

Contents

TABLE OF CASES	xix
TABLE OF LEGISLATION	xxix
TABLE OF EUROPEAN LEGISLATION	xxxvii
TABLE OF TREATIES AND CONVENTIONS	xxxix
1. FREEDOM OF INFORMATION—AN INTRODUCTION	
A. Introduction	1.01
B. Rationales for Freedom of Information Legislation	1.02
C. Freedom of Information as a Human Right	1.10
D. Freedom of Information Legislation in the United Kingdom	1.24
E. Pre-Existing Rights of Access to Information	1.34
F. Recent and Future Developments	1.52
2. FREEDOM OF INFORMATION IN EUROPE AND OTHER JURISDICTIONS	
A. Introduction	2.01
B. The Council of Europe	2.02
C. The European Union	2.12
D. Scotland	2.30
E. Other Jurisdictions	2.44
3. ACCESS TO INFORMATION UNDER THE FREEDOM OF INFORMATION ACT—RIGHTS AND DUTIES	
A. Introduction	3.01
B. Rights Granted Under the Act	3.02
C. Who is Entitled to the Rights Granted by the Act?	3.05
D. ‘Information’ Accessible Under the Act	3.08
E. ‘Public Authorities’ Subject to the Act	3.33
F. Publication Schemes	3.63
4. APPLICATIONS FOR INFORMATION—PROCEDURE	
A. Introduction	4.01

B. Formal Requirements for a Request Under the Act	4.05
C. Fees	4.21
D. Time Limits for Compliance with a Request for Information	4.27
E. Transferring Requests to Other Authorities	4.34
F. Means of Communicating Information	4.38
G. Exemption where Cost of Compliance is Excessive	4.45
H. Vexatious and Repeated Requests	4.56
I. Duty to Offer Advice and Assistance	4.62
J. Failure to Locate Information	4.64
K. Refusal of a Request for Information	4.67
L. Partial Disclosure of Information	4.72
M. Third-Party Rights	4.74
N. Requests for Information about Handling of Previous Freedom of Information Requests ('Meta-Requests')	4.78
5. EXEMPT INFORMATION—GENERAL ISSUES	
A. Introduction	5.01
B. Absolute Exemptions	5.07
C. Qualified Exemptions	5.11
D. 'Class-Based' and 'Prejudice-Based' Exemptions	5.22
E. Aggregation of Exemptions	5.32
6. ABSOLUTE EXEMPTIONS	
A. Introduction	6.01
B. Information Reasonably Accessible by Other Means	6.02
C. Information Supplied by, or Concerning, Certain Security Bodies	6.16
D. Information Contained in Court Records	6.24
E. Disclosures Which Would Infringe Parliamentary Privilege	6.34
F. Disclosures Prejudicing the Effective Conduct of Public Affairs—Information Held by the House of Commons or the House of Lords	6.37
G. Communications with the Royal Family and Honours	6.39

H. Personal Information	6.40
I. Information Provided in Confidence	6.83
J. Disclosure Otherwise Prohibited	6.100
7. QUALIFIED EXEMPTIONS	
A. Introduction	7.01
B. Information Intended for Future Publication	7.05
C. National Security	7.16
D. Defence	7.27
E. International Relations	7.35
F. Relations Within the United Kingdom	7.46
G. The Economy	7.50
H. Investigations and Proceedings	7.55
I. Law Enforcement	7.69
J. Audit Functions	7.76
K. Formulation of Government Policy and Other Governmental Interests	7.80
L. Prejudice to the Effective Conduct of Public Affairs	7.102
M. Communications with the Royal Family and Honours	7.114
N. Health and Safety	7.121
O. Environmental Information	7.126
P. Personal Information	7.128
Q. Legal Professional Privilege	7.129
R. Commercial Interests	7.139
8. ENFORCEMENT	
A. Introduction	8.01
B. The Information Commissioner	8.04
C. The First Tier Tribunal (Information Rights) and Upper Tribunal	8.35
D. The Act and the Courts	8.45
9. ENVIRONMENTAL INFORMATION REGULATIONS	
A. Introduction	9.01
B. Definition of 'Environmental Information'	9.04
C. Who is a 'Public Authority' Under the EIR?	9.07

Contents

D. When is Information ‘Held’ Under the EIR?	9.09
E. Requests Under the EIR	9.11
F. Exemptions Under the EIR	9.14
G. Fees Under the EIR	9.17
H. Mixed Requests Under the EIR and FOIA	9.18
APPENDIX 1. Freedom of Information Act 2000 (as amended to September 2013)	199
APPENDIX 2. The Environmental Information Regulations 2004	293
INDEX	309