



FACTSHEET 7

Freedom of Information Act 2000

The Freedom of Information Act 2000 (often shortened to FOIA) came fully into force on 1st January 2005 and gives people rights to seek information from 'public authorities'.

Broadly speaking, public authorities include central government, local authorities, the health sector, the police and armed forces, and the education sector. A list of the organisations covered by the FOIA (around 100,000!) is available from the Department of Constitutional Affairs (see over for contact details).

The implications for voluntary organisations

The FOIA is potentially both a source of opportunity and a source of risk for voluntary organisations.

The opportunities

The FOIA is intended to make Government decisions - at all levels - more transparent and represents a great opportunity for campaigning organisations to use information to put pressure on the Government. Voluntary organisations can use the Act for other reasons too; for example, an organisation that loses out on a bid to deliver a public service could investigate the winning contractor to see why they won.

Any information held by a public authority is eligible for release. However, a number of exemptions

may be applied to cover areas such as defence, national security, commercial confidentiality and personal data. The legislation is designed to strike a balance between people's right to know, and the need for government to be able to govern effectively.

Making a request

The legislation sets out how requests should be made, how the public authority should respond and the circumstances in which a public authority can refuse to grant a request. It also provides for the majority of requests for information to be free of charge, although in certain circumstances the public authority can make a charge.

The risks

At this early stage there are no voluntary organisations on the list of organisations covered by the Act and as yet no voluntary organisation has been asked to provide information under the Act. Most voluntary organisations need not be concerned about the Act because they do not meet the criteria that would designate them as public authorities; they will only feel the impact of this law, if at all, when they themselves use it to make requests for information.

However, it is possible that a voluntary organisation that is contracted by a public authority to provide a public service, and holds

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information on behalf of that public authority, *could* be designated as a public authority under the Act and therefore *could* be required to comply with requests for information relating to that particular piece of work.

Voluntary organisations that provide, or are thinking about providing, a public service on behalf of a public authority should clarify their possible obligations under the FOIA with the public authority concerned, and ensure that their information handling and filing systems could cope with any requests for information. This doesn't necessarily mean spending money on expensive IT, but having a system that works for the organisation and ensuring staff are trained to use it properly.

Freedom of Information or Data Protection?

If the information being sought is in relation to a public authority, then the Freedom of Information Act 2000 will apply. Individuals wanting to obtain information about themselves need to make a 'Subject Access Request' under the Data Protection Act 1998.

Sources of information

The full text of the Act (as published in 2000) is available on the HMSO website:
www.hmso.gov.uk

Both the Department for Constitutional Affairs and the Information Commissioner's Office have comprehensive information about the Act, useful both for organisations that think they might be covered by the Act and for organisations wanting to request access to information.

Department for Constitutional Affairs
Tel: 020 7210 8614
Email: generalqueries@dca.gov.uk
www.dca.gov.uk/foi/index.htm


Information Commissioner's Office
Tel: 01625 545700
Email: mail@ico.gov.uk
www.informationcommissioner.gov.uk

The Charity Commission is a good example of how a public body has taken steps to deal with the Act. See their website section below.

Charity Commission
Tel: 08703 330123
Email: enquiries@charitycommission.gsi.gov.uk
Website: www.charity-commission.gov.uk/spr/pubscheme.asp

FURTHER HELP

Core Services
Dudley Council for Voluntary Service
7 Albion Street
Brierley Hill
West Midlands
DY5 3EE

 01384 78166
www.dudleycvs.org.uk