

# **FREEDOM OF INFORMATION ACT 2000**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part III: General functions of Secretary of State, Lord Chancellor and Information Commissioner**

##### ***Section 47: General functions of Commissioner***

160. This section places a duty on the Commissioner to promote good practice by public authorities and promote the observance of the requirements of the Act and the Secretary of State's and Lord Chancellor's codes of practice. The duty to promote good practice includes, but goes wider than, the enforcement of the right of access under the Act; it enables the Commissioner to promote access to information held by public authorities in general. It could include the issue of advice on such matters as how to handle requests for information and the management of recorded information.
161. *Subsection (2)* places a duty on the Commissioner in relation to the dissemination to the public of information in relation to the operation of the Act, good practice, and other matters within the scope of his functions under the Act. He can also give advice to any person on any of these matters.
162. *Subsection (3)* enables the Commissioner to assess whether a public authority is following good practice, but only with the consent of the public authority.
163. *Subsection (4)* enables the Commissioner to charge for services provided under this section, subject to the consent of the Secretary of State. This allows him to charge for matters such as information, literature, or speaking engagements, but not, for example, for performing his statutory duties to enforce Part I of the Act.
164. *Subsection (5)* places a duty on the Commissioner from time to time as he considers appropriate to consult with the Keeper of Public Records or, in Northern Ireland, the Deputy Keeper of the Records of Northern Ireland about the promotion of observance of the Lord Chancellor's code of practice in respect of public records.