

Web2Rights

Freedom of Information FAQs

1. What is it?

Freedom of Information (FOI) is the right to ask for information held by public sector authorities and the obligation on public sector authorities to supply information. The main legislation is the Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002.

2. Is the FOI Act relevant to my Web2.0 Project?

This question is relevant if:

- You want to ask for information from a public sector authority for your Web 2.0 project and/or
- The organisation through which you are running your Web 2.0 project is a public sector authority

3. What is a public sector authority?

Public sector authorities are usually organisations funded from central government and include:

- Universities
- Colleges
- Local councils
- NHS authorities
- Licensing Boards

For a full list see the FOI websites for England and Wales at <http://www.ico.gov.uk/> and for Scotland at - <http://www.itspublicknowledge.info/home/ScottishInformationCommissioner.asp>.

4. What kind of information can be asked for from the public authority /must be supplied by the public authority?

Information which can be requested/supplied if it is recorded:

- On paper
- On computer files (including email)
- On video
- On microfiche

Public authorities must develop a publication scheme which lists and makes available certain classes of information. These include information on:

- The public authority and what it does
- What is spent by the public authority and how
- The priorities of the public authority and performance measures
- How the authority makes decisions
- The services the public authority offers

Note that where information is not available under the publication scheme it, can still be requested.

5. Who can ask for the information?

Anyone can ask for the information. Requests must be in permanent form (e.g. email; letter; text message) and should be responded to by the authority within 20 days. A charge for payment may be levied.

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6. What information need not be made available under FOI?

The general philosophy of FOI is that information held by public authorities should be made available either in a publication scheme or in response to a request. There are a number of absolute exemptions where a public authority does not need to disclose information. These include:

- Information accessible to the applicant by other means. For example, if information is part of a publication scheme then the applicant should obtain the information through the scheme.
- Personal information: If the applicant requires personal information about themselves, then they need to make a subject access request under the Data Protection Act. Information will not be released under FOI if it contains or is data of a third party if disclosure would breach one of the data protection principles. For further information see the Data Protection guidance on the JISC Legal website.
- Information provided in confidence. For circumstances in which student work might be treated as confidential see JISC Legal – FOI and Student Work December 2005.

There are also a number of qualified exemptions where although there is an exemption, the authority must consider whether disclosure is required in the public interest. These include:

- Information intended for future publication
- Health and Safety
- Commercial interests
- Personal Information.

If the public authority considers that the data protection principles would not be breached by disclosure but the subject of the information has served a notice under section 10 DPA that disclosure would cause unwarranted substantial distress or the subject of the information would have no right of access under the DPA then the authority requires to consider the public interest when deciding whether to release the information. For further information see the Data Protection guidance on the JISC Legal website.

7. Can I copy the information I receive under FOI?

The documents that you receive will be protected by copyright and therefore subject to the limits on copying as set out in the Copyright Designs and Patents Act 1988. Permission from the owner of the copyright would be required to make copies of the documents.