

Corporate Watch

MODULE 3:

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# FREEDOM OF INFORMATION REQUESTS

## AIMS OF THIS SECTION

- ▶ To gain a basic understanding of Freedom of Information Requests.
- ▶ To understand their uses and limitations.
- ▶ To get basic advice on writing an FOI.

## WHAT IS A FREEDOM OF INFORMATION REQUEST?

- ▶ The Freedom of information Act 2000 gives you the right to ask any public sector organisation for information they hold.
- ▶ A Freedom of Information Request (FOI) is a written request for information from a public authority.
- ▶ This includes government departments, local councils, NHS bodies, police, armed forces, regulators, quangos, the BBC, advisory committees, museums and publicly owned companies.

## LEARNING MORE ABOUT FOIS

- ▶ This is a very basic introduction!
- ▶ Credit to David Whyte, University of Liverpool for these resources.
- ▶ There is some great training available on how to do a FOI request with the Campaign for Freedom of Information: [https://  
www.cfoi.org.uk/foi-training/](https://www.cfoi.org.uk/foi-training/)



## FREEDOM OF INFORMATION ACT (2000)

- ▶ The act applies to:
- ▶ Public Authorities
- ▶ Publicly-owned companies (companies that are wholly owned by the Crown, public authority or government department)
- ▶ However there are several exemptions.

## EXEMPTIONS

- ▶ Information Accessible to Applicant by Other Means
- ▶ Information Intended for Future Publication
- ▶ National Security
- ▶ Ministerial Certificates
- ▶ Defence
- ▶ International Relations
- ▶ Relations within the United Kingdom
- ▶ Investigations and Proceedings Conducted by Public Authorities
- ▶ Law Enforcement
- ▶ Court Records, etc.
- ▶ Audit Functions
- ▶ Parliamentary Privilege
- ▶ Formulation of Government Policy, etc.

## EXEMPTIONS CONTINUED

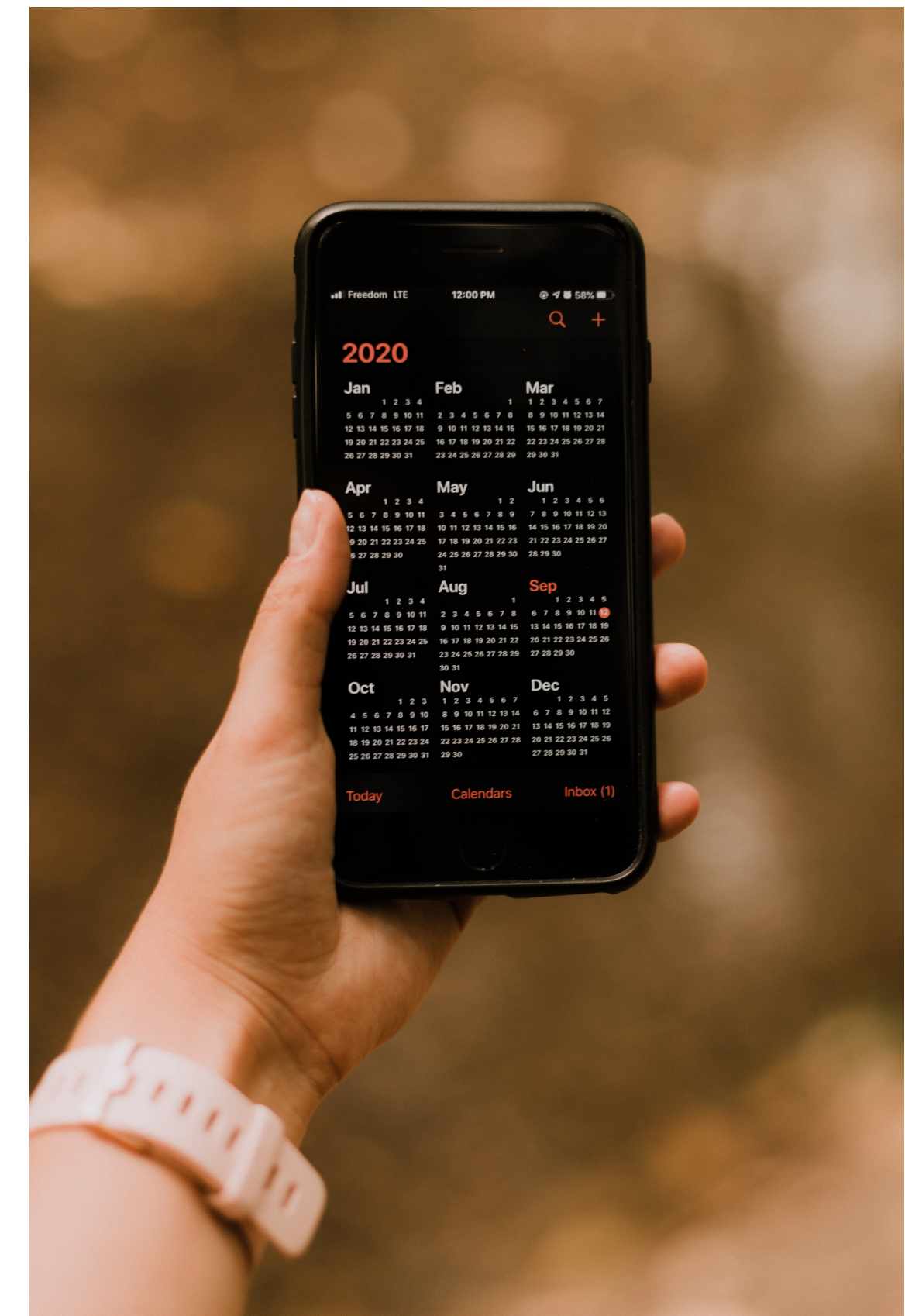
- ▶ Prejudice to Effective Conduct of Public Affairs
- ▶ Communications with Royal Family
- ▶ Health and Safety
- ▶ Environmental Information
- ▶ Personal Information
- ▶ Information Provided in Confidence
- ▶ Legal Professional Privilege
- ▶ Commercial Interests
- ▶ Duty to Provide Advice and Assistance





# TIMING

- ▶ Authorities must respond as soon as possible - at the very latest within 20 working days. Councils have 30 days to respond.
- ▶ Top tip! Enter your FOI requests in your calendar so you know when they have over-run.
- ▶ They must provide a reasonable ground for a delay.





# REFUSALS

- ▶ Authorities must give detailed reasons for any refusal to release information.
- ▶ Authorities have a legal duty to provide you with advice and assistance (even to the point of helping you draft your request).
- ▶ One common reason for refusals is cost. Public Authorities can refuse requests that would cost either more than £600 for central government or £450 for other public authorities to deal with the request.
- ▶ They may also respond with an offer to charge for requests that cost more than these amounts (though this is uncommon).
- ▶ They can also charge for reasonable photocopying and postage costs (if the quote is in excess), however this is also unlikely.



## VEXATIOUS OR REPEATED REQUESTS

- ▶ Authorities can refuse if they believe the request is 'vexatious'.
- ▶ 'Vexatious' - meaning is contextual.
- ▶ "...manifestly unjustified, inappropriate or improper use of a formal procedure."

what's the  
opposite of  
vexatious?



pleasing, assisting, helpful,  
soothing, aiding, placatory,  
delightful, cheering



## VEXATIOUS OR REPEATED REQUESTS

Information officers may ask:

- ▶ Can the request fairly be seen as obsessive?
- ▶ Is the request harassing the authority or causing distress to staff?
- ▶ Would complying with the request impose a significant burden in terms of expense and distraction?
- ▶ Is the request designed to cause disruption or annoyance?
- ▶ Does the request lack any serious purpose or value?



## APPEALS

- ▶ If your request gets refused, you will need to write a formal written complaint to the public authority asking them to reconsider.
- ▶ If this fails, you have a right to appeal to the Information Commissioner: <https://ico.org.uk>





## EXAMPLE: ROUGH SLEEPER IMMIGRATION RAIDS

- ▶ <https://corporatewatch.org/the-round-up-rough-sleeper-immigration-raids-and-charity-collaboration-2/>
- ▶ <https://www.whatdotheyknow.com/search/rough%20sleeping%20eea%20nationals/all>





## HOW TO MAKE AN FOI REQUEST – STEP ONE

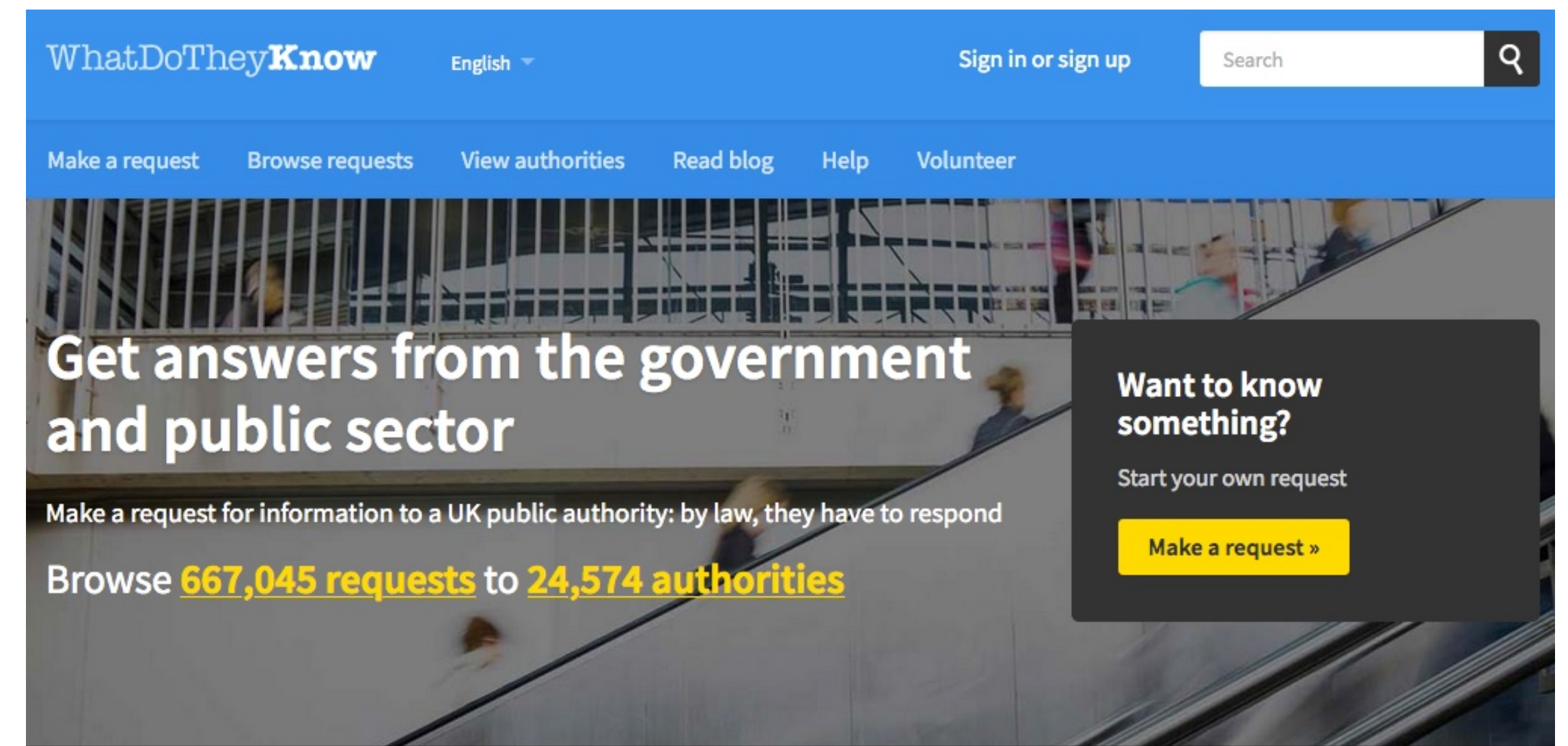
- ▶ Frame the 'right' question - the question is everything.
- ▶ Have some knowledge about the subject e.g. the correct lingo on a project.
- ▶ Useful 'awareness guidance' is available at the Information Commissioners' website, [ico.org.uk](https://ico.org.uk)





## HOW TO MAKE AN FOI REQUEST – STEP TWO

- ▶ Know what's out there already.
- ▶ It may be the case that the data you seek is already in the public domain. E.g. on a gov website.
- ▶ You can also check What Do They Know - [www.whatdotheyknow.com](http://www.whatdotheyknow.com)





## HOW TO MAKE AN FOI REQUEST – STEP THREE

- ▶ Think about the scale of your request.
- ▶ Will it go over the time/cost limit?
- ▶ This time/cost limit works out as 24 hours' work for central government, parliament and the armed forces, and 18 hours' work for all other public authorities.





## HOW TO MAKE AN FOI REQUEST – STEP FOUR

- ▶ David White's opinion - Be open about who you are. It is best to be open and honest about your interest in the subject and the purpose of the inquiry.
- ▶ In the words of one police force Assistant Chief Constable: "They are going to google you anyway."
- ▶ Pseudonyms can backfire with appeals.
- ▶ If you don't want to use your name, then see if someone in an organisation can do it e.g. someone at a University or an NGO.





## HOW TO MAKE AN FOI REQUEST – STEP FIVE

- ▶ Try to make ‘informal’ contact with someone in the organisation.
- ▶ It is possible that the information can be made available without a formal application.
- ▶ It also helps to establish contact before making a Freedom of Information request.





## HOW TO MAKE AN FOI REQUEST – STEP SIX

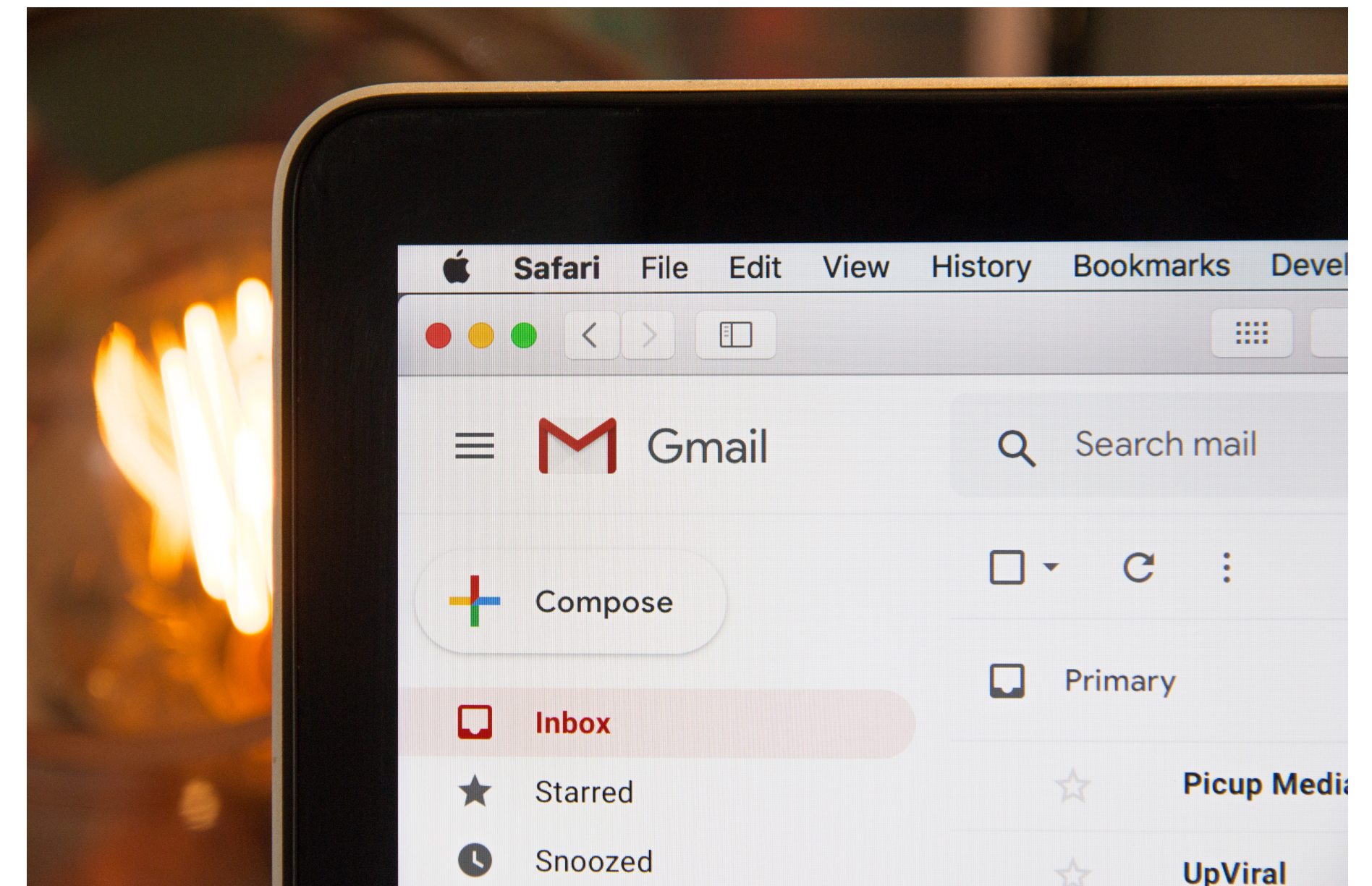
- ▶ When you do make a formal FOI request: be as specific as possible.
- ▶ It might be worth asking for a list or schedule of the information first.
- ▶ Remember that not all information will be held in paper records (ask for all paper and electronically recorded information).





## HOW TO MAKE AN FOI REQUEST – STEP SEVEN

- ▶ Keep in contact after you have submitted a Freedom of Information request.
- ▶ It will help to provide your contact with context.
- ▶ Remember that every public authority is under an obligation to advise you on your request.





## HOW TO MAKE AN FOI REQUEST – STEP EIGHT

- ▶ Be aware of the limits of your data.
- ▶ Your data may not be useable in the way you hope.
- ▶ Your data may not be comparable across authorities or may not be consistent across time.



# EXAMPLE: DRONES

[https://www.whatdotheyknow.com/request/use\\_of\\_drones\\_3](https://www.whatdotheyknow.com/request/use_of_drones_3)

Dear City of London Police,

Please can you tell me if the City of London Police has used drones (UAVs) during 2019-20, either operationally or in testing?

If drones have been used please confirm

- a) the dates of their use
- b) The purpose for using them
- c) the company which supplied them

Yours faithfully,

Tom Anderson

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I have today decided to disclose the located information to you.

The City of London Police do not use drones.





## EXAMPLE: PRISONS

[https://www.whatdotheyknow.com/request/local\\_authorities\\_that\\_submitted#incoming-948475](https://www.whatdotheyknow.com/request/local_authorities_that_submitted#incoming-948475)

Dear Ministry of Justice,

Can you please tell me which Local Authorities in England and Wales submitted plans to the Ministry of Justice in 2016 regarding suitable land for building a new prison in their area.

Yours faithfully,  
David Scott





EXAMPLE: PRISONS

Local Authorities in England and Wales who submitted plans to the Ministry of Justice in 2016 regarding suitable land for building a new prison in their area
Bassetlaw District Council
Blackburn with Darwen Borough Council
Braintree District Council
Cheshire West and Chester
Corby Borough Council
Derbyshire County Council
Derbyshire Dales District Council
East Riding of Yorkshire Council
Hinckley and Bosworth Borough Council
Kent County Council
Lancaster City Council
Northamptonshire County Council
Rhonda, Cynon, Taff County Borough Council
Rossendale Borough Council
Sandwell Metropolitan Borough Council
Stafford Borough Council
Swale Borough Council
Tendring District Council
Tunbridge Wells Borough Council
Wellingborough Borough Council

# EXAMPLE: UNIVERSITIES DATABASE

► <https://www.palestinecampaign.org/university-complicity-database/>

## University Database

Israel's system of institutionalised racist discrimination, amounting to the crime of apartheid, can only be sustained because of weapons, technology and other support it receives from companies around the world. UK Universities collectively invest nearly over £450m in companies complicit in Israeli violations of international law.

Check out [our guide](#) on how to build a campaign to get #ApartheidOffCampus and get your university to pledge to be #ApartheidFree!

*This latest version of the database has been updated, and now contains even more information of universities investments in and institutional ties with complicit companies.*



Find your university here to see what investments it has in companies that are involved in the grave breaches of international law carried out by the Israeli government towards the Palestinians.

Choose a university ▼