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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Freedom of Information Act 2000 (“the Act”) provides for the right to make a request for information to a public authority and entitles a person (“the applicant”) making such a request: (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 (section 1(1)).

Section 10(1) of the Act requires a public authority to comply with a request promptly, and in any event, not later than twenty working days following the date of receipt. Where the authority gives the applicant a fees notice, 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 for the purpose of calculating the twentieth working day following the date of receipt referred to in section 10(1) (section 10(2)).

These Regulations are made under section 10(4) of the Act. They allow certain public authorities a longer maximum period of time than is provided under section 10(2) to comply with section 1(1) of the Act, provided that this longer period expires on a date not later than the sixtieth working day following the receipt of the request for information and subject to the obligation on the public authority to comply “promptly”.

Regulation 2 provides that where a request for information is received by the managers of a controlled school, voluntary school, grant-maintained integrated school or pupil referral unit, for the purposes of section 10(1) or (2) of the Act, working days which are not school days are not to be taken into account in calculating the twentieth working day following the date of receipt. The public authority must comply with the request within twenty working days of the date of receipt, disregarding any working day which, in relation to the school, is not a school day, or within sixty working days following the date of receipt, whichever is the sooner.

The managers of a controlled school, voluntary school, grant-maintained integrated school or pupil referral unit are a public authority, as defined by section 3 of the Act. A body, person or office holder can be a public authority either by: 1) being listed in Schedule 1 to the Act; 2) being designated by order under section 5 of the Act; or 3) being a publicly-owned company as defined by section 6 of the Act. The managers of a controlled school, voluntary school, grant-maintained integrated school or pupil referral unit are listed in paragraph 54 in Part 4 of Schedule 1 to the Act.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.