

The Freedom of Information Act and electronic publishing

Rosamund Cummings
Consultant for Records Management
Data Protection and FOI Compliance

This document is part of a collection of presentations with a focus on the legal and social aspects of electronic publishing. For full details of this and the rest of the collection see the cover sheet at: <http://ucloer.eprints-hosting.org/id/eprint/23/>.

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*Freedom of
Information
Act 2000*

Freedom of Information Act

Enforcement:

Information Commissioner,

Christopher Graham

Legal Penalties:

- Unlimited fines
- Imprisonment

Freedom of Information Act

Authorities Covered

- Government Bodies
- Local Authorities
- Police Authorities
- Health Authorities
- Education Institutions

Freedom of Information

Publication Scheme

- Council and Committee Minutes
- Administration records
- Policies and Guidelines
- Statistics
- Publications

Freedom of Information

Publication Scheme

- Access to Information
- Name and contact details of FOI Officer
- Charges (if applicable)
- Appeal procedure

Freedom of Information Act

Access to information

- Requests by Post, Email, or Fax
- All requests covered by legislation
- 20 working days to respond
- Charges (if applicable)

Freedom of Information

WebPage Information

Essential for compliance

- Latest information
- Accurate and up-to-date
- Archive

Freedom of Information Act

Exemptions

Absolute:

- Information already accessible
- Court records
- Parliamentary privilege
- Court prohibitions
- National Security
- Information subject to the Data Protection Act

Freedom of Information Act

Exemptions

Public Interest:

- Information intended for future publication
- Commercial interests
- Health and Safety information
- Investigations of Public Authorities
- Audit functions
- Information about a third party

Freedom of Information Act

Explanation of Refusal

- Which exemption?
- Why it applies
- Public Interest Test

Publication may be enforced

Freedom of Information Act

Vexatious requests

- Harassing the Institution
- Imposing a burden
- Causing disruption
- No serious purpose
- Repeated request

Proof of annoyance required

Freedom of Information

Organisations not covered by FOI

Contracts with Organisations covered by FOI
can be the subject of Requests for Information

Records Management

Legal Requirement for FOI Act

Recommended for Data Protection

Records Management

Other Legislation

- Tax Laws
- Employment Records
- Research requirements

Records Management

Who knows:

- What information is created?
- Where it is held?
- How long it is kept?

Freedom of Information Act

Organisation Compliance

Information Commissioner recommends a combination of the posts of:

- Records Manager
- Data Protection Officer
- Freedom of Information Officer

Records Management

Requirements

- Policy
- Procedures
- Retention Schedule

Records Management

Electronic files

- Metadata
- Secure storage
- Update format regularly

Records Management

Paper files

- Clear name or number
- Secure storage
- Secure disposal

Records Management

Archive

- Publications
- Records of Institution
- Memorabilia

Rosamund Cummings

**Consultant for
Records Management
Data Protection &
Freedom of Information Compliance**

rosamundcummings@talktalk.net