

EXPLANATORY NOTES

FREEDOM OF INFORMATION ACT 2000

INTRODUCTION

BACKGROUND

THE ACT

PART I: ACCESS TO INFORMATION HELD BY PUBLIC AUTHORITIES

PART II: EXEMPT INFORMATION

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

PART IV: ENFORCEMENT

PART V: APPEALS

PART VI: HISTORICAL RECORDS AND RECORDS IN PUBLIC RECORD OFFICE OR PUBLIC RECORD OFFICE OF NORTHERN IRELAND

PART VII: AMENDMENTS OF DATA PROTECTION ACT 1998

PART VIII: MISCELLANEOUS AND SUPPLEMENTAL

COMMENTARY ON SECTIONS

PART I: ACCESS TO INFORMATION HELD BY PUBLIC AUTHORITIES

Right to information

Section 1: Right to information

Section 2: Effect of the exemptions in Part II

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

Section 26: Defence

Section 27: International relations

Section 28: Relations within the United Kingdom

Section 29: The economy

Section 30: Investigations and proceedings conducted by public authorities

Section 31: Law enforcement

Section 32: Court records,

Section 33: Audit functions

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

Section 41: Information provided in confidence

Section 42: Legal professional privilege

Section 43: Commercial interests

Section 44: Prohibitions on disclosure

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

Section 45: Issue of code of practice by Secretary of State

Section 46: Issue of code of practice by Lord Chancellor

Section 47: General functions of Commissioner

Section 48: Recommendations as to good practice

Section 49: Reports to be laid before Parliament

PART IV: ENFORCEMENT

Section 50: Application for decision by Commissioner

Section 51: Information notices

Section 52: Enforcement notices

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

Section 54: Failure to comply with notice

Section 55: Powers of entry and inspection

Section 56: No action against public authority

PART V: APPEALS

Section 57: Appeal against notices served under Part IV

Section 58: Determination of appeals

Section 59: Appeals from the decision of Tribunal

Section 60: Appeals against national security certificate

Section 61: Appeal proceedings

PART VI: HISTORICAL RECORDS AND RECORDS IN PUBLIC RECORD OFFICE OR PUBLIC RECORD OFFICE OF NORTHERN IRELAND

Section 62: Interpretation of Part VI

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

Sections 68 to 73

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"

Section 85: Expenses

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