

How to make a freedom of information request

You need to be fully informed to protect members. However there may be information relevant to the redundancy process that the council is unwilling to give. This factsheet explains your rights under the Freedom of Information Act(s). This can include financial information or getting to the bottom of how genuine the consultation process actually is.

The Freedom of Information Acts

The Freedom of Information Act 2000 applies to all information held by public authorities. (slightly improved conditions apply to Scotland under the Freedom of Information (Scotland) Act 2002). It allows access to recorded information. This means you can have access to information held by public authorities or information that is held on their behalf.

Before making your information request

Many local authorities already make a lot of information available, so ask for it or check to see if it's available. If you can already get hold of it, the council isn't obliged to deal with your request.

Who can request information under FOI?

Anyone can request information under the act regardless of age, nationality or location.

How do I make a request?

Include:

- your name
- a description of the information you want
- any preferences for the format for receiving the information.

(you don't have to say why you want the information)

What happens when I make a request?

When a council receives a request for information it has to respond promptly within 20 working days. The council will consider your request and let you know if it can provide the information requested, or explain why it can't. If the council does not respond within 20 working days, write them a reminder letter. If the council still does not respond, you can refer the request to an information commissioner who will take appropriate action (see below).

What does it cost?

If the requested information costs more than £450 (£600 in Scotland), the council is allowed to charge for it. If the cost of meeting the request exceeds the appropriate limit in the regulations, they are not obliged to meet the request. Many councils also reserve the right to charge for disbursements, such as photocopying and postage.

What happens if my request is refused?

A request for information may only be refused if:

- it is vexatious or repeated
- if the council has asked for more information in order to meet the request and it has not been provided
- if it falls under one of the exemptions (for instance, confidential information on named individuals).

If your request is refused, the council should explain why and give you details of how to apply for an internal review of the decision. If, after an internal review, the council still refuses your request, you can ask an information commissioner (for contact details-refer to below) to review the decision.

See also the comprehensive UNISON guidance: Negotiating and Campaigning with the Freedom of Information Acts (Scotland and UK), located at <http://www.unison.org.uk/acrobat/B1959.pdf>