

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;
- NHS GPs and dentists;
- police forces;
- health authorities.



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. It should describe this information in a 'publication scheme'. You can ask for a copy of its publication scheme to check what information it already publishes, and the scheme may be posted on its website. To get information that is covered by a publication scheme, you can ask for it in a less formal way than making a formal freedom of information request. Simply ask for it verbally and the public authority should send it to you soon afterwards.

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 days to decide whether the law permits you to have the information, 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 let you know when it will be able to send you the information.

Will the information cost me anything?

Charges for information covered by a publication scheme should be stated in the scheme itself. The Act does not state how these charges should be calculated. But the Information Commissioner expects that:

- public authorities should provide as much information as possible free of charge; and
- if charges are made – for example if you ask for a lot of paper documents or the information has been produced for sale – they will be reasonable.

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 Information Commissioner's Office 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 £450 to £600, depending on the authority;
- 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 harm or annoyance and not to obtain information; 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 handled 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;
- 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. Where appropriate, the public authority should be able to reconsider all the relevant factors and make a fresh decision.

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 Information Commissioner's Office. You should send in your complaint as soon as possible and preferably not later than two months after the public authority's response to your request for information.

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 Information Commissioner's Office 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 www.ico.gov.uk.

Publications Line

t: 08453 091 091

Helpline

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