# The Freedom of Information Act and Electronic Publishing

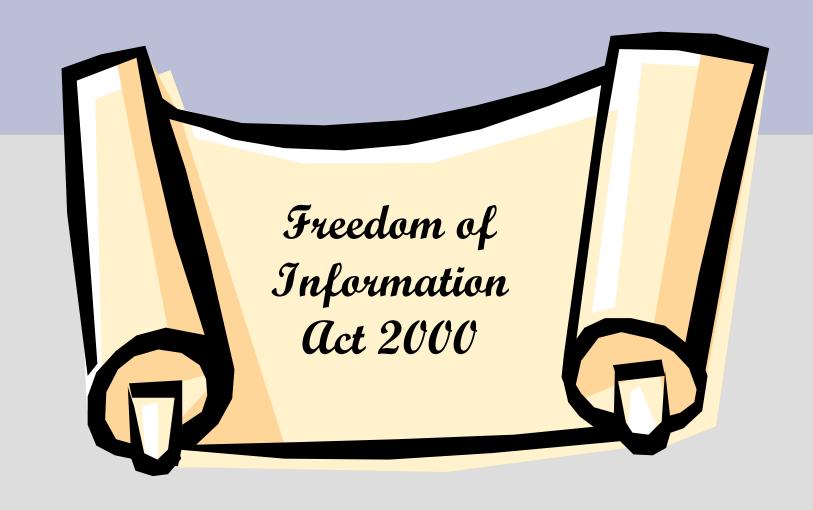
# Rosamund Cummings Consultant for Records Management Data Protection and FOI Compliance

This document is part of a collection of presentations with a focus on the Legal and Social Aspects of Electronic Publishing. For full details of this and the rest of the collection see the cover sheet at: http://humbox.ac.uk/3101/

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#### **Enforcement:**

Information Commissioner,
Christopher Graham

#### **Legal Penalties:**

- Unlimited fines
- Imprisonment

#### **Authorities Covered**

- Government Bodies
- Local Authorities
- Police Authorities
- Health Authorities
- Education Institutions

#### **Publication Scheme**

- Council and Committee Minutes
- Administration records
- Policies and Guidelines
- Statistics
- Publications

#### **Publication Scheme**

- Access to Information
- Name and contact details of FOI Officer
- Charges (if applicable)
- Appeal procedure

#### **Access to information**

- Requests by Post, Email, or Fax
- All requests covered by legislation
- 20 working days to respond
- Charges (if applicable)

#### **WebPage Information**

#### **Essential for compliance**

- Latest information
- Accurate and up-to-date
- Archive

#### **Exemptions**

#### **Absolute:**

- Information already accessible
- Court records
- Parliamentary privilege
- Court prohibitions
- National Security
- Information subject to the Data Protection Act

#### **Exemptions**

#### **Public Interest:**

- Information intended for future publication
- Commercial interests
- Health and Safety information
- Investigations of Public Authorities
- Audit functions
- Information about a third party

# **Explanation of Refusal**

- Which exemption?
- Why it applies
- Public Interest Test

Publication may be enforced

#### **Vexatious requests**

- Harassing the Institution
- Imposing a burden
- Causing disruption
- No serious purpose
- Repeated request

Proof of annoyance required

## Organisations not covered by FOI

Contracts with Organisations covered by FOI can be the subject of Requests for Information

Legal Requirement for FOI Act

**Recommended for Data Protection** 

# **Other Legislation**

Tax Laws

Employment Records

Research requirements

#### Who knows:

What information is created?

• Where it is held?

How long it is kept?

# **Organisation Compliance**

Information Commissioner recommends a combination of the posts of:

- Records Manager
- Data Protection Officer
- Freedom of Information Officer

### Requirements

Policy

Procedures

Retention Schedule

#### **Electronic files**

- Metadata
- Secure storage
- Update format regularly

# Paper files

Clear name or number

Secure storage

Secure disposal

#### **Archive**

Publications

Records of Institution

Memorabilia

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