



# Freedom of Information Act 2000

## CHAPTER 36

### FREEDOM OF INFORMATION ACT 2000

#### PART I

##### ACCESS TO INFORMATION HELD BY PUBLIC AUTHORITIES

###### *Right to information*

- 1 General right of access to information held by public authorities.
- 2 Effect of the exemptions in Part II.
- 3 Public authorities.
- 4 Amendment of Schedule 1.
- 5 Further power to designate public authorities.
- 6 Publicly-owned companies.
- 7 Public authorities to which Act has limited application.
- 8 Request for information.
- 9 Fees.
- 10 Time for compliance with request.
- 11 Means by which communication to be made.
- 11A Release of datasets for re-use
- 11B Power to charge fees in relation to release of datasets for re-use
- 12 Exemption where cost of compliance exceeds appropriate limit.
- 13 Fees for disclosure where cost of compliance exceeds appropriate limit.
- 14 Vexatious or repeated requests.
- 15 Special provisions relating to public records transferred to Public Record Office, etc.
- 16 Duty to provide advice and assistance.

###### *Refusal of request*

- 17 Refusal of request.

*Status: Point in time view as at 26/05/2015.*

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*The Information Commissioner . . .*

18 The Information Commissioner . . .

*Publication schemes*

19 Publication schemes.

20 Model publication schemes.

**PART II**

EXEMPT INFORMATION

21 Information accessible to applicant by other means.

22 Information intended for future publication.

22A Research

23 Information supplied by, or relating to, bodies dealing with security matters.

24 National security.

25 Certificates under ss. 23 and 24: supplementary provisions.

26 Defence.

27 International relations.

28 Relations within the United Kingdom.

29 The economy.

30 Investigations and proceedings conducted by public authorities.

31 Law enforcement.

32 Court records, etc.

33 Audit functions.

34 Parliamentary privilege.

35 Formulation of government policy, etc.

36 Prejudice to effective conduct of public affairs.

37 Communications with Her Majesty, etc. and honours.

38 Health and safety.

39 Environmental information.

40 Personal information.

41 Information provided in confidence.

42 Legal professional privilege.

43 Commercial interests.

44 Prohibitions on disclosure.

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GENERAL FUNCTIONS OF SECRETARY OF STATE, LORD  
CHANCELLOR AND INFORMATION COMMISSIONER

45 Issue of code of practice by Secretary of State.

46 Issue of code of practice by Lord Chancellor.

47 General functions of Commissioner.

48 Recommendations as to good practice.

49 Reports to be laid before Parliament.

**PART IV**

ENFORCEMENT

50 Application for decision by Commissioner.

51 Information notices.

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- 52 Enforcement notices.
- 53 Exception from duty to comply with decision notice or enforcement notice.
- 54 Failure to comply with notice.
- 55 Powers of entry and inspection.
- 56 No action against public authority.

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- 58 Determination of appeals.
- 59 Appeals from decision of Tribunal.
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- 61 Appeal proceedings.

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- 62 Interpretation of Part VI.
- 63 Removal of exemptions: historical records generally.
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- 65 Decisions as to refusal of discretionary disclosure of historical records.
- 66 Decisions relating to certain transferred public records.
- 67 Amendments of public records legislation.

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#### *Amendments relating to personal information held by public authorities*

- 68 Extension of meaning of “data”.
- 69 Right of access to unstructured personal data held by public authorities.
- 70 Exemptions applicable to certain manual data held by public authorities.
- 71 Particulars registrable under Part III of Data Protection Act 1998.
- 72 Availability under Act disregarded for purpose of exemption.

#### *Other amendments*

- 73 Further amendments of Data Protection Act 1998.

## **PART VIII**

### **MISCELLANEOUS AND SUPPLEMENTAL**

- 74 Power to make provision relating to environmental information.
- 75 Power to amend or repeal enactments prohibiting disclosure of information.
- 76 Disclosure of information between Commissioner and ombudsmen.
- 76A Disclosure between Commissioner and Scottish Information Commissioner
- 77 Offence of altering etc. records with intent to prevent disclosure.
- 78 Saving for existing powers.
- 79 Defamation.

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- 80 Scotland.
- 80A Information held by Northern Ireland bodies
- 81 Application to government departments, etc.
- 82 Orders and regulations.
- 83 Meaning of “Welsh public authority”.
- 84 Interpretation.
- 85 Expenses.
- 86 Repeals.
- 87 Commencement.
- 88 Short title and extent.

## SCHEDULES

### SCHEDULE 1 — Public authorities

#### Part I — GENERAL

- 1 Any government department other than (a) the Competition and Markets...
- 1ZA The Competition and Markets Authority, in respect of information held...
- 1A The Office for Standards in Education, Children's Services and Skills,...
- 2 The House of Commons , in respect of information other...
- 3 The House of Lords , in respect of information other...
- 4 The Northern Ireland Assembly.
- 5 The National Assembly for Wales, in respect of information other...
- 5A the Welsh Assembly Government.
- 6 The armed forces of the Crown, except—

#### Part II — LOCAL GOVERNMENT

#### *England and Wales*

- 7 A local authority within the meaning of the Local Government...
- 8 The Greater London Authority.
- 9 The Common Council of the City of London, in respect...
- 10 The Sub-Treasurer of the Inner Temple or the Under-Treasurer of...
- 11 The Council of the Isles of Scilly.
- 12 A parish meeting constituted under section 13 of the Local...
- 13 Any charter trustees constituted under section 246 of the Local...
- 14 A fire and rescue authority constituted by a scheme under...
- 15 A waste disposal authority established by virtue of an order...
- 15A An authority established for an area in England by an...
- 16 A port health authority constituted by an order under section...
- 17 England and Wales
- 18 An internal drainage board which is continued in being by...
- 19 A joint authority established under Part IV of the Local...
- 19A An economic prosperity board established under section 88 of the...
- 19B A combined authority established under section 103 of that Act...
- 20 The London Fire and Emergency Planning Authority.
- 21 A joint fire authority established by virtue of an order...
- 22 A body corporate established pursuant to an order under section...
- 23 A body corporate established pursuant to an order under section...
- 24 The Broads Authority established by section 1 of the Norfolk...
- 25 A joint committee constituted in accordance with section 102(1)(b) of...

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- 26 A joint board which is continued in being by virtue...
- 27 A joint authority established under section 21 of the Local...
- 28 A Passenger Transport Executive for an integrated transport area for...
- 29 Transport for London.
- 30 The London Transport Users Committee.
- 31 A joint board the constituent members of which consist of...
- 32 A National Park authority established by an order under section...
- 33 A joint planning board constituted for an area in Wales...
- 34 England and Wales
- 35 England and Wales
- 35A England and Wales
- 35B An inshore fisheries and conservation authority for a district established...
- 35C An urban development corporation established under section 135 of the...
- 35D A Mayoral development corporation established under section 198 of the...
- 35E A Local Healthwatch organisation, in respect of information held in...

*Northern Ireland*

- 36 A district council within the meaning of the Local Government...  
Part III — THE NATIONAL HEALTH SERVICE

*England and Wales*

- 36A The National Health Service
- 37 The National Health Service
- 37A The National Health Service Commissioning Board.
- 37B A clinical commissioning group established under section 14D of the...
- 38 A special health authority established under section 28 of the...
- 39 The National Health Service
- 39A A Local Health Board established under section 11 of the...
- 40 A National Health Service trust established under section 25 of...
- 40A An NHS foundation trust.
- 41 A Community Health Council established under section 182 of the...
- 41A The National Health Service
- 42 The National Health Service
- 43 The National Health Service
- 43A Any person providing primary medical services , primary dental services...
- 44 Any person providing general medical services, general dental services, general...
- 45 Any person providing personal medical services or personal dental services...
- 45A Any person providing local pharmaceutical services under—
- 45B The National Health Service

*Northern Ireland*

- 46 A Health and Social Services Board established under Article 16...
- 47 A Health and Social Services Council established under Article 4...
- 48 A Health and Social Services Trust established under Article 10...
- 49 A special agency established under Article 3 of the Health...

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- 50 The Northern Ireland Central Services Agency for the Health and...
  - 51 Any person providing primary medical services, general dental services, general...
  - 51A The Regional Business Services Organisation established under section 14 of...
  - 51B The Patient and Client Council established under section 16 of...
  - 51C The Regional Health and Social Care Board established under section...
  - 51D The Regional Agency for Public Health and Social Well-being established...
- Part IV — MAINTAINED SCHOOLS AND OTHER EDUCATIONAL INSTITUTIONS

*England and Wales*

- 52 The governing body of— (a) a maintained school, as defined...
- 52A (1) The proprietor of an Academy, in respect of information...
- 53 (1) The governing body of— (a) an institution within the...

*Northern Ireland*

- 54 (1) The managers of— (a) a controlled school, voluntary school...
  - 55 (1) The governing body of— (a) a university receiving financial...
  - 56 Any person providing further education to whom grants, loans or...
- Part V — POLICE

*England and Wales*

- 57 A police and crime commissioner.
- 58 The Mayor's Office for Policing and Crime.
- 59 A chief officer of police of a police force in...

*Northern Ireland*

- 60 The Northern Ireland Policing Board.
- 61 The Chief Constable of the Police Service of Northern Ireland...

*Miscellaneous*

- 62 The British Transport Police.
- 63 The Ministry of Defence Police established by section 1 of...
- 63A The Civil Nuclear Police Authority.
- 63B The chief constable of the Civil Nuclear Constabulary.
- 64 Any person who— (a) by virtue of any enactment has...

Part VI — OTHER PUBLIC BODIES AND OFFICES: GENERAL

Part VII — OTHER PUBLIC BODIES AND OFFICES: NORTHERN IRELAND  
An advisory committee established under paragraph 25 of the Health...

SCHEDULE 2 — The Commissioner and the Tribunal

Part I — PROVISION CONSEQUENTIAL ON S. 18(1) AND (2)

*General*

- 1 (1) Any reference in any enactment, instrument or document to...
- 1A The Office for Standards in Education, Children's Services and Skills,...
- 2 (1) Any reference in this Act or in any instrument...

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*Public Records Act 1958 (c. 51)*

- 3 (1) In Part II of the Table in paragraph 3...

*Parliamentary Commissioner Act 1967 (c. 13)*

- 4 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...  
5 In Schedule 4 to that Act (tribunals exercising administrative functions),...

*Superannuation Act 1972 (c. 11)*

- 6 In Schedule 1 to the Superannuation Act 1972 (employment with...

*Consumer Credit Act 1974 (c. 39)*

- 7 In section 159 of the Consumer Credit Act 1974 (correction...

*House of Commons Disqualification Act 1975 (c. 24)*

- 8 (1) In Part II of Schedule 1 to the House...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 9 (1) In Part II of Schedule 1 to the Northern...

*Tribunals and Inquiries Act 1992 (c. 53)*

- 10 In paragraph 14 of Part I of Schedule 1 to...

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 11 In Schedule 5 to the Judicial Pensions and Retirement Act...  
12 In Schedule 7 to that Act (retirement dates: transitional provisions),...

*Data Protection Act 1998 (c. 29)*

- 13 (1) Section 6 of the Data Protection Act 1998 (the...  
14 In section 70(1) of that Act (supplementary definitions)—  
15 (1) Schedule 5 to that Act (the Data Protection Commissioner...  
Part II — AMENDMENTS RELATING TO EXTENSION OF FUNCTIONS OF  
COMMISSIONER AND TRIBUNAL

*Interests represented by lay members of Tribunal*

- 16 In section 6(6) of the Data Protection Act 1998 (lay...

*Expenses incurred under this Act excluded in calculating fees*

- 17 In section 26(2) of that Act (fees regulations), in paragraph...

*Information provided to Commissioner or Tribunal*

- 18 In section 58 of that Act (disclosure of information to...  
19 (1) Section 59 of that Act (confidentiality of information) is...

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*Deputy commissioners*

20 (1) Paragraph 4 of Schedule 5 to that Act (officers...

*Exercise of Commissioner's functions by others*

21 (1) Paragraph 5 of Schedule 5 to that Act (exercise...

*Money*

22 In paragraph 9(1) of Schedule 5 to that Act (money)...

SCHEDULE 3 — Powers of entry and inspection

*Issue of warrants*

- 1 (1) If a circuit judge or a District Judge (Magistrates'...
- 2 (1) A judge shall not issue a warrant under this...
- 3 A judge who issues a warrant under this Schedule shall...

*Execution of warrants*

- 4 A person executing a warrant issued under this Schedule may...
- 5 A warrant issued under this Schedule shall be executed at...
- 6 (1) If the premises in respect of which a warrant...
- 7 (1) A person seizing anything in pursuance of a warrant...

*Matters exempt from inspection and seizure*

- 8 The powers of inspection and seizure conferred by a warrant...
- 9 (1) Subject to the provisions of this paragraph, the powers...
- 10 If the person in occupation of any premises in respect...

*Return of warrants*

11 A warrant issued under this Schedule shall be returned to...

*Offences*

12 Any person who— (a) intentionally obstructs a person in the...

*Vessels, vehicles etc.*

13 In this Schedule “premises” includes any vessel, vehicle, aircraft or...

*Scotland and Northern Ireland*

- 14 In the application of this Schedule to Scotland—
- 15 In the application of this Schedule to Northern Ireland—

SCHEDULE 4 —

*Constitution of Tribunal in national security cases*

- 1 In paragraph 2(1) of Schedule 6 to the Data Protection...
- 2 For paragraph 3 of that Schedule there is substituted—



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*Constitution of Tribunal in other cases*

- 3 (1) Paragraph 4 of that Schedule (constitution of Tribunal in...

*Rules of procedure*

- 4 (1) Paragraph 7 of that Schedule (rules of procedure) is...

SCHEDULE 5 — Amendments of public records legislation

Part I — AMENDMENTS OF PUBLIC RECORDS ACT 1958

*Functions of Advisory Council on Public Records*

- 1 In section 1 of the Public Records Act 1958 (general...

*Access to public records*

- 2 (1) Section 5 of that Act (access to public records)...  
3 Schedule 2 of that Act (enactments prohibiting disclosure of information...

*Power to extend meaning of “public records”*

- 4 In Schedule 1 to that Act (definition of public records)...  
Part II — AMENDMENT OF PUBLIC RECORDS ACT (NORTHERN IRELAND) 1923  
5 After section 5 of the Public Records Act (Northern Ireland)...

SCHEDULE 6 — Further amendments of Data Protection Act 1998

*Request by data controller for further information*

- 1 In section 7 of the Data Protection Act 1998 (right...

*Parliament*

- 2 After section 35 of that Act there is inserted— Parliamentary...  
3 After section 63 of that Act there is inserted— Application...  
4 In Schedule 2 to that Act (conditions relevant for the...  
5 In Schedule 3 to that Act (conditions relevant for the...

*Honours*

- 6 In Schedule 7 to that Act (miscellaneous exemptions) in paragraph...

*Legal professional privilege*

- 7 In paragraph 10 of that Schedule (legal professional privilege), for...

*Extension of transitional exemption*

- 8 In Schedule 14 to that Act (transitional provisions), in paragraph...

SCHEDULE 7 — Disclosure of information by ombudsmen

*The Parliamentary Commissioner for Administration*

- 1 At the end of section 11 of the Parliamentary Commissioner...

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2 After section 11A of that Act there is inserted— Disclosure...

*The Commissions for Local Administration in England and Wales*

3 In section 32 of the Local Government Act 1974 (law...

4 After section 33 of that Act there is inserted— Disclosure...

*The Health Service Commissioners*

5 At the end of section 15 of the Health Service...

6 After section 18 of that Act there is inserted— Disclosure...

*The Welsh Administration Ombudsman*

7 In Schedule 9 to the Government of Wales Act 1998...

8 After paragraph 27 of that Schedule there is inserted— Disclosure...

*The Northern Ireland Commissioner for Complaints*

9 At the end of Article 21 of the Commissioner for...

10 After that Article there is inserted— Disclosure of information to...

*The Assembly Ombudsman for Northern Ireland*

11 At the end of Article 19 of the Ombudsman (Northern...

12 After that Article there is inserted— Disclosure of information to...

*The Commissioner for Local Administration in Scotland*

13 In section 30 of the Local Government (Scotland) Act 1975...

SCHEDULE 8 — Repeals

Part I — REPEAL COMING INTO FORCE ON PASSING OF ACT

Part II — REPEALS COMING INTO FORCE IN ACCORDANCE WITH  
SECTION 87(2)

Part III — REPEALS COMING INTO FORCE IN ACCORDANCE WITH  
SECTION 87(3)

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