

# Using the FOI Act

## Medical Journalists' Association

25 March 2014



© Campaign for Freedom of Information

---

---

---

---

---

---

---

---



**£24,000 over 3 years  
visiting flower shows**  
Tokyo, Madrid,  
Barcelona, Paris and  
Amsterdam - Tokyo cost  
£6,500  
*Daily Record 9.8.2008*

---

---

---

---

---

---

---

---



**“Nearly 12,000 people over the past 5  
years were wrongly labelled criminals  
due to inaccurate record checks”**  
*Guardian 28.12.2012*

---

---

---

---

---

---

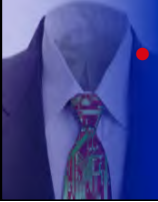
---

---

## Applicant blind



- Applicant's **identity and motive irrelevant**
- Test: can it be disclosed **to public**
- Requester's **special interest** not relevant
- Identity relevant if potentially **vexatious**



Campaign for Freedom of Information

---

---

---

---

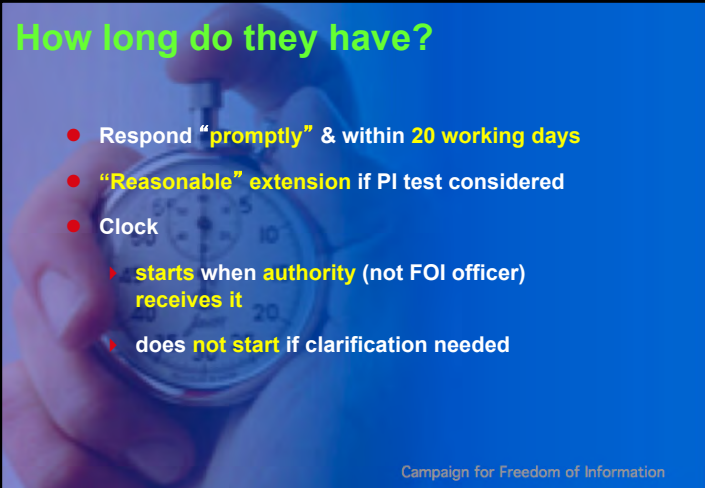
---

---

---

---

## How long do they have?



- Respond "**promptly**" & within **20 working days**
- "**Reasonable**" extension if PI test considered
- Clock
  - ▶ starts when **authority** (not FOI officer) receives it
  - ▶ does **not start** if clarification needed

Campaign for Freedom of Information

---

---

---

---

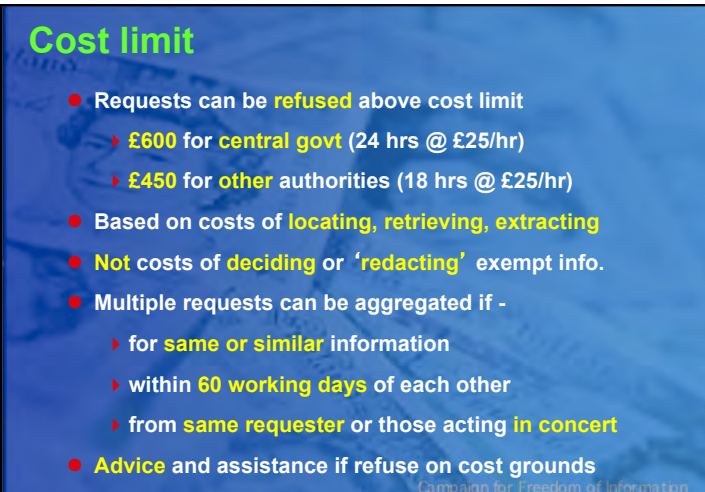
---

---

---

---

## Cost limit



- Requests can be **refused** above cost limit
  - ▶ **£600** for **central govt** (24 hrs @ £25/hr)
  - ▶ **£450** for **other** authorities (18 hrs @ £25/hr)
- Based on costs of **locating, retrieving, extracting**
- **Not** costs of **deciding** or '**redacting**' exempt info.
- Multiple requests can be aggregated if -
  - ▶ for **same or similar** information
  - ▶ within **60 working days** of each other
  - ▶ from **same requester** or those acting **in concert**
- **Advice** and assistance if refuse on cost grounds

Campaign for Freedom of Information

---

---

---

---

---

---

---

---

# Environmental Information Regulations

Campaign for Freedom of Information

---

---

---

---

---

---

---

---

## Emissions data...

### Adversely affect -

- ▶ Industrial or commercial confidentiality protected by law
- ▶ Interests of person volunteering information
- ▶ Confidentiality of proceedings protected by law
- ▶ Protection of the environment
- Course of justice, fair trial, investigations
- International relns, defence, nat security, public security
- Intellectual property rights
- Personal data

**Emissions data** cannot be withheld under **top 4 exceptions!**

Campaign for Freedom of Information

---

---

---

---

---

---

---

---

## Emissions

- **Landrover** correspondence with **DfT** re derogations from emissions requirements
- **Legionnaires** disease cases at **hotel** in Malta

Campaign for Freedom of Information

---

---

---

---

---

---

---

---

# Drafting the request

Campaign for Freedom of Information

---

---

---

---

---

---

---

---

# A little research goes a long way...

- Don't wait a month to discover its on the website!
- Study the disclosure log / publication scheme
- Google for it
- Read round the issue
- Talk to officials - FOI staff often helpful
  - ▶ *Do you hold this kind of information*
  - ▶ *In what detail?*
  - ▶ *How far back?*
  - ▶ *Indexed? Easily retrievable?*
  - ▶ *Exemption problems?*

Campaign for Freedom of Information

---

---

---

---

---

---

---

---

# Road safety

- ✗ "give me all information you have about road safety"
- ✓ "how many accidents on this road in last 12 months?"
- ✓ "what injuries occurred in each case?"
- ✓ "what action have you taken / are you proposing?"

Campaign for Freedom of Information

---

---

---

---

---

---

---

---

## Govt proposals to restrict FOI

- Include **consideration & redaction** time
- **Reduce** cost limit
- **Unrelated requests** from same individual or group
- **Charge** for Tribunal **appeals**

Campaign for Freedom of Information

---

---

---

---

---

---

---

---

[www.cfoi.org.uk](http://www.cfoi.org.uk)



0207 490 3958

[admin@cfoi.demon.co.uk](mailto:admin@cfoi.demon.co.uk)

---

---

---

---

---

---

---

---