Contents

Acknowledgements	xi
Abbreviations	xiii
Introduction	xv
FOI officers	xvi
The aims of this book	xvi
Around the world	xviii
A note on the British islands	xix
The structure of this book	xix
Research	XX
Terminology	xxi
Finally	xxi
PART 1 UNDERSTANDING FOI	1
1 A brief history of freedom of information	3
Introduction	3
We didn't start the FOIA	4
FOI in the 20th century	4
The UK's path towards FOIA	6
From the 'right to know' to the FOIA	6
What's the point of the FOIA?	7
Changes to the FOIA	7
Other laws providing access to information	8
The future of FOI in the UK	10

in the UK ler the FOIA anisations have to comply with the FOIA? cating with the applicant	13 14 15 15
ler the FOIA anisations have to comply with the FOIA? cating with the applicant	15 15
anisations have to comply with the FOIA? cating with the applicant	15
ating with the applicant	
	16
ests	
	17
can public authorities take to answer requests?	18
formation'?	20
ion held?	21
ew information	21
of information	23
ost limits	24
and repeated requests	26
of practice	27
S	27
ation Commissioner	27
risions	27
ptions in the FOIA	29
on	29
s – some terminology	30
interest test	35
exemptions	35
fficer's toolkit	59
on	59
ractice	60
ormation Commissioner's guidance	62
lished guidance	62
on notices	63
ecisions and case law	65
ne resources	66
al associations and other networks	67
N CONTEXT	69
onmental Information Regulations	71
on	71
	can public authorities take to answer requests? formation? ion held? ew information ost limits and repeated requests of practice s nation Commissioner risions ptions in the FOIA on as – some terminology interest test exemptions fficer's toolkit on rractice ormation Commissioner's guidance lished guidance on notices ecisions and case law ne resources al associations and other networks N CONTEXT commental Information Regulations

	Why do we have EIR?	72
	The relationship between the FOIA and the EIR	72
	Which bodies are subject to the EIR?	73
	What is environmental information?	73
	The categories listed at regulation 2(1)	74
	Similarities between the EIR and the FOIA	77
	Differences between the EIR and the FOIA	77
6	The FOIA, personal information and the GDPR	85
	Introduction	85
	What is personal information?	87
	FOI and subject access	88
	Third-party personal information	89
	Judging fairness	90
	The article 6 conditions and legitimate interests	91
	Employees and elected officials	94
7	Records and archives	99
	Introduction	99
	What is a record?	100
	The section 46 code and enforcement	100
	What Part 1 of the code requires	101
	The Public Records Act 1958 and Part 2 of the code	105
	The FOIA and 'historical records'	106
	How long do exemptions last?	107
	Archivists and the FOIA	108
	Managing FOIA obligations in an archive	109
8	Publication schemes and proactive disclosure	113
	Introduction	113
	What the FOIA says about publication schemes	114
	The model publication scheme	114
	Publication scheme guides	115
	Datasets rules	116
	New s. 45 code of practice and publication schemes	116
	The EIR	117
	Publication schemes and the FOIA exemptions	119
	Other proactive transparency requirements in the UK	119
	Disclosure logs	124

9	Copyright and re-use of information	127
	Introduction	127
	Copyright	128
	Open data	129
	Dataset rules	130
	The Open Government Licence	131
	The Re-use of Public Sector Information Regulations 2015	131
	Can FOIA provisions be used to protect copyright?	132
	Practical issues	133
PAR	T 3 FOI IN PRACTICE	137
10	The FOI officer	139
	Introduction	139
	What does the FOIA say about FOI officers?	139
	How widespread are FOI officers?	140
	Where do FOI officers fit in?	142
	How many FOI officers?	143
	FOI officers in Ireland	145
	Data protection officers	146
	Recruiting FOI officers	147
	The FOI officer's development	149
	Supporting FOI officers	151
	The attitude of FOI officers	151
	How do others see FOI officers?	153
11	Embedding FOI	155
	Introduction	155
	Senior level commitment	155
	Performance monitoring	156
	FOI policies and procedures	158
	Contractors	160
	Transparency by design	161
	Organising FOIA administration	163
	FOI liaison officers	166
	Raising awareness options	168
	Training	169
	Uncooperative colleagues	172

12	Managing FOI requests	177
	Introduction	177
	Receiving requests	178
	Acknowledging requests	179
	Systems for managing requests	180
	What information should be recorded?	183
	Which requests should be logged?	184
	Should the identities of applicants be circulated?	186
	Allocating requests	187
	FOI triage	187
	Searching for information	189
	Consulting third parties	191
	'Round robins'	192
	Keeping on track	193
	Providing advice	194
	Preparing material	194
	Redaction and hidden data	195
	Approving responses	196
	Sending responses	197
	Keeping records	198
13	Communicating with applicants	201
	Introduction	201
	First contact	202
	Providing assistance to potential applicants	203
	Clarifying requests	203
	Means of communication	205
	What do they know and request portals	206
	'Googling' applicants	207
	Journalists	209
	Responses	209
14	Internal reviews and appeals	219
	Introduction	219
	Internal review	220
	EIR complaints	221
	Practical considerations	221
	Questions to consider	222

X THE FREEDOM OF INFORMATION OFFICER'S HANDBOOK

Responding to the complainant	222
The Information Commissioner	223
Complaints to the ICO	224
Other action the Commissioner might take	225
Appeals to the First-Tier Tribunal	227
Appeals beyond the FTT	228
Appendix 1 Methodology of the 2017 council survey on the administration of FOI requests	231
Appendix 2 FOI response templates	235
Acknowledging requests	235
Disclosing information as an attachment	236
Disclosing information as answers to questions	237
Where exemptions apply	238
Where the cost exceeds the appropriate limit	239
Appendix 3 Privacy notice for FOI requests	241
Notes	245
Index	271