

Freedom of Information Act 2000

What does the Act do?

- Provides a general right of access to anyone to information held by public authorities, this includes Schools, subject to certain conditions and exemptions;
- This right of access starts on the 1st of January 2005;
- **All** recorded information is covered and the Act is fully retrospective;
- There are exemptions to what information will be made available (for example personal information, information provided in confidence and some commercial information can be restricted)
- The majority of exemptions are dependent on whether disclosure is in the public interest

Why have a Freedom of Information Act?

In order to provide a more open and transparent government, providing citizens with clarity on what public money is spent on and how decisions are made.

The starting point of the act is that information should be made available rather than should not be made available.

What is required of individual schools?

- Adoption and maintenance of a publication scheme - which publicises what information your school already makes available.
- Set up a process to deal with information requests
- Set up a records management programme - policies and procedures to manage the information your school holds
- Ensure all requests are dealt with within 20 working days

Data Protection and Freedom of Information – how do the two interact?

The Data Protection Act 1998 came into force on 1 March 2000. It provides living individuals with a right of access to personal information held about them. The right applies to all information held in computerised form and also to non-computerised information held in filing systems structured so that specific information about particular individuals can be retrieved readily. Individuals already have the right to access information about themselves (personal data), which is held on computer and in some paper files under the Data Protection Act 1998. The right also applies to those archives that meet these criteria. However, the right is subject to exemptions, which will affect whether information is provided.

The FOI Act does not give individuals access to their personal information, though if a request is made, the Data Protection Act gives the individual this right. If the individual chooses to make this information public it could be used alongside non-personal information gained by the public under the terms of the FOI Act.

Who is the Information Commissioner?

The Information Commissioner enforces and oversees the Data Protection Act 1998 and the Freedom of Information Act 2000. The Commissioner is a UK independent supervisory authority reporting directly to the UK Parliament and has an international role as well as a

national one. In the UK, the Commissioner has a range of duties including the promotion of good information handling and the encouragement of codes of practice for data controllers, that is, anyone who decides how and why personal data, (information about identifiable, living individuals) are processed.

For further information see The Information Commissioner website:
www.informationcommissioner.gov.uk/index.htm

Contact: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF; Fax: 01625 524 510; Enquiry/Information Line Tel: 01625 545 745; E-mail: data@dataprotection.gov.uk

Campaign for the Freedom of Information (non-political, non-profit organisation: www.cfoi.org.uk/ (includes a [link](#) to the [Freedom of Information Act 2000](#) as a single Acrobat file)

The Information Commissioner website (useful for information about Data Protection too): www.informationcommissioner.gov.uk/index.htm