



**Information Commissioner's Office**  
Promoting public access to official information  
and protecting your personal information

## Freedom of Information Act

### Advice and Assistance

The Freedom of Information Act 2000 (FOIA) gives a right of public access to information held by public authorities. This is part of a series of guidance notes to help public authorities understand their obligations and to promote good practice.

This guidance explains to public authorities their duties under section 16 of the FOIA to provide advice and assistance.

The guidance replaces Awareness Guidance 23.

### Overview

Advice and assistance should be provided to an applicant:

- to clarify unclear requests;
- to help to provide the information requested in an acceptable format;
- to narrow responses which exceed the cost limit (section 12);
- when the exemptions for information which is accessible to the applicant by other means (section 21) or for information intended for future publication (section 22), have been applied; and
- when their request is transferred to another public authority because the information is held by it, and not by you.

Advice and assistance does not have to be provided if the request is vexatious.

### What does the FOIA say?

Section 16 explains the duty to provide advice and assistance. The purpose of this section is to ensure that you communicate with an applicant in order to discover what information they want and, where possible, help them to obtain it.

The section requires you to provide advice and assistance so far as it is "reasonable to expect" you to do so. You should provide advice and assistance to anyone who has made or is thinking of making a request for information. It also states that if you conform to the [Section 45 Code of Practice](#) in relation to providing advice and assistance, you will have carried out your duty under section 16. There is nothing to stop you from providing advice and assistance which goes beyond the requirements of the Section 45 Code.

## General issues

Providing advice and assistance amounts to good customer service. Any part of your organisation may receive requests for information; you should therefore make sure that your staff are aware of this and can identify and deal with requests correctly.

The Section 45 Code recommends that you provide contact details for providing advice and assistance. In some cases it may help to ask the applicant why they are interested in the information, however, you cannot take this into account when making your decision whether to release the information.

## Clarifying unclear requests

Some requests may not be clear from the outset. In such cases you should ask the applicant for further information in order to identify and locate the relevant information. You do not need to respond to the request until that further information has been provided.

To reduce the possibility of unclear requests, the Section 45 Code recommends that you help applicants with their requests by:

- Providing an outline of the different kinds of information which might meet the terms of the request.
- Providing access to detailed indexes and catalogues (where available) to help them gain an understanding of the nature and extent of the information you hold.
- Providing a general response to the request setting out options for further information which could be provided on request.

This list is not exhaustive, and you should be flexible in offering advice and assistance most appropriate to the circumstances of the applicant.

[Interpreting a request](#) provides further information.

## Format of the information provided

You should generally provide the applicant with the information they have asked for in the format they have requested eg if an applicant asks for information in a CD-Rom format.

However, there may be situations where you conclude that this is not reasonably practicable. If so, you should assist the applicant by discussing with them any other formats you are able to provide, which they may find acceptable.

Further guidance on the format of the information provided can be obtained at [Means of communication: awareness guidance 29](#).

## Requests which exceed the cost limit

The FOIA contains a provision for a cost limit for complying with requests. If the cost of complying with the requests exceeds this limit, then you are not required to provide the information.

[Using the Fees Regulations](#) provides further information.

If the cost of complying with the request would exceed the cost limit, you can assist the applicant in a number of ways. For example, the Section 45 Code recommends that you provide an indication of what information can be provided up to the cost limit, for a lower disbursement fee or free of charge. Alternatively, you could also assist the applicant in narrowing their request, by reforming or refocusing it, so that it will fall beneath the cost limit (should they wish to do so). A narrowed request of this kind can be considered a new request and therefore the 20 working day period will begin again.

## Exemptions

You should as a matter of good practice provide advice and assistance if you are refusing a request because the information is accessible to the applicant by other means (section 21) or is intended for future publication (section 22). However, this is not a requirement of the Section 45 Code.

If the information requested is reasonably accessible to the applicant by other means, you should advise them about how and where the information can be obtained. Similarly, if the information requested is intended for future publication, you should indicate clearly to the applicant when that information is expected to be published.

Further guidance on exemptions is on our website at [Guidance - Freedom of Information Act](#).

## Information available elsewhere

If you receive a request and are aware that part or all of the information is held by another public authority, then there are a number of ways you can assist the applicant. The Section 45 Code recommends that you:

- contact the applicant and inform them that the information they have requested may be held by another authority;
- suggest that the applicant re-applies to the authority which you believe may hold the information; and
- provide them with contact details for that authority.

The Section 45 Code goes on to say that you may decide in some cases to transfer the request directly to the other public authority. If this is the case, then you should:

- consult the other authority with a view to finding out whether it does in fact hold the information;
- consider whether a transfer is appropriate; and if so
- consider whether the applicant is likely to have any grounds to object to the transfer.

If you reasonably conclude that the applicant is not likely to object, you may transfer the request without going back to the applicant, but you should tell them that you have done so. Where there are reasonable grounds to believe an applicant is likely to object, you should only transfer the request to the other authority with their consent.

All transfers of requests should take place as soon as is practicable, and the applicant must be informed as soon as possible once this has been done.

### **Vexatious requests**

If you are refusing a request because you consider it vexatious, you are not required to provide advice and assistance to the applicant.

[Vexatious requests – a short guide](#) provides further information.

### **More information**

Further guidance is contained within the [Section 45 Code](#).

This guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunal and courts on freedom of information cases. It is a guide to our general recommended approach, although individual cases will always be decided on the basis of their particular circumstances.

If you need any more information about this or any other aspect of freedom of information, please contact us.

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