

# Freedom of Information Act 2015

## Guidance

### Introduction

A request for information can be made under the Freedom of Information Act 2015 ("the Act") by an Isle of Man resident (individual or organisation) to a public authority ("authority") listed in Schedule 1 of the Act. The information requested must be held by the authority at the time the request is received and have been created on or after 11 October 2011. If your request falls outside these parameters you can make your request for information under the Code of Practice on Access to Government Information.

An authority must respond to your request and in any event within 20 working days from receipt of your request.

#### 1. Request information from

Ensure that you are directing your request for information to the authority which is most likely to hold the information. If you direct your request to an authority which does not hold the information you have requested, they will issue a refusal notice giving a valid reason why the information cannot be provided to you.

#### 2. Your details

- a) You may request information as an individual or an organisation (company, interest group, trust etc.) provided you are resident in the Isle of Man.
- b) It is not necessary for you to provide a telephone number or email but they will help if there are any queries about your request.
- c) If you do not indicate your preferred method of contact, and an email address has been provided, the authority will write to you via email. If no email has been given then the authority will write to you, using the address provided.

#### 3. Information requested

- a) You do not have to give any reason(s) for making your request.
- b) Please provide as much information as possible to assist the authority to respond to your request.
- c) If your request is simple and straightforward the authority may be able to answer it without you having to complete a request form. You may wish to consider telephoning the authority prior to sending any request for information to identify whether the information can be provided to you by any other means.
- d) If, at the time of making your request for information, you express a preference for receiving the information by any one or more of the following means, the authority will, where reasonably practicable give effect to your preference. Such means are:-
  - i. a copy of the information in permanent form or in another acceptable form;
  - ii. a digest or summary of the information; and

- iii. a reasonable opportunity for you to inspect a record containing the information.

The authority will take into consideration all the circumstances, including cost, when determining what is a reasonably practicable way of providing the information to you. If the provision of the information in a certain way is not considered reasonably practicable then the authority will let you know the reason for this.

#### 4. **Practical refusal reasons/exemptions**

Where certain conditions are satisfied the authority is entitled to refuse to provide the information requested. These conditions are where there is a practical refusal reason, or where the requested information is subject to an absolute exemption or a qualified exemption and the public interest test is satisfied.

- a) *Practical Refusal Reason* includes: if the information is not held or cannot be found after taking reasonable steps to do so, complying with the request would require the authority to do something that it is not required to do, your request is not a valid request for the purposes of the Act, your request is vexatious, malicious, frivolous, misconceived or lacking in substance, your request relates to information identical or substantially similar to information previously requested and supplied and a reasonable time has not passed between requests.
- b) *Absolutely Exempt Information* includes: information accessible to you by other means, information protected by parliamentary privilege, communications with the Crown, information under international agreements about exchange of information, personal information, information provided in confidence, and information the disclosure of which is restricted by law unless an authority is not required to do so.
- c) *Qualified Exempt Information* where the public interest in maintaining the exemption outweighs the public interest in disclosing the information, includes: national security and defence, international relations, economy and commercial interests, investigations and legal proceedings, law enforcement, audit functions, formulation of policy, conduct of public business, health and safety, research and natural resources, qualified exempt communications with the Crown, qualified exempt personal information, legal professional privilege, and, information for future publication.

If any practical refusal reasons or exemptions apply to your request you will be provided with a full explanation.

#### 5. **Personal information**

Requests solely for your personal information are absolutely exempt requests under the Act. These requests should be made under the Data Protection Act 2002 as a Subject Access Request. If your request is for personal information about yourself and can be processed under the Data Protection Act 2002 then the authority will write to you to let you know that your request is being processed as a Subject Access Request and will request the fee payable.

#### 6. **Other things you should know**

You should only make a request for information that cannot be located through other means.

Any personal information you provide when making your request will only be processed for the purpose of your request for information under the Act.

After responding to your request for information, the authority may publish anonymised requests and responses on an online disclosure log. Information published in an authority's disclosure log may be treated as exempt under the absolute exemption 'information accessible by other means'.