



Freedom of Information Act 2000

2000 CHAPTER 36

PART III

GENERAL FUNCTIONS OF [^{F1}MINISTER FOR THE CABINET OFFICE], SECRETARY OF STATE] AND INFORMATION COMMISSIONER

45 Issue of code of practice [^{F1}by the Minister for the Cabinet Office].

- (1) The [^{F2}Minister for the Cabinet Office] shall issue, and may from time to time revise, a code of practice providing guidance to public authorities as to the practice which it would, in his opinion, be desirable for them to follow in connection with the discharge of the authorities' functions under Part I.
 - (2) The code of practice must, in particular, include provision relating to—
 - (a) the provision of advice and assistance by public authorities to persons who propose to make, or have made, requests for information to them,
 - (b) the transfer of requests by one public authority to another public authority by which the information requested is or may be held,
 - (c) consultation with persons to whom the information requested relates or persons whose interests are likely to be affected by the disclosure of information,
 - (d) the inclusion in contracts entered into by public authorities of terms relating to the disclosure of information,
 - [^{F3}(da) the disclosure by public authorities of datasets held by them,] and
 - (e) the provision by public authorities of procedures for dealing with complaints about the handling by them of requests for information.
- [^{F4}(2A) Provision of the kind mentioned in subsection (2)(da) may, in particular, include provision relating to—
- (a) the giving of permission for datasets to be re-used,
 - (b) the disclosure of datasets in an electronic form which is capable of re-use,
 - (c) the making of datasets available for re-use in accordance with the terms of a licence,

*Changes to legislation: There are currently no known outstanding effects for the
 Freedom of Information Act 2000, Section 45. (See end of Document for details)*

- (d) other matters relating to the making of datasets available for re-use,
 - (e) standards applicable to public authorities in connection with the disclosure of datasets.]
- (3) [^{F5}Any code under this section] may make different provision for different public authorities.
- (4) Before issuing or revising any code under this section, the [^{F6}Minister for the Cabinet Office] shall consult the Commissioner.
- (5) The [^{F7}Minister for the Cabinet Office] shall lay before each House of Parliament any code or revised code made under this section.

Textual Amendments

- F1** Words in s. 45 heading 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(4)** (with art. 12)
- F2** Words in s. 45(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)(k)** (with art. 12)
- F3** S. 45(2)(da) inserted (1.9.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 102(5)(a)**, 120 (with s. 97); [S.I. 2013/1906](#), art. 3(a)
- F4** S. 45(2A) inserted (1.9.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 102(5)(b)**, 120 (with s. 97); [S.I. 2013/1906](#), art. 3(a)
- F5** Words in s. 45(3) substituted (1.9.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 102(5)(c)**, 120 (with s. 97); [S.I. 2013/1906](#), art. 3(a)
- F6** Words in s. 45(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)(k)** (with art. 12)
- F7** Words in s. 45(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)(k)** (with art. 12)

Modifications etc. (not altering text)

- C1** S. 45(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)(g) (with art. 5)
- C2** S. 45(4)(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)(g) (with art. 5)

Commencement Information

- I1** S. 45 wholly in force at 30.11.2002; s. 45 in force at Royal Assent to the extent that it confers power to make code of practice, see s. 87(1)(m)(3); s. 45 otherwise in force at 30.11.2002 by [S.I. 2002/2812](#), **art. 2(b)**

Changes to legislation:

There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 45.