

October 2012

## Briefing Paper: The Freedom of Information Act

This briefing paper is intended to provide an overview of the Freedom of Information Act and how it can be used. For further reading, please refer to the sources highlighted at the end of this document.

### What is the Freedom of Information Act?

The Freedom of Information (FOI) Act is a piece of legislation that aims to encourage all public organisations to be open and transparent and is regulated by the Information Commissioners Office (the same organisation that oversees the Data Protection Act).

The legislation provides access to recorded information not available through other means. All public authorities are now required to produce a Publication Scheme detailing specified types of information that they hold and how people are able to access it. If information is not already available i.e. through a website, then this is when an FOI request would normally be used.

### Who is covered by the Act?

The Act applies to all public authorities, so they have a statutory duty to comply with it. Authorities have a 20 working days to respond to an FOI request. There are several specific exemptions covering information that does not have to be released. This could be if the cost of locating the information requested is too high, or if it would be in the public interest to withhold the information requested. Courts and tribunals are not covered by the Act, nor the security and intelligence services. Individual private bodies with public functions, or private contractors providing services on behalf of a public authority, can be brought under the FOI Act. A Parliamentary order would have to be made to do this.

### Why would you use the Freedom of Information Act?

The FOI Act has been embraced as a critical tool for campaigning

## The Lesbian & Gay Foundation

Number 5, Richmond Street, Manchester. M1 3HF.

Tel: 0845 3 30 30 30 Fax: 0161 235 8036

E-mail: [info@lgf.org.uk](mailto:info@lgf.org.uk) Web: [www.lgf.org.uk](http://www.lgf.org.uk)

# POLICY BRIEFING

organisations and is deemed to be incredibly cost effective. The legislation allows individuals and organisations to make a request for any information held by a public authority. FOI requests can be extremely cost-effective; through simply writing a letter or email to organisations, you can generate a guaranteed response which is covered by law.

The FOI legislation provides access to recorded information *not available through other means*. It is important to highlight that FOI requests should be used as a last resort, as they can be time-consuming for public authorities to respond to. Attitudes towards FOI requests differ among public authorities – some see them as a routine request, while others can see them as a challenge to their organisation. It is generally best to use existing contacts and exhaust all other sources prior to using FOI requests.

## Making an FOI request

A request for information under the FOI Act should be in writing: a letter, email or fax will be valid. The authority may have an FOI officer, or you could send it to the official with responsibility for the issue you're asking about, if you know who that is. As long as the request is made to the authority it will be valid.

Authorities are required to provide reasonable advice and assistance to anyone who has made or wants to make a request for information to them. So if you can't work out what information on your subject the authority holds, or have difficulty framing your request, ask the authority for help. The authority should also assist you if you have a disability which prevents you making a written request.

The more specific you can be when making your request, the better, as the authority may be entitled to refuse a request which is too broad. If you know which documents you want, describe them. For example, you might want minutes of particular meetings, a specific report or a set of

# POLICY BRIEFING

figures. Alternatively, you may want correspondence or emails between the authority and someone else about a particular issue over a given period.

You could also ask for information which the authority holds about a particular topic. If so, try and ensure that the topic is relatively narrowly defined. Don't ask for "everything you hold about" a subject, unless that is likely to involve a relatively small amount of material.

You can also ask questions or ask for a set of data to be extracted from a database. If you don't know enough about the issue to make a specific request, do some research first.

Check to see what the authority publishes about the issue: this may help identify other unpublished information which you may want to ask for. You could also ask the authority's FOI officer to help you clarify what kind of information about the issue the authority is likely to hold.

## Further information and resources

Voicing your right to know: A guide to using Freedom of Information in Campaigning

[http://www.ncvo-vol.org.uk/sites/default/files/UploadedFiles/Your\\_right\\_to\\_know.pdf](http://www.ncvo-vol.org.uk/sites/default/files/UploadedFiles/Your_right_to_know.pdf)

Freedom of Information Act

[http://www.ico.gov.uk/for\\_organisations/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/for_organisations/freedom_of_information.aspx)

Journalists' use of the UK Freedom of Information Act

<http://www.opengovjournal.org/article/view/771/791>

If you would like to contact The Lesbian & Gay Foundation for more information, please email [heather.williams@lgf.org.uk](mailto:heather.williams@lgf.org.uk) or call 0845 3 30 30 30.

## The Lesbian & Gay Foundation

Number 5, Richmond Street, Manchester. M1 3HF.

Tel: 0845 3 30 30 30 Fax: 0161 235 8036

E-mail: [info@lgf.org.uk](mailto:info@lgf.org.uk) Web: [www.lgf.org.uk](http://www.lgf.org.uk)