

Freedom of Information Act 2000

Frequently asked questions

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.

Who can I ask for information?

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 our 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

We have produced a special form called a 'Freedom of Information Access Request Form' to help you to make a request.

What happens when I make a request?

When we receive a request for information, we must respond as soon as possible, but not later than 20 working after receiving your request.

We will consider your request, and reply.

Our reply should confirm or deny whether or not we hold the information, and either provide the information you requested, or explain why it has not been provided, quoting an exemption under the Act.

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 we do not understand your request, we will contact you to clarify what it is that you want.

What does it cost?

If you are requesting information contained in our publication scheme, the scheme will also give details of whether (and how much) we will charge for providing the information.

If you are requesting information not contained within the publication scheme, we may charge you a fee. The fees are calculated as follows:

- We have to calculate the likely cost to South Holland District Council of complying with a request. The cost includes officer time (calculated at £25 per hour) together with disbursements (costs of copying and posting for example). If the cost to the Council exceeds £600 then we do not have to provide the information requested.
- If the total cost is less than £600, then we must provide the information. However, we can make a charge for disbursements – but not for officer time. If we intend to make a charge, then we will issue a fees notice to the applicant. Disbursements will be enough to cover the estimated cost to the Council in copying and transmitting the information.

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

What happens if my request is refused?

A request for information may only be refused by us if it falls under one of the exemptions or is deemed to be 'vexatious'.

If your request is refused, our reply must identify which exemption has been applied, and give you details of how to apply for an internal review of our decision to refuse.

If, after an internal review, we still refuse 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, we 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 us to supply the information in Braille or audio format, in large type, or translated into another language.