

Appendix 1

Outline of the processes and deadlines for the UK Freedom of Information (FOI) Act and Environmental Information Regulations (EIR):

Freedom of Information (FOI) Act

1. **Request Submission:**
 - Any person can make a request for information held by a public authority.
 - Requests must be in writing (email, letter, or online form).
2. **Response Time:**
 - Public authorities must respond **within 20 working days** of receiving the request
 - If an extension is needed to consider the public interest test, the authority must inform the requester within the initial 20 working days
3. **Possible Outcomes:**
 - **Full Disclosure:** Information is provided.
 - **Partial Disclosure:** Some information is withheld due to exemptions.
 - **Refusal:** Request is denied, with reasons provided (e.g., cost, exemptions).
4. **Exemptions:**
 - Certain information may be exempt from disclosure (e.g., national security, personal data).

Environmental Information Regulations (EIR)

1. **Request Submission:**
 - Like FOI, any person can request environmental information from public authorities
 - Requests can be made verbally or in writing
2. **Response Time:**
 - Authorities must respond **as soon as possible, and no later than 20 working days** after receiving the request
 - For complex or voluminous requests, the deadline can be extended to **40 working days**
3. **Possible Outcomes:**
 - **Full Disclosure:** Information is provided
 - **Partial Disclosure:** Some information is withheld due to exceptions
 - **Refusal:** Request is denied, with reasons provided (e.g., exceptions, complexity)
4. **Exceptions:**
 - Certain environmental information may be withheld (e.g., confidentiality of commercial information, public safety)

Both processes aim to promote transparency and public access to information, with specific provisions to handle sensitive or complex requests.

If a request is refused under the FOI Act or EIR, the public authority must provide a clear explanation for the refusal. Here is what typically happens:

Refusal Process

1. **Notification:**
 - The requester is informed in writing about the refusal
 - The notification includes the reasons for the refusal, citing specific exemptions or exceptions

2. **Right to Appeal:**

- The requester is informed of their right to appeal the decision
- They can request an internal review by the public authority

3. **Internal Review:**

- The public authority conducts an internal review of the decision
- This review should be completed within a reasonable timeframe, usually within 20 working days

4. **Further Appeal:**

- If the requester is still dissatisfied after the internal review, they can appeal to the Information Commissioner's Office (ICO)
- The ICO will investigate the complaint and make a decision

5. **Tribunal:**

- If the requester or the public authority disagrees with the ICO's decision, they can appeal to the First-tier Tribunal (Information Rights)

Example Scenario

Imagine you request detailed financial records from a public authority. If they refuse, they might cite an exemption related to commercial interests. You can then ask for an internal review, and if still unsatisfied, escalate to the ICO.

Common Reasons for Refusal

- Exemptions (FOI): Information may be exempt due to reasons like national security, personal data protection, or commercial interests.
- Exceptions (EIR): Environmental information may be withheld for reasons such as confidentiality of commercial information or public safety concerns.
- Cost: If the cost of compliance exceeds the appropriate limit, the request may be refused. See below for further details.

The cost of compliance threshold for Freedom of Information (FOI) requests is set to ensure that public authorities are not unduly burdened by the cost of responding to requests. The threshold is £450 for local councils.

If the estimated cost of complying with an FOI request exceeds these limits, the public authority can refuse the request. The cost estimate includes the time spent locating, retrieving, and extracting the information, calculated at a standard rate of £25 per hour.

There is no such threshold for EIR. Refusal is only allowed if it is felt to be 'manifestly unreasonable.'