

# It's public information

## The ICO charter for responsible freedom of information requests



### Aim and audience for this charter

This charter is aimed at individuals and organisations who propose to make requests under the Freedom of Information Act 2000 (the Act) and the 2004 Environmental Information Regulations (the Regulations). It is not a legal document and is meant to be used as a guide to help users make effective use of the Act and the Regulations.

The legislation provides rights that the Information Commissioner's Office (ICO) hopes will be used responsibly. The ICO is confident that most members of the public and other requesters are exercising their rights under the Act sensibly and responsibly. However, it is recognised that some individuals and some organisations may abuse these rights, whether they mean to or not.

This charter sets out how the ICO believes these rights can be used responsibly for the benefit of all involved in the freedom of information process: applicants and public authorities. Following this charter will help users to make legitimate freedom of information requests.

### The legislation

The Freedom of Information Act and the parallel Environmental Information Regulations give rights of access to official information, known as the 'right to know'. The Act and the Regulations both make clear that, subject to certain safeguards, there is a public interest in allowing access to such information.

However, while placing a general duty on public authorities to give access to official information the Freedom of Information Act also provides an exception to that duty for requests which are vexatious or repeated (section 14) and those which will exceed the cost limit for compliance (section 12). In the case of the Environmental Information Regulations, the equivalent provision is for requests which are manifestly unreasonable.

The Act and the Regulations do not give you a right of access to your own personal information. Rights of access to personal information are governed by the Data Protection Act 1998. If you require guidance on how to access your own personal information please refer to the Data Protection section of the ICO website.

## Responsible use

Requesters should consider the following factors when making requests.

### **Does the request impose a significant burden on the public authority in terms of expense or distraction?**

Could the request be narrowed or refocused to avoid this burden?

Can the public authority help you refocus your request?

### **Does the request use language that could be seen to harass the public authority?**

Are you using acceptable, everyday language?

Is this the latest in a series of similar requests?

### **Does the request relate to a complaint on a previous grievance that has been deemed closed and fully investigated by due process?**

Will a request serve any purpose when it has been demonstrated by due process that no wrong doing took place?

### **Does the request have a serious purpose?**

Can you justify the request as having a relevant purpose or value? (this is an issue for applicants to consider for themselves, as the Freedom of Information Act and Environmental Information Regulations do not require you to explain your purpose)

Could you justify the request to the organisation on whose behalf you are acting?

### **Is the request the latest in a series of requests that have already been made?**

Will another request serve any further purpose?

If the request is about a changing situation, would it be better to allow a reasonable period of time to pass before making a further request?

### **Could the request be regarded as part of a campaign to disrupt the work of the public authority?**

Can you refocus the request for information that you genuinely require?

### **Have you already had very similar requests refused before?**

Have circumstances changed or do you have a legitimate reason for making the request again?

## Legitimate requests

While some Freedom of Information Act and Environmental Information Regulations requests for information may embarrass or subject public authorities to levels of scrutiny they wish to avoid, public authorities may not reject requests on these grounds. Legitimate requests can ask for this information whilst staying within the guidelines listed above.

## How to make effective freedom of information requests

### Give your contact details

State your name, address and other contact details clearly.

### Label your request

It will help the public authority if you label your request as being made under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

### Direct your request to the right place

Find out who to send your request to. A request directed to the right contact in the public authority will often help you receive a prompt response.

### Means of communication

Make clear in your request whether you have a preference for how you would like to receive the information – for example, if you would prefer a paper copy or to receive it by email.

### Describe the information you require

Effective freedom of information requests will be specific. Think carefully about what information you are seeking. Ask for the information you need, rather than a general question you want a public authority to answer. Remember that the Act and Regulations provide rights of access to information held by public authorities.

Precision and clarity in your description should lead to a prompt response and will help to keep your request below the cost limit for compliance. Listing dates, names of people, other bodies and links to other related sources will help the public authority to comply with your request.

## Audit trail

Keep copies of all correspondence sent and received. A full audit trail of documentation can help with any complaints that may arise from the request made.

## Use your right to advice and assistance

Many problems with the freedom of information process arise over clarity of requests and misunderstandings between requester and public authority. Section 16 of the Act and Reg 9 of the Regulations place a duty on public authorities to provide advice and assistance to those who propose to make and those who have made requests. The duty is placed on public authorities, but if requesters can ask for advice and assistance early in the process many problems can be avoided.

If you are unsure about what information is available look at the public authority website or enquire whether indexes and file lists are available. Many public authorities will also have on their website a guide to requesting information from them. Every public authority also has a duty to maintain a publication scheme listing information they make routinely available and how to get it. Some websites will also contain examples of requests they have already answered, sometimes called a disclosure log.

If you are happy to discuss your request with the public authority, make this clear and provide a contact telephone number or email address.

Although the Freedom of Information Act and the Environmental Information Regulations do not require you to explain the purpose of the request, doing so may help the public authority to identify the information you require.

Be reasonable in the advice and help you can expect. Section 16 of the Freedom of Information Act qualifies the duty “so far as it would be reasonable”. Think about the number of times you have contacted the public authority, the resources they have available to help you and the time that has elapsed between correspondence.

## Copyright

Disclosure of information under the Act or the Regulations will not remove the copyright in it. Any information released may be subject to copyright restrictions that you will have to abide by. If you have any doubts about copyright, consult with the public authority about the status of information. In some cases copyright may be waived or information can be licensed for reuse.

## The ICO commitment to requesters

The ICO is the independent body responsible for promoting access to information, ruling on complaints and taking enforcement action under the Freedom of Information Act and Environmental Information Regulations. If you have been refused information under the legislation you have a right to complain to the ICO.

All complaints made to the ICO will be fairly assessed and investigated in line with the powers and duties provided by the Freedom of Information Act. Decisions will be made on the facts of each case.

## The ICO’s robust approach to freedom of information complaint cases

The ICO will not take up, or continue with, any Freedom of Information Act or Environmental Information Regulations case where no useful purpose would be served if we were to proceed to an adverse decision notice.

This would be the case where, for example, the initial response was delayed from the public authority but has now been provided, or where a public authority failed to respond, but then provided the information following the ICO’s intervention. In the opinion of the ICO pursuing a complaint in this situation would mean that the request is frivolous or vexatious. Such cases will be closed, or dealt with in other ways if they appear to raise enforcement or similar issues.

This robust approach aims to make the most effective use of ICO resources, acting responsibly and proportionately as a regulator.

## Further resources

- [Guide to access to official information](#)
- [Freedom of Information complaints guide](#)
- [Awareness Guidance 22: vexatious and repeated requests](#)
- [A robust approach to FOI complaint cases](#)
- [FOI and EIR complaints form](#)

## More information

If you need any more information about this or any other aspect of freedom of information, please contact us.

**Telephone:** 01625 545745

**E-mail:** [please use the online enquiry form on our website](#)

**Website:** [www.ico.gov.uk](http://www.ico.gov.uk)