The Freedom of Information Act 2000

- The FOI act 2000 gives individuals the right to access information about certain public bodies by two routes:
  - Publication Scheme
  - General Right of Access
- Any member of the public can apply for access to information held by a public body
- The act has enforcement mechanisms if the body fails to release the information
- Main features:
  - General right of access by any member of the public.
  - There are exemptions but disclosure can be forced on grounds of public interest.
  - New office of the Information commissioner with an Information Tribunal with powers to enforce rights of access.
  - Public bodies must have a publication scheme that makes release of information routine.

FOI: Public Rights

- To know whether relevant information exists: the duty to confirm or deny
- To have the information released (and, where possible, in the manner requested)
- To be provided with reasons for a decision to withhold information
- All requests must be in “permanent form”
- Reply must be sent within 20 working days

FOI: Exemptions

- Many exemptions, some absolute, some qualified e.g.
  - Commercial Interest
  - Communicating with the Queen
  - Law enforcement
  - Legal Professional Privilege
  - Parliamentary Privilege
- Need to Apply Tests before using Qualified Exemptions
  - Prejudice & Adverse Affect
  - Public Interest (not same as of Interest to the Public)
- FOI does not override DPA but DPA is not an excuse not to comply with FOI requests
  - Data protection will often take priority
  - FOI requests may be partially fulfilled avoiding release if personal data
  - Public interest may allow release of personal data

FOI: Vexatious or Repeated Requests

- Vexatious means:
  - clearly does not have any serious purpose or value
  - is designed to cause disruption or annoyance
  - has the effect of harassing the public authority
  - can otherwise be characterised as obsessive or manifestly unreasonable.
- Repeated means:
  - More often than a “reasonable interval”
  - Requests asking if previously requested information has changed are OK
  - Reply can say when info is next to be updated and a request before then would be “repeated”
**FOI: Key points to note**

- Requests can be received by anyone within the organisation and do not need to refer to the Freedom of Information Act.
- Requests must be in writing (including e-mail, fax etc).
- Requests must be dealt within 20 working days.
- No obligation to provide information which is already in the public domain/accessible by other means (e.g. via the publication scheme or in a book the organisation may hold).
- No obligation to create information that the Organisation does not already hold (e.g. statistical summaries).
- Organisation may charge a fee for the provision of information. Charges must be calculated in accordance with the fees regulations prescribed by the Department for Constitutional Affairs. Currently £50 maximum.

**Exercise**

- Read the paper on MP’s allowances and FOI requests.
- Find a partner.
- Briefly discuss your opinion on the section discussing the release of MP’s addresses.
- Agree between yourselves who will construct an argument for the release of the addresses and who against the release.
- Individually, spend about 5 minutes constructing either the argument for or against release of addresses.
- Discuss again with your partner and see who you think has the stronger argument.