

# **FREEDOM OF INFORMATION ACT 2000**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part II: Exempt information**

##### ***Section 21: Information accessible to public by other means***

86. **Section 21** exempts information if it is reasonably accessible to the applicant by other means. This provision confers absolute exemption for the purposes of section 2. Information may be exempt by virtue of this provision even though it is available only on payment. Information available by virtue of other legislation (other than information which is required to be available for inspection) is deemed to be reasonably accessible to the applicant and therefore exempt. Information which is available for inspection, whether voluntarily or under another enactment, will only be exempt by virtue of this section if it is in fact reasonably accessible to the applicant. Examples of the type of information covered by this exemption include: books and pamphlets published by an authority, or birth, marriage and death certificates available under other legislation.
87. The section does not apply simply because the information is available from the public authority itself on request (other than information which the authority is obliged by or under any enactment to make available), unless it is made available in accordance with the authority's publication scheme and any payment required is specified in or determined in accordance with that scheme.