

Freedom of Information Act

Outline Schedule

	Topic
Lecture 1	IT Profession
Lecture 2	Data Protection
Lecture 3	Freedom of Information
Lecture 4	Computers and the Law
Lecture 5	Software and the Law
Lecture 6	IT workers and the Law
	Revision

Freedom of Information

Public pressure for greater openness by UK Government

Demand for access to Government information led to:

- **Freedom of Information Act 2000 &**
- **Environmental Information Regulations 2004 (based on an EU directive of 2003)**

Provisions

Gives “right to know” which is right of access to information held by public sector bodies – known as “public authorities”

A public authority is an organisation substantially dependent on public funds, including universities

See [list of bodies](#)

What Information is Available?

- Every public authority must make some information available as a matter of routine through a **publication scheme**.
- Universities uses the [Universities' Model Publication Scheme](#)
- Here is [Birkbeck's Scheme](#)
- Information that is included in such a scheme must be made available to the public.
- A publication scheme is both a **public commitment** to make certain information available and a **guide to how that information can be obtained**.

How do I Get to It?

Information can be requested by letter or email

Information must be provided in 20 days or an explanation given of why it will take longer

You can be charged (modestly) for the information

Grounds for Complaint

Failure to

- Respond in a timely manner
- Give proper advice and help
- Give information in the form requested
- Explain properly reason for refusing request

Making a Complaint

Pursuing a Complaint

- Initially with the public authority
- Secondly with the Information Commissioner

ICO can:

- consider matter only after public authority has responded to the complaint (which has no time limit)
- Issue a Decision Notice to the Public Authority
- Either party can appeal to the Information Tribunal
- If necessary, refer the matter to the High Court as if it was a Contempt of Court leading potentially to a fine or even imprisonment

Grounds for Refusing a Request

ICO provides Guidance which can include:

- National security, prejudicial to international relations, commercially sensitive information, confidential information
- Data covered by Data Protection Act or Environmental Information Regulation
- Applicant has reasonable access to the information through another public source
- Contrary to public interest
- Vexatious or repeated requests

Summary

Freedom of Information Act

Provides the citizen with access to information held by public authorities

Excludes data subject to the Data Protection Act

Availability of information also subject to other limitations

Let's try the ICO quiz



What are your rights?

You sit a university examination. You are told that you have narrowly failed. You feel that there must be a mistake.

What can you do?

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What should you do?

You are employing a new staff member and obtain a confidential reference from their previous employers for each applicant.

You make an appointment and an unsuccessful applicant asks to see the reference from their previous employer.

Can you supply them a copy of the confidential reference?

