



Freedom of Information Act 2000

2000 CHAPTER 36

PART I

ACCESS TO INFORMATION HELD BY PUBLIC AUTHORITIES

Right to information

1 General right of access to information held by public authorities

- (1) Any person making a request for information to a public authority is entitled—
 - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.
- (2) Subsection (1) has effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.
- (3) Where a public authority—
 - (a) reasonably requires further information in order to identify and locate the information requested, and
 - (b) has informed the applicant of that requirement,the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.
- (4) The information—
 - (a) in respect of which the applicant is to be informed under subsection (1)(a), or
 - (b) which is to be communicated under subsection (1)(b),is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request.

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- (5) A public authority is to be taken to have complied with subsection (1)(a) in relation to any information if it has communicated the information to the applicant in accordance with subsection (1)(b).
- (6) In this Act, the duty of a public authority to comply with subsection (1)(a) is referred to as “the duty to confirm or deny”.

2 Effect of the exemptions in Part II

- (1) Where any provision of Part II states that the duty to confirm or deny does not arise in relation to any information, the effect of the provision is that where either—
- (a) the provision confers absolute exemption, or
 - (b) in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the public authority holds the information,
- section 1(1)(a) does not apply.
- (2) In respect of any information which is exempt information by virtue of any provision of Part II, section 1(1)(b) does not apply if or to the extent that—
- (a) the information is exempt information by virtue of a provision conferring absolute exemption, or
 - (b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (3) For the purposes of this section, the following provisions of Part II (and no others) are to be regarded as conferring absolute exemption—
- (a) section 21,
 - (b) section 23,
 - (c) section 32,
 - (d) section 34,
 - (e) section 36 so far as relating to information held by the House of Commons or the House of Lords,
 - (f) in section 40—
 - (i) subsection (1), and
 - (ii) subsection (2) so far as relating to cases where the first condition referred to in that subsection is satisfied by virtue of subsection (3)(a)(i) or (b) of that section,
 - (g) section 41, and
 - (h) section 44.

3 Public authorities

- (1) In this Act “public authority” means—
- (a) subject to section 4(4), any body which, any other person who, or the holder of any office which—
 - (i) is listed in Schedule 1, or
 - (ii) is designated by order under section 5, or
 - (b) a publicly-owned company as defined by section 6.
- (2) For the purposes of this Act, information is held by a public authority if—

- (a) it is held by the authority, otherwise than on behalf of another person, or
- (b) it is held by another person on behalf of the authority.

4 Amendment of Schedule 1

- (1) The Secretary of State may by order amend Schedule 1 by adding to that Schedule a reference to any body or the holder of any office which (in either case) is not for the time being listed in that Schedule but as respects which both the first and the second conditions below are satisfied.
- (2) The first condition is that the body or office—
 - (a) is established by virtue of Her Majesty’s prerogative or by an enactment or by subordinate legislation, or
 - (b) is established in any other way by a Minister of the Crown in his capacity as Minister, by a government department or by the National Assembly for Wales.
- (3) The second condition is—
 - (a) in the case of a body, that the body is wholly or partly constituted by appointment made by the Crown, by a Minister of the Crown, by a government department or by the National Assembly for Wales, or
 - (b) in the case of an office, that appointments to the office are made by the Crown, by a Minister of the Crown, by a government department or by the National Assembly for Wales.
- (4) If either the first or the second condition above ceases to be satisfied as respects any body or office which is listed in Part VI or VII of Schedule 1, that body or the holder of that office shall cease to be a public authority by virtue of the entry in question.
- (5) The Secretary of State may by order amend Schedule 1 by removing from Part VI or VII of that Schedule an entry relating to any body or office—
 - (a) which has ceased to exist, or
 - (b) as respects which either the first or the second condition above has ceased to be satisfied.
- (6) An order under subsection (1) may relate to a specified person or office or to persons or offices falling within a specified description.
- (7) Before making an order under subsection (1), the Secretary of State shall—
 - (a) if the order adds to Part II, III, IV or VI of Schedule 1 a reference to—
 - (i) a body whose functions are exercisable only or mainly in or as regards Wales, or
 - (ii) the holder of an office whose functions are exercisable only or mainly in or as regards Wales,consult the National Assembly for Wales, and
 - (b) if the order relates to a body which, or the holder of any office who, if the order were made, would be a Northern Ireland public authority, consult the First Minister and deputy First Minister in Northern Ireland.
- (8) This section has effect subject to section 80.
- (9) In this section “Minister of the Crown” includes a Northern Ireland Minister.

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5 Further power to designate public authorities

- (1) The Secretary of State may by order designate as a public authority for the purposes of this Act any person who is neither listed in Schedule 1 nor capable of being added to that Schedule by an order under section 4(1), but who—
 - (a) appears to the Secretary of State to exercise functions of a public nature, or
 - (b) is providing under a contract made with a public authority any service whose provision is a function of that authority.
- (2) An order under this section may designate a specified person or office or persons or offices falling within a specified description.
- (3) Before making an order under this section, the Secretary of State shall consult every person to whom the order relates, or persons appearing to him to represent such persons.
- (4) This section has effect subject to section 80.

6 Publicly-owned companies

- (1) A company is a “publicly-owned company” for the purposes of section 3(1)(b) if—
 - (a) it is wholly owned by the Crown, or
 - (b) it is wholly owned by any public authority listed in Schedule 1 other than—
 - (i) a government department, or
 - (ii) any authority which is listed only in relation to particular information.
- (2) For the purposes of this section—
 - (a) a company is wholly owned by the Crown if it has no members except—
 - (i) Ministers of the Crown, government departments or companies wholly owned by the Crown, or
 - (ii) persons acting on behalf of Ministers of the Crown, government departments or companies wholly owned by the Crown, and
 - (b) a company is wholly owned by a public authority other than a government department if it has no members except—
 - (i) that public authority or companies wholly owned by that public authority, or
 - (ii) persons acting on behalf of that public authority or of companies wholly owned by that public authority.
- (3) In this section—

“company” includes any body corporate;

“Minister of the Crown” includes a Northern Ireland Minister.

7 Public authorities to which Act has limited application

- (1) Where a public authority is listed in Schedule 1 only in relation to information of a specified description, nothing in Parts I to V of this Act applies to any other information held by the authority.
- (2) An order under section 4(1) may, in adding an entry to Schedule 1, list the public authority only in relation to information of a specified description.
- (3) The Secretary of State may by order amend Schedule 1—

- (a) by limiting to information of a specified description the entry relating to any public authority, or
 - (b) by removing or amending any limitation to information of a specified description which is for the time being contained in any entry.
- (4) Before making an order under subsection (3), the Secretary of State shall—
- (a) if the order relates to the National Assembly for Wales or a Welsh public authority, consult the National Assembly for Wales,
 - (b) if the order relates to the Northern Ireland Assembly, consult the Presiding Officer of that Assembly, and
 - (c) if the order relates to a Northern Ireland department or a Northern Ireland public authority, consult the First Minister and deputy First Minister in Northern Ireland.
- (5) An order under section 5(1)(a) must specify the functions of the public authority designated by the order with respect to which the designation is to have effect; and nothing in Parts I to V of this Act applies to information which is held by the authority but does not relate to the exercise of those functions.
- (6) An order under section 5(1)(b) must specify the services provided under contract with respect to which the designation is to have effect; and nothing in Parts I to V of this Act applies to information which is held by the public authority designated by the order but does not relate to the provision of those services.
- (7) Nothing in Parts I to V of this Act applies in relation to any information held by a publicly-owned company which is excluded information in relation to that company.
- (8) In subsection (7) “excluded information”, in relation to a publicly-owned company, means information which is of a description specified in relation to that company in an order made by the Secretary of State for the purposes of this subsection.
- (9) In this section “publicly-owned company” has the meaning given by section 6.

8 Request for information

- (1) In this Act any reference to a “request for information” is a reference to such a request which—
- (a) is in writing,
 - (b) states the name of the applicant and an address for correspondence, and
 - (c) describes the information requested.
- (2) For the purposes of subsection (1)(a), a request is to be treated as made in writing where the text of the request—
- (a) is transmitted by electronic means,
 - (b) is received in legible form, and
 - (c) is capable of being used for subsequent reference.

9 Fees

- (1) A public authority to whom a request for information is made may, within the period for complying with section 1(1), give the applicant a notice in writing (in this Act referred to as a “fees notice”) stating that a fee of an amount specified in the notice is to be charged by the authority for complying with section 1(1).

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- (2) Where a fees notice has been given to the applicant, the public authority is not obliged to comply with section 1(1) unless the fee is paid within the period of three months beginning with the day on which the fees notice is given to the applicant.
- (3) Subject to subsection (5), any fee under this section must be determined by the public authority in accordance with regulations made by the Secretary of State.
- (4) Regulations under subsection (3) may, in particular, provide—
 - (a) that no fee is to be payable in prescribed cases,
 - (b) that any fee is not to exceed such maximum as may be specified in, or determined in accordance with, the regulations, and
 - (c) that any fee is to be calculated in such manner as may be prescribed by the regulations.
- (5) Subsection (3) does not apply where provision is made by or under any enactment as to the fee that may be charged by the public authority for the disclosure of the information.

10 Time for compliance with request

- (1) Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
- (2) Where the authority has given a fees notice to the applicant and the fee is paid in accordance with section 9(2), the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded in calculating for the purposes of subsection (1) the twentieth working day following the date of receipt.
- (3) If, and to the extent that—
 - (a) section 1(1)(a) would not apply if the condition in section 2(1)(b) were satisfied, or
 - (b) section 1(1)(b) would not apply if the condition in section 2(2)(b) were satisfied,
 the public authority need not comply with section 1(1)(a) or (b) until such time as is reasonable in the circumstances; but this subsection does not affect the time by which any notice under section 17(1) must be given.
- (4) The Secretary of State may by regulations provide that subsections (1) and (2) are to have effect as if any reference to the twentieth working day following the date of receipt were a reference to such other day, not later than the sixtieth working day following the date of receipt, as may be specified in, or determined in accordance with, the regulations.
- (5) Regulations under subsection (4) may—
 - (a) prescribe different days in relation to different cases, and
 - (b) confer a discretion on the Commissioner.
- (6) In this section—
 - “the date of receipt” means—
 - (a) the day on which the public authority receives the request for information, or

(b) if later, the day on which it receives the information referred to in section 1(3);

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

11 Means by which communication to be made

- (1) Where, on making his request for information, the applicant expresses a preference for communication by any one or more of the following means, namely—
 - (a) the provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant,
 - (b) the provision to the applicant of a reasonable opportunity to inspect a record containing the information, and
 - (c) the provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant,the public authority shall so far as reasonably practicable give effect to that preference.
- (2) In determining for the purposes of this section whether it is reasonably practicable to communicate information by particular means, the public authority may have regard to all the circumstances, including the cost of doing so.
- (3) Where the public authority determines that it is not reasonably practicable to comply with any preference expressed by the applicant in making his request, the authority shall notify the applicant of the reasons for its determination.
- (4) Subject to subsection (1), a public authority may comply with a request by communicating information by any means which are reasonable in the circumstances.

12 Exemption where cost of compliance exceeds appropriate limit

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.
- (3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.
- (4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
 - (a) by one person, or
 - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

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- (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

13 Fees for disclosure where cost of compliance exceeds appropriate limit

- (1) A public authority may charge for the communication of any information whose communication—
- (a) is not required by section 1(1) because the cost of complying with the request for information exceeds the amount which is the appropriate limit for the purposes of section 12(1) and (2), and
 - (b) is not otherwise required by law,
- such fee as may be determined by the public authority in accordance with regulations made by the Secretary of State.
- (2) Regulations under this section may, in particular, provide—
- (a) that any fee is not to exceed such maximum as may be specified in, or determined in accordance with, the regulations, and
 - (b) that any fee is to be calculated in such manner as may be prescribed by the regulations.
- (3) Subsection (1) does not apply where provision is made by or under any enactment as to the fee that may be charged by the public authority for the disclosure of the information.

14 Vexatious or repeated requests

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.
- (2) Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

15 Special provisions relating to public records transferred to Public Record Office, etc

- (1) Where—
- (a) the appropriate records authority receives a request for information which relates to information which is, or if it existed would be, contained in a transferred public record, and
 - (b) either of the conditions in subsection (2) is satisfied in relation to any of that information,
- that authority shall, within the period for complying with section 1(1), send a copy of the request to the responsible authority.
- (2) The conditions referred to in subsection (1)(b) are—
- (a) that the duty to confirm or deny is expressed to be excluded only by a provision of Part II not specified in subsection (3) of section 2, and

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- (b) that the information is exempt information only by virtue of a provision of Part II not specified in that subsection.
- (3) On receiving the copy, the responsible authority shall, within such time as is reasonable in all the circumstances, inform the appropriate records authority of the determination required by virtue of subsection (3) or (4) of section 66.
- (4) In this Act “transferred public record” means a public record which has been transferred—
 - (a) to the Public Record Office,
 - (b) to another place of deposit appointed by the Lord Chancellor under the Public Records Act 1958, or
 - (c) to the Public Record Office of Northern Ireland.
- (5) In this Act—
 - “appropriate records authority”, in relation to a transferred public record, means—
 - (a) in a case falling within subsection (4)(a), the Public Record Office,
 - (b) in a case falling within subsection (4)(b), the Lord Chancellor, and
 - (c) in a case falling within subsection (4)(c), the Public Record Office of Northern Ireland;
 - “responsible authority”, in relation to a transferred public record, means—
 - (a) in the case of a record transferred as mentioned in subsection (4)(a) or (b) from a government department in the charge of a Minister of the Crown, the Minister of the Crown who appears to the Lord Chancellor to be primarily concerned,
 - (b) in the case of a record transferred as mentioned in subsection (4)(a) or (b) from any other person, the person who appears to the Lord Chancellor to be primarily concerned,
 - (c) in the case of a record transferred to the Public Record Office of Northern Ireland from a government department in the charge of a Minister of the Crown, the Minister of the Crown who appears to the appropriate Northern Ireland Minister to be primarily concerned,
 - (d) in the case of a record transferred to the Public Record Office of Northern Ireland from a Northern Ireland department, the Northern Ireland Minister who appears to the appropriate Northern Ireland Minister to be primarily concerned, or
 - (e) in the case of a record transferred to the Public Record Office of Northern Ireland from any other person, the person who appears to the appropriate Northern Ireland Minister to be primarily concerned.

16 Duty to provide advice and assistance

- (1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.
- (2) Any public authority which, in relation to the provision of advice or assistance in any case, conforms with the code of practice under section 45 is to be taken to comply with the duty imposed by subsection (1) in relation to that case.