

such a request if they require help in doing so.

- Applicants do not have to mention the FOIA or state why they wish to see information.
- Unless an exemption applies, the Act requires us to: (1) confirm or deny we have the information, AND (2) disclose the information. This must be done within 20 working days.
- Unless an exemption is absolute, or the public interest test weighs against it, we must tell the applicant whether or not we hold the information, even if the information itself is exempt from disclosure.

Exemptions / Public Interest Test

- There are 23 exemptions and the majority are subject to the public interest test, i.e. 'Does the public interest in non-disclosure outweigh the public interest in disclosure?'
- If we decide that the public interest is not in favour of disclosure, we have to tell the applicant why.
- When considering the public interest, we should still try to respond within 20 working days, but we are allowed a "reasonable" extension of time as long as we give the applicant a target date.
- **There is no exemption for embarrassment!**

Fees /

Presenting the Information

- The Government has not yet issued Fees Regulations under the Act, but has made known that up to a cost ceiling of £450 no charge will be allowed, except for 'disbursements' (i.e. copying and posting). We are not obliged to spend more than £450 in responding to an enquiry.
- We must try to present the information in the way requested, e.g. copies - or inspection - of original records, or a summary. If the cost ceiling of £450 would be breached by providing the information in the way requested, we must seek an alternative, cheaper way to provide it, e.g. by inspection rather than by providing copies.

Complaints

- Complaints about the Corporation with regard to the FOIA must be made in writing using the Corporation's FOI Complaints Procedure. If dissatisfied with the outcome, a person can then complain to the Information Commissioner.



Freedom of Information Act 2000

A Quick Guide for Members

From 1 January 2005, the Freedom of Information Act 2000 (FOIA) provides everyone, anywhere in the world, with a right to see information held by public authorities in the UK. Though the Act also provides some exemptions to disclosure, the Act is a landmark in open government.

This leaflet is a 'quick guide' to the FOIA and to the Corporation's processes in complying with it. It is NOT a definitive summary of the law or of the policies and procedures implemented by the Corporation to comply with it.

THE CORPORATION

- The FOIA applies to public authorities.
- With regard to the Corporation, this means the Corporation as a local authority, police authority and port health authority.
- Public access to information about functions which fall outside these areas is managed in the spirit of the FOIA, unless there are policy or legal reasons for non-disclosure.
- Elected representatives are not 'public authorities', but in their official capacity, i.e. when acting in relation to Corporation business, duties or functions, they may be covered by the FOIA.
- If you have any queries about the FOIA, please contact Michael Gasson (Tel: 020-7332 1209).
- If you receive a FOI enquiry from someone outside the Corporation, please contact the relevant Committee Team or Department most likely to be able to deal with the enquiry, as soon as possible so that a response can be made within the statutory timescale.
- Please provide helpful 'out of office' autoreplies on your email, which will redirect the applicant in your absence.
- The Corporation's Publication Scheme lists information we

routinely make available. The Scheme can be found on the Corporation's Internet site by searching under 'Publication Scheme' in the A-Z on the Home Page.

- An 'Access to Information' site on the Intranet has been set up which provides information for staff and Members about the FOIA and other general access to information legislation, and about the Corporation's policies on these. It can be found by going to 'Access to Information' on the A-Z on the Home Page.

THE LAW

What information is covered?

- The FOIA is fully retrospective, i.e. it applies to information of any date.
- Under the FOIA, 'information' covers all recorded information. So, it includes details of policy, procedures, decision-making, reports, minutes of meetings, correspondence (including emails), working papers, informal notes, etc.
- **It covers information (including that contained in emails) recorded by Members in their official capacity and held by the Corporation.**
- The Act applies to information in any medium, i.e. electronic or hard copy.

- 'Information' also includes information copied or loaned from third parties who may not themselves be subject to the Act.
- Information held by our contractors may also have to be disclosed.

Enforcement

- It is a **Criminal Offence** to alter or destroy a record in order to prevent applicants receiving the information they have requested and to which they are entitled. **Individuals can be found personally liable if they commit this offence.**
- Compliance with the Act is monitored and enforced by the Information Commissioner, a Crown appointee who reports to Parliament.
- If the Commissioner's Office is investigating a public authority, it can ask to see 'unrecorded information', e.g. if we reply to a request for information that no record was kept of a particular meeting, the Commissioner in investigating any complaint about this can ask us for information about what was said at the meeting.

What is a 'request for information' ?

- A request must be in writing and give a name and address (email names and addresses are valid) and we have a duty to assist people to make