.

You can also complain if you think that an authority is not publishing information in accordance with its publication scheme (for example, if it refuses to let you have information that seems to be covered by its scheme, or it takes a long time to send it to you).

Who should I complain to?

In the first instance, you should complain directly to the public authority itself. Its complaints procedures should provide for a fair and thorough review of how the request was handled and of its decisions. You should send your complaint as soon as possible and preferably not later than 20 working days after the public authority's response.

If you believe that the public authority has not dealt with your complaint properly, or if it does not have a complaints procedure, and the public authority is in England, Wales or Northern Ireland, you

should complain to the ICO. You should send in your complaint as soon as possible and preferably not later than two months from when the public authority:

- responded to your request for information or request for internal review; or
- should have responded to your request for information or request for internal review.

If your complaint is about a public authority located in Scotland you should contact the Scottish Information Commissioner's Office, as the majority of Scottish public authorities are governed by the Freedom of Information (Scotland) Act 2002, an entirely separate Act. For more information visit the Scottish Information Commissioner's website www.itspublicknowledge.info. telephone 01334 464610 or email enquiries@itspublicknowledge.info.

More information

The ICO publishes a leaflet 'Freedom of Information - How to complain' which gives a step-by-step guide on how to complain about the handling of freedom of information requests. You can get a copy by calling 08453 091 091 or visiting www.ico.gov.uk.

For more general advice on freedom of information, contact our helpline on 01625 545 745 or visit our website at www.ico.gov.uk.

Contact us

If you would like to contact us call 08456 306060
or 01625 545 745 if you would prefer to call a national rate number.

e: mail@ico.gsi.gov.uk

w: ico.gov.uk



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