



# Freedom of Information Act 2000

## 2000 CHAPTER 36

### PART I

#### ACCESS TO INFORMATION HELD BY PUBLIC AUTHORITIES

##### *Right to information*

#### **1 General right of access to information held by public authorities.**

- (1) Any person making a request for information to a public authority is entitled—
  - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
  - (b) if that is the case, to have that information communicated to him.
- (2) Subsection (1) has effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.
- (3) Where a public authority—
  - (a) reasonably requires further information in order to identify and locate the information requested, and
  - (b) has informed the applicant of that requirement,the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.
- (4) The information—
  - (a) in respect of which the applicant is to be informed under subsection (1)(a), or
  - (b) which is to be communicated under subsection (1)(b),is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request.

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- (5) A public authority is to be taken to have complied with subsection (1)(a) in relation to any information if it has communicated the information to the applicant in accordance with subsection (1)(b).
- (6) In this Act, the duty of a public authority to comply with subsection (1)(a) is referred to as “the duty to confirm or deny”.

## 2 Effect of the exemptions in Part II.

- (1) Where any provision of Part II states that the duty to confirm or deny does not arise in relation to any information, the effect of the provision is that where either—
- (a) the provision confers absolute exemption, or
  - (b) in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the public authority holds the information,
- section 1(1)(a) does not apply.
- (2) In respect of any information which is exempt information by virtue of any provision of Part II, section 1(1)(b) does not apply if or to the extent that—
- (a) the information is exempt information by virtue of a provision conferring absolute exemption, or
  - (b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (3) For the purposes of this section, the following provisions of Part II (and no others) are to be regarded as conferring absolute exemption—
- (a) section 21,
  - (b) section 23,
  - (c) section 32,
  - (d) section 34,
  - (e) section 36 so far as relating to information held by the House of Commons or the House of Lords,
  - [<sup>F1</sup>(ea) in section 37, paragraphs (a) to (ab) of subsection (1), and subsection (2) so far as relating to those paragraphs,]
  - [<sup>F2</sup>(f) section 40(1),
  - (fa) section 40(2) so far as relating to cases where the first condition referred to in that subsection is satisfied,]
  - (g) section 41, and
  - (h) section 44.

### Annotations:

#### Amendments (Textual)

- F1** S. 2(3)(ea) inserted (19.1.2011) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 46(1), 52(2), [Sch. 7 para. 2](#); S.I. 2011/46, [art. 3\(b\)\(i\)](#) (with art. 4)
- F2** S. 2(3)(f)(fa) substituted for s. 2(3)(f) (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 56](#) (with ss. 117, 209, 210, [Sch. 20 para. 52](#)); S.I. 2018/625, reg. 2(1)(g)

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### 3 Public authorities.

- (1) In this Act “public authority” means—
- (a) subject to section 4(4), any body which, any other person who, or the holder of any office which—
    - (i) is listed in Schedule 1, or
    - (ii) is designated by order under section 5, or
  - (b) a publicly-owned company as defined by section 6.
- (2) For the purposes of this Act, information is held by a public authority if—
- (a) it is held by the authority, otherwise than on behalf of another person, or
  - (b) it is held by another person on behalf of the authority.

#### Annotations:

##### Modifications etc. (not altering text)

- C1** S. 3 modified (29.9.2008 at 8.00 a.m.) by The Bradford & Bingley plc [Transfer of Securities and Property etc. Order 2008 \(S.I. 2008/2546\)](#), **art. 41**
- C2** S. 3 modified (7.10.2008 at 9.30 a.m.) by The Heritable Bank plc [Transfer of Certain Rights and Liabilities Order 2008 \(S.I. 2008/2644\)](#), **art. 29**
- C3** S. 3(1)(b) modified (30.3.2009 at 8.00 a.m.) by The Amendments to Law (Resolution of Dunfermline Building Society) Order (S.I. 2009/814), {art. 8(1)(a)(2)}
- C4** S. 3(1)(b) modified (22.2.2008) by The Northern Rock plc [Transfer Order 2008 \(S.I. 2008/432\)](#), **art. 18(2)(a)**
- C5** S. 3(1)(b) excluded (1.3.2016) by The NRAM plc (formerly Northern Rock plc) [Consequential and Supplementary Provisions Order 2016 \(S.I. 2016/114\)](#), arts. 1(1), **8(2)(a)**
- C6** S. 3(2) modified (1.4.2012) by [Budget Responsibility and National Audit Act 2011 \(c. 4\)](#), s. 29, **Sch. 3 para. 13(2)**; S.I. 2011/2576, art. 5
- C7** S. 3(2)(b) modified (30.3.2009 at 8.00 a.m.) by The Amendments to Law (Resolution of Dunfermline Building Society) Order (S.I. 2009/814), {art. 8(1)(b)(2)}
- C8** S. 3(2)(b) modified (8.10.2008 at 12.15 p.m.) by The Kaupthing Singer & Friedlander Limited [Transfer of Certain Rights and Liabilities Order 2008 \(S.I. 2008/2674\)](#), **art. 31**
- C9** S. 3(2)(b) modified (22.2.2008) by The Northern Rock plc [Transfer Order 2008 \(S.I. 2008/432\)](#), **art. 18(2)(b)**
- C10** S. 3(2)(b) excluded (1.3.2016) by The NRAM plc (formerly Northern Rock plc) [Consequential and Supplementary Provisions Order 2016 \(S.I. 2016/114\)](#), arts. 1(1), **8(2)(b)**

### 4 Amendment of Schedule 1.

- (1) The [<sup>F3</sup>Secretary of State][<sup>F4</sup>or the [<sup>F5</sup>Minister for the Cabinet Office]] may by order amend Schedule 1 by adding to that Schedule a reference to any body or the holder of any office which (in either case) is not for the time being listed in that Schedule but as respects which both the first and the second conditions below are satisfied.
- (2) The first condition is that the body or office—
- (a) is established by virtue of Her Majesty’s prerogative or by an enactment or by subordinate legislation, or
  - (b) is established in any other way by a Minister of the Crown in his capacity as Minister, by a government department or by [<sup>F6</sup>the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government].

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- (3) The second condition is—
- (a) in the case of a body, that the body is wholly or partly constituted by appointment made by the Crown, by a Minister of the Crown, by a government department or by [<sup>F7</sup>the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government], or
  - (b) in the case of an office, that appointments to the office are made by the Crown, by a Minister of the Crown, by a government department or by [<sup>F7</sup>the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government].
- (4) If either the first or the second condition above ceases to be satisfied as respects any body or office which is listed in Part VI or VII of Schedule 1, that body or the holder of that office shall cease to be a public authority by virtue of the entry in question.
- (5) The [<sup>F3</sup>Secretary of State][<sup>F8</sup> or the [<sup>F9</sup>Minister for the Cabinet Office]] may by order amend Schedule 1 by removing from Part VI or VII of that Schedule an entry relating to any body or office—
- (a) which has ceased to exist, or
  - (b) as respects which either the first or the second condition above has ceased to be satisfied.
- (6) An order under subsection (1) may relate to a specified person or office or to persons or offices falling within a specified description.
- (7) Before making an order under subsection (1), the [<sup>F3</sup>Secretary of State][<sup>F10</sup> or the [<sup>F11</sup>Minister for the Cabinet Office]] shall—
- (a) if the order adds to Part II, III, IV or VI of Schedule 1 a reference to—
    - (i) a body whose functions are exercisable only or mainly in or as regards Wales, or
    - (ii) the holder of an office whose functions are exercisable only or mainly in or as regards Wales,
 consult [<sup>F12</sup>the Welsh Ministers], and
  - (b) if the order relates to a body which, or the holder of any office who, if the order were made, would be a Northern Ireland public authority, consult the First Minister and deputy First Minister in Northern Ireland.
- (8) This section has effect subject to section 80.
- (9) In this section “Minister of the Crown” includes a Northern Ireland Minister.

#### Annotations:

##### Amendments (Textual)

- F3** Words in s. 4 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 12(1)(a)**
- F4** Words in s. 4(1) inserted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), art. 1(2), **Sch. para. 2(2)(a)**
- F5** Words in s. 4(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(a)** (with art. 12)
- F6** Words in s. 4(2)(b) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 78(2)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the

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first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32))

- F7** Words in s. 4(3)(a)(b) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, **Sch. 1 para. 78(3)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32))
- F8** Words in s. 4(5) inserted (9.12.2015) by The Transfer of Functions (Information and Public Records) Order 2015 (S.I. 2015/1897), art. 1(2), **Sch. para. 2(2)(a)**
- F9** Words in s. 4(5) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 14(2)(a)** (with art. 12)
- F10** Words in s. 4(7) inserted (9.12.2015) by The Transfer of Functions (Information and Public Records) Order 2015 (S.I. 2015/1897), art. 1(2), **Sch. para. 2(2)(a)**
- F11** Words in s. 4(7) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 14(2)(a)** (with art. 12)
- F12** Words in s. 4(7)(a)(ii) substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, **Sch. 1 para. 78(4)** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32))

#### Modifications etc. (not altering text)

- C11** S. 4(1) functions made exercisable concurrently (9.12.2015) by The Transfer of Functions (Information and Public Records) Order 2015 (S.I. 2015/1897), arts. 1(2), **3(1)**, (2)(a) (with art. 5)
- C12** S. 4(5)(7) functions made exercisable concurrently (9.12.2015) by The Transfer of Functions (Information and Public Records) Order 2015 (S.I. 2015/1897), arts. 1(2), **3(1)**, (2)(a) (with art. 5)

## 5 Further power to designate public authorities.

- (1) The [<sup>F13</sup>Secretary of State][<sup>F14</sup>or the [<sup>F15</sup>Minister for the Cabinet Office]] may by order designate as a public authority for the purposes of this Act any person who is neither listed in Schedule 1 nor capable of being added to that Schedule by an order under section 4(1), but who—
- (a) appears to the Secretary of State[<sup>F14</sup>or the [<sup>F15</sup>Minister for the Cabinet Office]] to exercise functions of a public nature, or
- (b) is providing under a contract made with a public authority any service whose provision is a function of that authority.
- (2) An order under this section may designate a specified person or office or persons or offices falling within a specified description.
- (3) Before making an order under this section, the [<sup>F13</sup>Secretary of State][<sup>F16</sup>or the [<sup>F17</sup>Minister for the Cabinet Office]] shall consult every person to whom the order relates, or persons appearing to him to represent such persons.
- (4) This section has effect subject to section 80.

#### Annotations:

#### Amendments (Textual)

- F13** Words in s. 5 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 para. 12(1)(a)**

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- F14** Words in s. 5(1) inserted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), art. 1(2), **Sch. para. 2(2)(b)**
- F15** Words in s. 5(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(b)** (with art. 12)
- F16** Words in s. 5(3) inserted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), art. 1(2), **Sch. para. 2(2)(b)**
- F17** Words in s. 5(3) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(b)** (with art. 12)

**Modifications etc. (not altering text)**

- C13** S. 5(1)(3) functions made exercisable concurrently (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), arts. 1(2), **3(1)**, (2)(b) (with art. 5)

**6 Publicly-owned companies.**

- (1) A company is a “publicly-owned company” for the purposes of section 3(1)(b) if—
- (a) it is wholly owned by the Crown, <sup>F18</sup>...
  - (b) it is wholly owned by [<sup>F19</sup>the wider public sector][<sup>F20</sup>, or
  - (c) it is wholly owned by the Crown and the wider public sector.]

[<sup>F21</sup>(2) For the purposes of this section—

- (a) a company is wholly owned by the Crown if, and only if, every member is a person falling within sub-paragraph (i) or (ii)—
  - (i) a Minister of the Crown, government department or company wholly owned by the Crown, or
  - (ii) a person acting on behalf of a Minister of the Crown, government department or company wholly owned by the Crown,
- (b) a company is wholly owned by the wider public sector if, and only if, every member is a person falling within sub-paragraph (i) or (ii)—
  - (i) a relevant public authority or a company wholly owned by the wider public sector, or
  - (ii) a person acting on behalf of a relevant public authority or of a company wholly owned by the wider public sector, and
- (c) a company is wholly owned by the Crown and the wider public sector if, and only if, condition A, B or C is met.

(2A) In subsection (2)(c)—

- (a) condition A is met if—
  - (i) at least one member is a person falling within subsection (2)(a)(i) or (ii),
  - (ii) at least one member is a person falling within subsection (2)(b)(i) or (ii), and
  - (iii) every member is a person falling within subsection (2)(a)(i) or (ii) or (b)(i) or (ii),
- (b) condition B is met if—
  - (i) at least one member is a person falling within subsection (2)(a)(i) or (ii) or (b)(i) or (ii),
  - (ii) at least one member is a company wholly owned by the Crown and the wider public sector, and



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- (iii) every member is a person falling within subsection (2)(a)(i) or (ii) or (b)(i) or (ii) or a company wholly owned by the Crown and the wider public sector, and
  - (c) condition C is met if every member is a company wholly owned by the Crown and the wider public sector.]
- (3) In this section—
- “company” includes any body corporate;
  - “Minister of the Crown” includes a Northern Ireland Minister.
  - <sup>[F22]</sup> “ relevant public authority ” means any public authority listed in Schedule 1 other than—
    - a government department, or
    - any authority which is listed only in relation to particular information]

#### Annotations:

##### Amendments (Textual)

- F18** Word in s. 6(1)(a) repealed (1.9.2013) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 103\(2\)\(a\), 120, Sch. 10 Pt. 7](#) (with s. 97); S.I. 2013/1906, art. 3(b)
- F19** Words in s. 6(1)(b) substituted (1.9.2013) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 103\(2\)\(b\), 120](#) (with s. 97); S.I. 2013/1906, art. 3(b)
- F20** S. 6(1)(c) and word inserted (1.9.2013) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 103\(2\)\(c\), 120](#) (with s. 97); S.I. 2013/1906, art. 3(b)
- F21** S. 6(2)(2A) substituted for s. 6(2) (1.9.2013) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 103\(3\), 120](#) (with s. 97); S.I. 2013/1906, art. 3(b)
- F22** Words in s. 6(3) inserted (1.9.2013) by [Protection of Freedoms Act 2012 \(c. 9\), ss. 103\(4\), 120](#) (with s. 97); S.I. 2013/1906, art. 3(b)

## 7 Public authorities to which Act has limited application.

- (1) Where a public authority is listed in Schedule 1 only in relation to information of a specified description, nothing in Parts I to V of this Act applies to any other information held by the authority.
- (2) An order under section 4(1) may, in adding an entry to Schedule 1, list the public authority only in relation to information of a specified description.
- (3) The <sup>[F23]</sup>Secretary of State<sup>[F24]</sup> or the <sup>[F25]</sup>Minister for the Cabinet Office<sup>[F26]</sup> may by order amend Schedule 1—
  - (a) by limiting to information of a specified description the entry relating to any public authority, or
  - (b) by removing or amending any limitation to information of a specified description which is for the time being contained in any entry.
- (4) Before making an order under subsection (3), the <sup>[F23]</sup>Secretary of State<sup>[F26]</sup> or the <sup>[F27]</sup>Minister for the Cabinet Office<sup>[F26]</sup> shall—
  - <sup>[F28]</sup>(a) if the order relates to the National Assembly for Wales or a Welsh public authority referred to in section 83(1)(b)(ii) (subsidiary of the Assembly Commission), consult the Presiding Officer of the National Assembly for Wales,

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- (aa) if the order relates to the Welsh Assembly Government or a Welsh public authority other than one referred to in section 83(1)(b)(ii), consult the First Minister for Wales,]
  - (b) if the order relates to the Northern Ireland Assembly, consult the Presiding Officer of that Assembly, and
  - (c) if the order relates to a Northern Ireland department or a Northern Ireland public authority, consult the First Minister and deputy First Minister in Northern Ireland.
- (5) An order under section 5(1)(a) must specify the functions of the public authority designated by the order with respect to which the designation is to have effect; and nothing in Parts I to V of this Act applies to information which is held by the authority but does not relate to the exercise of those functions.
- (6) An order under section 5(1)(b) must specify the services provided under contract with respect to which the designation is to have effect; and nothing in Parts I to V of this Act applies to information which is held by the public authority designated by the order but does not relate to the provision of those services.
- (7) Nothing in Parts I to V of this Act applies in relation to any information held by a publicly-owned company which is excluded information in relation to that company.
- (8) In subsection (7) “excluded information”, in relation to a publicly-owned company, means information which is of a description specified in relation to that company in an order made by the [<sup>F23</sup>Secretary of State][<sup>F29</sup> or the [<sup>F30</sup>Minister for the Cabinet Office]] for the purposes of this subsection.
- (9) In this section “publicly-owned company” has the meaning given by section 6.

#### Annotations:

##### Amendments (Textual)

- F23** Words in s. 7 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 12(1)(a)**
- F24** Words in s. 7(3) inserted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), art. 1(2), **Sch. para. 2(2)(c)**
- F25** Words in s. 7(3) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(c)** (with art. 12)
- F26** Words in s. 7(4) inserted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), art. 1(2), **Sch. para. 2(2)(c)**
- F27** Words in s. 7(4) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(c)** (with art. 12)
- F28** S. 7(4)(a)(aa) substituted for s. 7(4)(a) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 79** (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#))
- F29** Words in s. 7(8) inserted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), art. 1(2), **Sch. para. 2(2)(c)**
- F30** Words in s. 7(8) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(c)** (with art. 12)



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#### **Modifications etc. (not altering text)**

- C14** S. 7(3) functions made exercisable concurrently (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), arts. 1(2), **3(1)**, (2)(c) (with art. 5)
- C15** S. 7(4)(8) functions made exercisable concurrently (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), arts. 1(2), **3(1)**, (2)(c) (with art. 5)

## **8 Request for information.**

- (1) In this Act any reference to a “request for information” is a reference to such a request which—
- is in writing,
  - states the name of the applicant and an address for correspondence, and
  - describes the information requested.
- (2) For the purposes of subsection (1)(a), a request is to be treated as made in writing where the text of the request—
- is transmitted by electronic means,
  - is received in legible form, and
  - is capable of being used for subsequent reference.

## **9 Fees.**

- (1) A public authority to whom a request for information is made may, within the period for complying with section 1(1), give the applicant a notice in writing (in this Act referred to as a “fees notice”) stating that a fee of an amount specified in the notice is to be charged by the authority for complying with section 1(1).
- (2) Where a fees notice has been given to the applicant, the public authority is not obliged to comply with section 1(1) unless the fee is paid within the period of three months beginning with the day on which the fees notice is given to the applicant.
- (3) Subject to subsection (5), any fee under this section must be determined by the public authority in accordance with regulations made by the [<sup>F31</sup>Minister for the Cabinet Office].
- (4) Regulations under subsection (3) may, in particular, provide—
- that no fee is to be payable in prescribed cases,
  - that any fee is not to exceed such maximum as may be specified in, or determined in accordance with, the regulations, and
  - that any fee is to be calculated in such manner as may be prescribed by the regulations.
- (5) Subsection (3) does not apply where provision is made by or under any enactment as to the fee that may be charged by the public authority for the disclosure of the information.

#### **Annotations:**

#### **Amendments (Textual)**

- F31** Words in s. 9(3) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(d)** (with art. 12)

*Status: This version of this cross heading contains provisions that are prospective.*

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#### **Modifications etc. (not altering text)**

- C16** S. 9(3) functions transferred (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), arts. 1(2), **4(1)**, (2)(a) (with art. 5)

#### **Commencement Information**

- II** S. 9 wholly in force at 1.1.2005; s. 9 in force at Royal Assent to the extent that it confers power to make regulations, see s. 87(1)(m)(3); s. 9 otherwise in force at 1.1.2005 by [S.I. 2004/3122](#), **art. 2**

## **10 Time for compliance with request.**

- (1) Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
- (2) Where the authority has given a fees notice to the applicant and the fee is paid in accordance with section 9(2), the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded in calculating for the purposes of subsection (1) the twentieth working day following the date of receipt.
- (3) If, and to the extent that—
  - (a) section 1(1)(a) would not apply if the condition in section 2(1)(b) were satisfied, or
  - (b) section 1(1)(b) would not apply if the condition in section 2(2)(b) were satisfied,
 the public authority need not comply with section 1(1)(a) or (b) until such time as is reasonable in the circumstances; but this subsection does not affect the time by which any notice under section 17(1) must be given.
- (4) The [<sup>F32</sup>Minister for the Cabinet Office] may by regulations provide that subsections (1) and (2) are to have effect as if any reference to the twentieth working day following the date of receipt were a reference to such other day, not later than the sixtieth working day following the date of receipt, as may be specified in, or determined in accordance with, the regulations.
- (5) Regulations under subsection (4) may—
  - (a) prescribe different days in relation to different cases, and
  - (b) confer a discretion on the Commissioner.
- (6) In this section—
 

“the date of receipt” means—

  - (a) the day on which the public authority receives the request for information, or
  - (b) if later, the day on which it receives the information referred to in section 1(3);

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the <sup>M1</sup>Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

*Status:* This version of this cross heading contains provisions that are prospective.

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#### Annotations:

#### Amendments (Textual)

**F32** Words in s. 10(4) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(e)** (with art. 12)

#### Modifications etc. (not altering text)

**C17** S. 10(1)(2) modified (1.1.2005) by [The Freedom of Information \(Time for Compliance with Request\) Regulations 2004 \(S.I. 2004/3364\)](#), **regs. 3(2), 4(2), 5(2), 6(2)**

**C18** S. 10(1)(2) modified (26.6.2009) by [The Freedom of Information \(Time for Compliance with Request\) Regulations 2009 \(S.I. 2009/1369\)](#), **reg. 2(2)**

**C19** S. 10(1)(2) modified (18.11.2010) by [The Freedom of Information \(Time for Compliance with Request\) Regulations 2010 \(S.I. 2010/2768\)](#), **regs. 1(2), 2**

**C20** S. 10(4) functions transferred (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), arts. 1(2), **4(1), (2)(b)** (with art. 5)

#### Commencement Information

**I2** S. 10 wholly in force at 1.1.2005; s. 10 in force at Royal Assent to the extent that it confers power to make regulations, see s. 87(1)(m)(3); s. 10 otherwise in force at 1.1.2005 by [S.I. 2004/3122](#), **art. 2**

#### Marginal Citations

**M1** 1971 c. 80.

## 11 Means by which communication to be made.

- (1) Where, on making his request for information, the applicant expresses a preference for communication by any one or more of the following means, namely—
- the provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant,
  - the provision to the applicant of a reasonable opportunity to inspect a record containing the information, and
  - the provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant,
- the public authority shall so far as reasonably practicable give effect to that preference.

[<sup>F33</sup>(1A) Where—

- an applicant makes a request for information to a public authority in respect of information that is, or forms part of, a dataset held by the public authority, and
- on making the request for information, the applicant expresses a preference for communication by means of the provision to the applicant of a copy of the information in electronic form,

the public authority must, so far as reasonably practicable, provide the information to the applicant in an electronic form which is capable of re-use.]

- (2) In determining for the purposes of this section whether it is reasonably practicable to communicate information by particular means, the public authority may have regard to all the circumstances, including the cost of doing so.
- (3) Where the public authority determines that it is not reasonably practicable to comply with any preference expressed by the applicant in making his request, the authority shall notify the applicant of the reasons for its determination.

*Status: This version of this cross heading contains provisions that are prospective.*

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- (4) Subject to [<sup>F34</sup>subsections (1) and (1A)], a public authority may comply with a request by communicating information by any means which are reasonable in the circumstances.
- [<sup>F35</sup>(5) In this Act “dataset” means information comprising a collection of information held in electronic form where all or most of the information in the collection—
- (a) has been obtained or recorded for the purpose of providing a public authority with information in connection with the provision of a service by the authority or the carrying out of any other function of the authority,
  - (b) is factual information which—
    - (i) is not the product of analysis or interpretation other than calculation, and
    - (ii) is not an official statistic (within the meaning given by section 6(1) of the Statistics and Registration Service Act 2007), and
  - (c) remains presented in a way that (except for the purpose of forming part of the collection) has not been organised, adapted or otherwise materially altered since it was obtained or recorded.]

#### Annotations:

##### Amendments (Textual)

- F33** S. 11(1A) inserted (1.9.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 102(2)(a)**, 120 (with s. 97); S.I. 2013/1906, art. 3(a)
- F34** Words in s. 11(4) substituted (1.9.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 102(2)(b)**, 120 (with s. 97); S.I. 2013/1906, art. 3(a)
- F35** S. 11(5) inserted (1.9.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 102(2)(c)**, 120 (with s. 97); S.I. 2013/1906, art. 3(a)

#### [<sup>F36</sup>11A Release of datasets for re-use

- (1) This section applies where—
- (a) a person makes a request for information to a public authority in respect of information that is, or forms part of, a dataset held by the authority,
  - (b) any of the dataset or part of a dataset so requested is a relevant copyright work,
  - (c) the public authority is the only owner of the relevant copyright work, and
  - (d) the public authority is communicating the relevant copyright work to the applicant in accordance with this Act.

[<sup>F37</sup>(1A) But if the whole of the relevant copyright work is a document to which the Re-use of Public Sector Information Regulations 2015 apply, this section does not apply to the relevant copyright work.

- (1B) If part of the relevant copyright work is a document to which those Regulations apply—
- (a) this section does not apply to that part, but
  - (b) this section does apply to the part to which the Regulations do not apply (and references in the following provisions of this section to the relevant copyright work are to be read as references to that part).]

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- (2) When communicating the relevant copyright work to the applicant, the public authority must make the relevant copyright work available for re-use by the applicant in accordance with the terms of the specified licence.
- (3) The public authority may exercise any power that it has by virtue of regulations under section 11B to charge a fee in connection with making the relevant copyright work available for re-use in accordance with subsection (2).
- (4) Nothing in this section or section 11B prevents a public authority which is subject to a duty under subsection (2) from exercising any power that it has by or under an enactment other than this Act to charge a fee in connection with making the relevant copyright work available for re-use.
- (5) Where a public authority intends to charge a fee (whether in accordance with regulations under section 11B or as mentioned in subsection (4)) in connection with making a relevant copyright work available for re-use by an applicant, the authority must give the applicant a notice in writing (in this section referred to as a “ re-use fee notice ”) stating that a fee of an amount specified in, or determined in accordance with, the notice is to be charged by the authority in connection with complying with subsection (2).
- (6) Where a re-use fee notice has been given to the applicant, the public authority is not obliged to comply with subsection (2) while any part of the fee which is required to be paid is unpaid.
- (7) Where a public authority intends to charge a fee as mentioned in subsection (4), the re-use fee notice may be combined with any other notice which is to be given under the power which enables the fee to be charged.
- (8) In this section—
  - “copyright owner” has the meaning given by Part 1 of the Copyright, Designs and Patents Act 1988 (see section 173 of that Act);
  - “copyright work” has the meaning given by Part 1 of the Act of 1988 (see section 1(2) of that Act);
  - “database” has the meaning given by section 3A of the Act of 1988;
  - “database right” has the same meaning as in Part 3 of the Copyright and Rights in Databases Regulations 1997 (S.I. 1997/3032);
  - “owner”, in relation to a relevant copyright work, means—
    - (a) the copyright owner, or
    - (b) the owner of the database right in the database;
  - “relevant copyright work” means—
    - (a) a copyright work, or
    - (b) a database subject to a database right,but excludes a relevant Crown work or a relevant Parliamentary work;
  - “relevant Crown work” means—
    - (a) a copyright work in relation to which the Crown is the copyright owner, or
    - (b) a database in relation to which the Crown is the owner of the database right;
  - “relevant Parliamentary work” means—

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- (a) a copyright work in relation to which the House of Commons or the House of Lords is the copyright owner, or
  - (b) a database in relation to which the House of Commons or the House of Lords is the owner of the database right;
- “the specified licence” is the licence specified by the [<sup>F38</sup>Minister for the Cabinet Office] in a code of practice issued under section 45, and the [<sup>F38</sup>Minister for the Cabinet Office] may specify different licences for different purposes.

#### Annotations:

#### Amendments (Textual)

- F36** Ss. 11A, 11B inserted (31.7.2013 for the insertion of s. 11B, 1.9.2013 in so far as not already in force) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **102(3)**, 120 (with s. 97); S.I. 2013/1906, arts. 2, 3(a)
- F37** S. 11A(1A)(1B) inserted (18.7.2015) by [The Re-use of Public Sector Information Regulations 2015 \(S.I. 2015/1415\)](#), regs. 1, **21(2)** (with regs. 5, 11(4), 21(8))
- F38** Words in s. 11A(8) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(f)** (with art. 12)

#### Modifications etc. (not altering text)

- C21** S. 11A(8) functions transferred (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), arts. 1(2), **4(1)**, (2)(c) (with art. 5)

### 11B Power to charge fees in relation to release of datasets for re-use

- (1) The [<sup>F39</sup>Minister for the Cabinet Office] may, with the consent of the Treasury, make provision by regulations about the charging of fees by public authorities in connection with making relevant copyright works available for re-use under section 11A(2) or by virtue of section 19(2A)(c).
- (2) Regulations under this section may, in particular—
- (a) prescribe cases in which fees may, or may not, be charged,
  - (b) prescribe the amount of any fee payable or provide for any such amount to be determined in such manner as may be prescribed,
  - (c) prescribe, or otherwise provide for, times at which fees, or parts of fees, are payable,
  - (d) require the provision of information about the manner in which amounts of fees are determined,
  - (e) make different provision for different purposes.
- (3) Regulations under this section may, in prescribing the amount of any fee payable or providing for any such amount to be determined in such manner as may be prescribed, provide for a reasonable return on investment.
- (4) In this section “relevant copyright work” has the meaning given by section 11A(8). ]



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**Annotations:**

**Amendments (Textual)**

- F36** Ss. 11A, 11B inserted (31.7.2013 for the insertion of s. 11B, 1.9.2013 in so far as not already in force) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. **102(3)**, 120 (with s. 97); S.I. 2013/1906, arts. 2, 3(a)
- F39** Words in s. 11B(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(g)** (with art. 12)

**Modifications etc. (not altering text)**

- C22** S. 11B(1) functions transferred (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), arts. 1(2), **4(1)**, (2)(d) (with art. 5)

**12 Exemption where cost of compliance exceeds appropriate limit.**

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.
- (3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.
- (4) The [<sup>F40</sup>Minister for the Cabinet Office] may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
  - (a) by one person, or
  - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.
- (5) The [<sup>F41</sup>Minister for the Cabinet Office] may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

**Annotations:**

**Amendments (Textual)**

- F40** Words in s. 12(4) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(h)** (with art. 12)
- F41** Words in s. 12(5) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(h)** (with art. 12)

**Modifications etc. (not altering text)**

- C23** S. 12(3)-(5) functions transferred (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), arts. 1(2), **4(1)**, (2)(e) (with art. 5)

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#### Commencement Information

- I3** S. 12 wholly in force at 1.1.2005; s. 12 in force at Royal Assent to the extent that it confers power to make regulations, see s. 87(1)(m)(3); s. 12 otherwise in force at 1.1.2005 by [S.I. 2004/3122](#), [art. 2](#)

### 13 Fees for disclosure where cost of compliance exceeds appropriate limit.

- (1) A public authority may charge for the communication of any information whose communication—
- (a) is not required by section 1(1) because the cost of complying with the request for information exceeds the amount which is the appropriate limit for the purposes of section 12(1) and (2), and
  - (b) is not otherwise required by law,
- such fee as may be determined by the public authority in accordance with regulations made by the [<sup>F42</sup>Minister for the Cabinet Office].
- (2) Regulations under this section may, in particular, provide—
- (a) that any fee is not to exceed such maximum as may be specified in, or determined in accordance with, the regulations, and
  - (b) that any fee is to be calculated in such manner as may be prescribed by the regulations.
- (3) Subsection (1) does not apply where provision is made by or under any enactment as to the fee that may be charged by the public authority for the disclosure of the information.

#### Annotations:

##### Amendments (Textual)

- F42** Words in [s. 13\(1\)](#) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), [art. 1\(2\)](#), [Sch. 2 para. 14\(2\)\(i\)](#) (with [art. 12](#))

##### Modifications etc. (not altering text)

- C24** [S. 13\(1\)](#) functions transferred (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), [arts. 1\(2\)](#), [4\(1\)](#), [\(2\)\(f\)](#) (with [art. 5](#))

#### Commencement Information

- I4** [S. 13](#) wholly in force at 1.1.2005; [s. 13](#) in force at Royal Assent to the extent that it confers power to make regulations, see [s. 87\(1\)\(m\)\(3\)](#); [s. 13](#) otherwise in force at 1.1.2005 by [S.I. 2004/3122](#), [art. 2](#)

### 14 Vexatious or repeated requests.

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.
- (2) Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

*Status: This version of this cross heading contains provisions that are prospective.*

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## **15 Special provisions relating to public records transferred to Public Record Office, etc.**

### (1) Where—

- (a) the appropriate records authority receives a request for information which relates to information which is, or if it existed would be, contained in a transferred public record, and
- (b) either of the conditions in subsection (2) is satisfied in relation to any of that information,

that authority shall, within the period for complying with section 1(1), send a copy of the request to the responsible authority.

### (2) The conditions referred to in subsection (1)(b) are—

- (a) that the duty to confirm or deny is expressed to be excluded only by a provision of Part II not specified in subsection (3) of section 2, and
- (b) that the information is exempt information only by virtue of a provision of Part II not specified in that subsection.

### (3) On receiving the copy, the responsible authority shall, within such time as is reasonable in all the circumstances, inform the appropriate records authority of the determination required by virtue of subsection (3) or (4) of section 66.

### (4) In this Act “transferred public record” means a public record which has been transferred—

- (a) to the Public Record Office,
- (b) to another place of deposit appointed by the [<sup>F43</sup>Secretary of State] under the <sup>M2</sup>Public Records Act 1958, or
- (c) to the Public Record Office of Northern Ireland.

### (5) In this Act—

“appropriate records authority”, in relation to a transferred public record, means—

- (a) in a case falling within subsection (4)(a), the Public Record Office,
- (b) in a case falling within subsection (4)(b), the [<sup>F44</sup>Secretary of State], and
- (c) in a case falling within subsection (4)(c), the Public Record Office of Northern Ireland;

“responsible authority”, in relation to a transferred public record, means—

- (a) in the case of a record transferred as mentioned in subsection (4)(a) or (b) from a government department in the charge of a Minister of the Crown, the Minister of the Crown who appears to the [<sup>F44</sup>Secretary of State] to be primarily concerned,
- (b) in the case of a record transferred as mentioned in subsection (4)(a) or (b) from any other person, the person who appears to the [<sup>F44</sup>Secretary of State] to be primarily concerned,
- (c) in the case of a record transferred to the Public Record Office of Northern Ireland from a government department in the charge of a Minister of the Crown, the Minister of the Crown who appears to the appropriate Northern Ireland Minister to be primarily concerned,
- (d) in the case of a record transferred to the Public Record Office of Northern Ireland from a Northern Ireland department, the Northern Ireland Minister who appears to the appropriate Northern Ireland Minister to be primarily concerned, or

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- (e) in the case of a record transferred to the Public Record Office of Northern Ireland from any other person, the person who appears to the appropriate Northern Ireland Minister to be primarily concerned.

**Annotations:**

**Amendments (Textual)**

- F43** Words in s. 15(4)(b) substituted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), art. 1(2), **Sch. para. 2(5)(a)**
- F44** Words in s. 15(5) substituted (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), art. 1(2), **Sch. para. 2(5)(a)**

**Commencement Information**

- I5** S. 15 wholly in force at 1.1.2005; s. 15 not in force at Royal Assent, see s. 87(3); s. 15(4)(5) in force for certain purposes at 1.1.2005 by [S.I. 2004/1909](#), **art. 2**; s. 15 otherwise in force at 1.1.2005 by [S.I. 2004/3122](#), **art. 2**

**Marginal Citations**

- M2** 1958 c. 51.

**16 Duty to provide advice and assistance.**

- (1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.
- (2) Any public authority which, in relation to the provision of advice or assistance in any case, conforms with the code of practice under section 45 is to be taken to comply with the duty imposed by subsection (1) in relation to that case.

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

Freedom of Information Act 2000, Cross Heading: Right to information is up to date with all changes known to be in force on or before 05 August 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 Pt. 4 para. 53(1)(aa) inserted by [2017 c. 29 Sch. 11 para. 29\(2\)\(a\)](#)
- Sch. 1 Pt. 4 para. 53(2)(aa) inserted by [2017 c. 29 Sch. 11 para. 29\(3\)\(a\)](#)