



## Briefing Paper: Freedom of Information Act (FOIA) – October 2010

### **. What is the Freedom of Information Act (FOIA)?**

The FOIA grants everyone the right to access all recorded information held by public authorities (including academies), subject only to 23 exemptions from disclosure.

The FOIA requires that organisations must have in place a 'publication scheme' that tells the public at large what types of information it routinely makes available.

Anyone can make a request under the FOIA, and the organisation has just 20 working days to respond. If it fails to do so, the Information Commissioner's Office (ICO – the organisation that oversees and enforces the FOIA) can compel it to disclose the information requested.

### **What are the 23 exemptions?**

The FOIA requires an organisation to start with the assumption that the information requested is disclosable (the public interest is always best served by openness). The 23 exemptions contained in the FOIA therefore need to be considered in this light.

They include exemptions for information requested which:

- is accessible to the applicant elsewhere
- may prejudice the effective conduct of public affairs
- may prejudice the commercial interests of the academy or any third party
- if disclosed would breach a confidence
- is personal information of the applicant accessible under the Data Protection Act 1998
- contains third-party personal information
- is legally professionally privileged.

### **Exemptions**

Some of the 23 exemptions are absolute exemptions from disclosure and some are 'qualified exemptions' where they must consider whether, notwithstanding the exemption, the 'public interest' requires disclosure of the recorded information requested.

The ICO has published detailed guidance on the application of the 23 exemptions here. [http://www.ico.gov.uk/for\\_organisations/freedom\\_of\\_information/information\\_request/reasons\\_to\\_refuse.aspx](http://www.ico.gov.uk/for_organisations/freedom_of_information/information_request/reasons_to_refuse.aspx)

### **Cost**

There is also limited protection from disclosure where the cost of finding and collating the information requested exceeds £450 (based on one person, charged at a notional £25 per hour, undertaking the finding and collating).

Guidance available here on [Using the Fees Regulations](#) which explains what is involved in aggregating costs.