

## **EXPLANATORY NOTES**

### **FREEDOM OF INFORMATION ACT 2000**

#### **INTRODUCTION**

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#### **THE ACT**

##### **PART I: ACCESS TO INFORMATION HELD BY PUBLIC AUTHORITIES**

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##### **PART III: GENERAL FUNCTIONS OF SECRETARY OF STATE, LORD CHANCELLOR AND INFORMATION COMMISSIONER**

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#### **COMMENTARY ON SECTIONS**

##### **PART I: ACCESS TO INFORMATION HELD BY PUBLIC AUTHORITIES**

###### **Right to information**

Section 1: Right to information

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Section 3: Public authorities

Section 4: Amendment of Schedule 1

Section 5: Further power to designate public authorities

Section 6: Publicly-owned companies

Section 7: Public authorities to which Act has limited application

Section 8: Request for information

*These notes refer to the Freedom of Information Act 2000 (c.36)*

Section 9: Fees

Section 10: Time for compliance with request

Section 11: Means by which communication to be made

Section 12: Exemption where cost of compliance exceeds appropriate limit

Section 13: Fees for disclosure where cost of compliance exceeds appropriate limit

Section 14: Vexatious or repeated requests

Section 15: Special provisions relating to public records transferred to Public Record Office,

Section 16: Duty to provide advice and assistance

### **Refusal of request**

Section 17: Refusal of request

**72. provides that a notice under subsection (1), (3) or (5) must contain particulars of any procedure the authority has for dealing with complaints, or a statement that the authority does not have such a procedure, and must contain particulars of the right conferred by section 50 (application for a decision by the Commissioner).**

### **The Information Commissioner and the Information Tribunal**

Section 18: The Information Commissioner and the Information Tribunal

### **Publication schemes**

Section 19: Publication schemes

Section 20: Model publication schemes

## **PART II: EXEMPT INFORMATION**

Section 21: Information accessible to public by other means

Section 22: Information intended for future publication

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

Section 24: National security

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

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Section 28: Relations within the United Kingdom

Section 29: The economy

Section 30: Investigations and proceedings conducted by public authorities

Section 31: Law enforcement

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Section 34: Parliamentary privilege

Section 35: Formulation of Government policy

Section 36: Prejudice to effective conduct of public affairs

Section 37: Communications with Her Majesty, and honours

Section 38: Health and safety

Section 39: Environmental information

Section 40: Personal information

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Section 42: Legal professional privilege

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Section 44: Prohibitions on disclosure

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Section 46: Issue of code of practice by Lord Chancellor

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### **PART IV: ENFORCEMENT**

Section 50: Application for decision by Commissioner

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Section 53: Exception from duty to comply with decision notice or enforcement notice

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Section 63: Removal of exemptions: historical records generally

Section 64: Removal of exemptions: historical records in public record offices

Section 65: Decisions as to refusal of discretionary disclosure of historical records

Section 66: Decisions relating to certain transferred public records

Section 67: Amendments of public records legislation

#### **PART VII: AMENDMENTS OF DATA PROTECTION ACT 1998**

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#### **PART VIII: MISCELLANEOUS AND SUPPLEMENTAL**

Section 74: Power to make provision relating to environmental information.

Section 75: Power to amend or repeal enactments prohibiting disclosure of information

Section 76: Disclosure of information between Commissioner and ombudsmen

Section 77: Offence of altering records with intent to prevent disclosure

Section 78: Saving for existing powers

Section 79: Defamation

Section 80: Scotland

Section 81: Application to government departments,

Section 82: Orders and regulations

Section 83: Meaning of a "Welsh public authority"

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Section 87: Commencement

**Schedules**

Schedule 1: Public authorities

Schedule 2: The Commissioner and the Tribunal

**PART I: PROVISION CONSEQUENTIAL ON SECTION 18(1) AND (2)**

**PART II: AMENDMENTS RELATING TO EXTENSION OF FUNCTIONS OF COMMISSIONER AND TRIBUNAL**

Schedule 3: Powers of entry and inspection

**Issue of Warrants**

**Execution of warrants**

**Matters exempt from inspection and seizure**

**Return of warrants**

**Offences**

**Vessels, vehicles**

**Scotland and Northern Ireland**

Schedule 4: Appeal Proceedings – Amendments of Schedule 6 to Data Protection Act 1998

**Constitution of Tribunal in national security cases**

**Constitution of Tribunal in other cases**

**Rules of procedure**

Schedule 5: Amendments of public records legislation

**Functions of the Advisory Council on Public Records**

**Access to Public Records**

**Power to extend the meaning of ‘public records’**

Schedule 6: Further amendments of Data Protection Act 1998

Schedule 7: Disclosure of information by ombudsmen

Schedule 8: Repeals

**HANSARD REFERENCES**