
Freedom of Information (FOI)

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Freedom of Information Requests

Any request that is submitted in writing may be a valid FOI request.

Any request that is submitted verbally cannot be treated as a FOI request.

When a request is logged, you have a duty to confirm or deny whether the information is held. If the information is held, it must be released to the applicant unless a suitable exemption applies.

Freedom of Information requests must be responded to within 20 working days.

Who does FOI apply to?

The FOI Act applies to the following:

- Any company wholly owned by a public authority
 - Local authorities
 - Public bodies such as parish councils
 - Bodies specifically mentioned in the Act
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Environmental Information Regulations

The Environmental Information Regulations (EIR) provide public access rights to a wide range of environmental information held by local authorities.

Differences between FOI & EIR

	FOI	EIR
Requests	Request must be in writing.	Requests don't need to be in writing, they can be made verbally.
Cost	There is an exemption where the cost of compliance exceeds the 'appropriate limit' as defined in the Fees Regulations.	There is no equivalent exception. However, 'reasonable' charges can be made.
Information included	Information held on behalf of another person is not included.	All information which is held is included, whether it is held on behalf of another person or not.
Public interest test	Some exemptions are not subject to the public interest test.	All exceptions are subject to the public interest test.
Withholding information	Information which could prejudice commercial interests can be withheld if the public interest in withholding it is greater than the public interest in release.	No equivalent.

Information Commissioner

The Information Commissioner is an independent officer who reports directly to Parliament. They have a central role in:

- Promoting the compliance of local authorities with the Act
 - Generating and improving public awareness of the Act
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Handling FOI Requests

FOI requests should be logged when received, and a 20 working day deadline should be set. Bank holidays and weekends are not considered to be working days.

A nominated officer should then be allocated to handle the request, send the response when ready and close the case.

The ICO's guide to FOI can be found at:

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

Not happy with a response?

If a requester is not happy with their response there are two options:

- Internal review - an officer independent to the original response should review the response and decide whether it was suitable:
 - If not, the additional information should be released.
 - If it was, the response to the requester should state this.
 - If a requester is still not happy with the internal review response, they should be advised to contact the Information Commissioner who would carry out a further review.
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Refusing a Request

Exemptions can be applied in order to refuse a request.

Vexatious Requests:

A request(s) can be refused if they are deemed to be vexatious. This is usually if there is a clear campaign on the same topic, if a requester submits multiple requests without sufficient gaps in between, a requester sends repeated requests or if particular members of staff have been made the subject of a personal attack.

Vexatious Requests

It's important to remember that a requester is NOT vexatious under FOI, however the request may be.

For a request to be vexatious certain criteria must be met, this can be found in the ICO's guide via the following link <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

Rothbury Parish Council successfully used the vexatious request exemption, the ICO decision can be found at https://ico.org.uk/media/action-weve-taken/decision-notice/2015/1433013/fs_50584415.pdf

And the following Tribunal decision

[http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i1818/Kell,%20Anthony%20Kell%20EA.2015.0244%20\(30-06-16\).pdf](http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i1818/Kell,%20Anthony%20Kell%20EA.2015.0244%20(30-06-16).pdf)

Support and Advice

The Information Governance Office
at NCC can be contacted for advice
and support:

foi@northumberland.gov.uk
