

# **FREEDOM OF INFORMATION ACT 2000**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part I: Access to information held by public authorities**

##### **Refusal of request**

##### *Section 17: Refusal of request*

66. *Subsection (1)* requires that a public authority which is relying on a claim that the duty to confirm or deny does not arise, or on a claim that the information is exempt information, gives the applicant notice of that fact, specifying the exemption in question and stating (if that would not otherwise be apparent) why the exemption applies. Such a notice must be given within 20 working days.
67. *Subsection (2)* provides that where the public authority (or, in a case falling within section 66(3) or (4), the responsible authority) has not yet reached a decision on the application of section 2(1)(a) or (2)(b) (that is whether the public interest in maintaining the exclusion of the duty to confirm or deny, or in maintaining the exemption, outweighs the public interest in disclosing that the authority holds the information, or disclosing the information, as the case may be), the notice under subsection (1) must indicate this and must give an estimate of the date by which the public authority expects such a decision will be made.
68. *Subsection (3)* provides that where an authority has decided, under section 2, that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny, or in maintaining the exemption, outweighs the public interest in disclosing whether the authority holds the information or in disclosing the information itself, that authority must state the reasons for its decision. This must be done either in the notice given under subsection (1) or in a separate notice given within a reasonable time.
69. *Subsection (4)* provides that a public authority is not obliged to make a statement under this section if, or to the extent that, the statement would involve the disclosure of information that would itself be exempt.
70. *Subsection (5)* provides that where a public authority is relying on a claim that the cost of complying with the request would exceed the appropriate limit, or that the request is vexatious or repeated, then it must give the applicant notice of that fact within the time limit set down for complying with requests.
71. *Subsection (6)* provides that if the request is vexatious or it repeats an earlier request and the authority has already given the applicant a notice in relation to a previous request for information stating that it is relying on such a claim, the authority is not obliged to give the applicant notice of the reason for its refusal if, in all the circumstances, it would be unreasonable to expect it to serve a further notice.