

How to use the Act - The Freedom of Information Act 2000 comes into force on 1st January 2005. Until that date, all requests for information received by central government will be considered under the Code of Practice on Access to Government Information

However, almost all public authorities are already required by the Freedom of Information Act to maintain a 'publication scheme' which details all the information that authority will make available without being asked. This is usually available on a public authority's website if they have one.

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Who can request information? - Anyone can request information under the Act after 1st January 2005, regardless of age, nationality or location.

What information will be available? - Any information held by a public authority is eligible for release. However, a number of exemptions may be applied to protect information properly kept confidential. (See also What happens if my request is refused?)

Who can I ask for information? - You should note that some public authorities are described generically (e.g 'Any government department'), whilst others are listed by name (e.g the Financial Services Authority). Broadly, Freedom of Information applies to all public authorities within the following categories:

- Central and Local Government
- The health sector
- The police and armed forces
- The education sector
- Other Public Bodies in England, Wales and Northern Ireland (Scotland is covered by its own Act)

What is a publication scheme?

Under section 19 of the Act, all public authorities are required to produce, maintain, and disclose in accordance with a publication scheme. This scheme will set out what kinds of information the public authority will proactively make available, and how they will do it. All schemes must be approved by the Information Commissioner.

A publication scheme is not just a list of documents a public authority already publishes. Rather than specifying individual documents, it describes 'classes' or 'kinds' of information (such as minutes, reports etc.). It may also prescribe a charge for providing the information, particularly if the public authority already charged for providing that information before the introduction of Freedom of Information.

If you want to see information included in a public authority's publication scheme, you should request it in the normal way. See 'How do I make a request' below.

How do I make a request?

The Act requires that all requests:

- Are in writing (this does include emails)
- state clearly what information is required
- state the name of the applicant, and an address for correspondence

What happens when I make a request?

When a public authority receives a request for information, they must respond as soon as possible, and not later than 20 working days after receiving your request.

The reply should confirm or deny whether or not they hold the information, and either provide the information you requested, or explain why it has not been provided, quoting an exemption under the Act. If the information requested is held by a different public authority, your request will be passed on to them to deal with.

What happens if the public authority doesn't understand my request?

Under the Freedom of Information Act, public authorities have a duty to advise and assist requesters. If the public authority doesn't understand your request, they will contact you to clarify what it is that you want.

What does it cost? - If you are requesting information contained in an authority's publication scheme, the scheme will also give details of whether (and how much) the authority will charge for providing the information.

If you are requesting information not contained within the publication scheme, the authority may charge you a fee. You will be told what the fee is before the request is processed.

If you refuse to pay the fee, the public authority can refuse to supply the information.

What happens if my request is refused?

A request for information may only be refused by a public authority if it falls under one of the exemptions

If your request is refused, the reply from the public authority must identify which exemption it is applying, and give you details of how to apply for an internal review of their decision to refuse.

If, after an internal review, the public authority still refuses your request, you may ask The Information Commissioner to review that decision.

How many requests can I make?

The Act does not specifically limit the number of requests you can make. However, section 14 of the Act states that a public authority can reserve the right to refuse any vexatious or repeated requests. This may include repeated requests from the same person for the same information, or requests which are intended to disrupt the authority's work.

How can I use the information I receive?

The Freedom of Information Act does not place restrictions on how the information supplied under it may be used. However, the Act does provide for

exemptions for commercially sensitive information, information intended for future publication or information related to investigations, law enforcement and court records. The Act does not transfer copyright in any information supplied under it.

Can I ask for the information in a different format?

You may request that the information be supplied in any form. However, a public authority may take into account the cost of supplying the information in this form before complying with your request. In particular, you may ask for information in permanent form, in summary form, or for permission to inspect records containing the information.

It may also be possible for public authorities to supply the information in Braille or audio format, in large type, or translated into another language. However, you should discuss this with the individual public authority.

Contact details:

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Guidance Notes

