



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

## **Press Release**

**For immediate release**

**Date: 12 November 2008**

### **New ICO freedom of information guidance on personal information**

The Information Commissioner's Office (ICO) is today publishing new common sense [guidance](#) for freedom of information practitioners on how to deal with requests under the Freedom of Information Act (FOIA) and the Environmental Information Regulations (EIR) which relate to individuals' personal information.

Under the FOIA and EIR an exemption exists to ensure that information is not disclosed if to do so would breach an individual's right for personal information to be processed fairly under the Data Protection Act. The ICO's new practical guidance addresses the balance between the requirement to provide public access to official information and the need to protect personal information.

There are often very good reasons for keeping personal information private, however the guidance stresses that information is not automatically exempt from disclosure just because it is personal data. It provides step-by-step advice on the application of the exemption, using examples from the freedom of information ruling that led to the disclosure of details of MPs' expenses. In this case, it was necessary to disclose some personal information belonging to MPs in order to address the inadequacies of the expenses system. The guidance includes an easy-to-use flow chart to assist FOI practitioners.

In addition to advice on the application of the personal information exemption, the guidance also explains the steps that should be taken when an individual asks for information about themselves under the Freedom of Information Act

and the request must be dealt with as a subject access request under the Data Protection Act.

A copy of the guidance can be downloaded from the ICO's website – [http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/detailled\\_specialist\\_guides/personal\\_information.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailled_specialist_guides/personal_information.pdf) – or contact the ICO on 08456 306 060 to order a copy.

## **ENDS**

If you need more information, please contact the ICO press office on 020 7025 7580 or visit the website at: [www.ico.gov.uk](http://www.ico.gov.uk)

### **Notes to Editors**

1. The Information Commissioner promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
2. For more information about the Information Commissioner's Office subscribe to our e-newsletter at [www.ico.gov.uk](http://www.ico.gov.uk)
3. Also being published shortly is a freedom of information guidance update, 'Applying the exemption for third party personal data: the Tribunal's approach in *House of Commons v IC & Leapman, Brooke and Thomas*'.
4. The ICO is currently producing a range of new guidance documents on the practical application of the Freedom of Information Act. Existing guidance is also being updated. These can be found on the ICO website at - [http://www.ico.gov.uk/what\\_we\\_cover/freedom\\_of\\_information/guidance.aspx](http://www.ico.gov.uk/what_we_cover/freedom_of_information/guidance.aspx)