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## Citizenship and Participation

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### Freedom of information

Everyone has the right to request information held by public sector organisations under the Freedom of Information Act 2000, which came into force in January 2005

### The Freedom of Information (FOI) Act

The FOI gives you the right to ask any public body for all the information they have on any subject you choose. Also, unless there's a good reason, the organisation must provide the information within a month. You can also ask for all the personal information they hold on you.

Scotland has its own Freedom of Information Act, which is very similar to the England, Wales and Northern Ireland Act. If the public authority you want to make a request to operates only in Scotland then your request will be handled under the Scottish Act instead.

### Public sector bodies covered by the Act

The Freedom of Information Act applies to all 'public authorities' including:

- government departments and local assemblies;
- local authorities and councils;
- health trusts, hospitals and doctors' surgeries;
- schools, colleges and universities;
- publicly funded museums;
- the police;
- lots of other non-departmental public bodies, committees and advisory bodies.

### Who can access the information?

Any person can make a request for information under the Act - there are no restrictions on your age, nationality, or where you live.

### What can you ask for?

You can ask for any information at all - but some information might be withheld to protect various interests which are allowed for by the Act. If this is case, the public authority must tell you why they have withheld information.

If you ask for information about yourself, then your request will be handled under the Data Protection Act instead of the Freedom of Information Act.

### How to make a request

All you have to do is write to (or email) the public authority that you think holds the information you want. You should make sure that you include:

- your name;
- an address where you can be contacted;
- a description of the information that you want.

You don't have to mention the Freedom of Information Act, but there is no reason not to if you want to. You should try to describe the information you want in as much detail as possible: for example, say 'minutes of the meeting where the decision to do X was made', rather than 'everything you have about X'. This will help the public authority find the information you need.

All public authorities must manage their information in accordance with a publication scheme which describes the 'classes' or 'kinds' of information held (such as minutes or reports). It is worth bearing this in mind when you make your request.

### How long does it take?

Public authorities must comply with your request promptly, and should provide the information to you within 20 working

days (around a month). If they need more time, they must write and tell you when they will answer, and why they need more time.

#### **What does it cost?**

Most requests are free. You might be asked to pay a small amount for making photocopies or postage.

If the public authority thinks that it will cost them more than £450 (or £600 for a request to central government) to find the information and prepare it for release, then they can turn down your request. They might ask you to narrow down your request by being more specific in the information you're looking for.

#### **How you receive the information**

When you make a request you may ask that the information be given to you in a particular form. However, a public authority may take into account the cost of supplying the information in this form before complying with your request.

You should be able to receive the information:

- in permanent form;
- in summary form;
- or by permission to inspect records containing the information.

You may also be able to receive it:

- in Braille;
- in audio format;
- in large type;
- translated into another language.

#### **Copyright and restrictions**

The Freedom of Information Act does not place restrictions on how you may use the information you receive under it. However, the Act does not transfer copyright in any information supplied under it. If you plan to reproduce the information you receive, you should ensure that you will not be breaching anyone's copyright by doing so.

#### **Your right of appeal**

If your request for information is refused, you should first ask the public authority for an internal review of their decision. Someone in the authority who was not connected with the initial decision should carry out this review.

If you have already done this, or the public authority refuses to review their decision, you can appeal to the independent Information Commissioner. He has the power to investigate the way the public authority handled your request and the answer they gave. If he agrees that they have wrongly withheld information, he can order them to disclose it to you.

#### **The Information Tribunal**

If you disagree with the way the Information Commissioner responds to your appeal you may appeal against it. This will be handled by the Information Tribunal. This is strictly for use when you dispute the Information Commissioner's response and not the public authority or any other party's acts.

#### **Requests for environmental information**

In addition to the rights mentioned above, if you request information about the environment it cannot be refused just because of what it would cost the public authority to comply. This includes information about the air and atmosphere, water, soil, land, landscape, substances, energy, noise, radiation or waste, emissions, discharges and so on, as well as information about policies which affect these things.

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