

Freedom of Information
Your right to know
How to complain



Information Commissioner

Promoting public access to official information and
protecting your personal information

What is the right to know?

The right to know is the right of access to information held by public sector bodies – known as “public authorities”. This right is stated in the Freedom of Information Act (FOI) and the Environmental Information Regulations (EIR). You may ask for information by letter, email or, in the case of environmental information, by phone or in person.

The Information Commissioner’s Office is an independent regulator set up to deal with complaints under both FOI and the EIR. He also deals with complaints under the Data Protection Act. See overleaf for more details.

What can I complain about?

You can complain that you have been refused access to information. You can also complain about how the public authority has handled your request, for instance:

- failure to respond to your request within 20 working days (or failure to explain why an extension to the 20 days is needed)
- failure to give you proper advice and help
- failure to give the information in the form in which you asked for it
- failure to properly explain any reasons for refusing your request, for instance if the public authority believes that giving you information would harm a criminal investigation.

Who should I complain to?

First, you should complain directly to the public authority itself. Public authorities should provide their own complaints procedure.

If the authority has no complaints procedure or if you do not believe it has dealt with your complaint properly, you may contact the Information Commissioner’s Office (ICO). You should do this as soon as possible or, in any case, within two months of being refused access to information or any of the other failures listed above.

What information does the ICO need?

To help us deal with your complaint promptly you should write to us at the address below, sending:

- a covering letter giving details of your complaint
- details of your initial request
- a copy of the public authority's initial response (known as the Refusal Notice)
- a copy of the complaint you made to the public authority's internal review or complaints procedure
- a copy of the public authority's response
- any other information you think is relevant
- your contact details to ensure we can quickly get any more information necessary.

How quickly will you deal with my complaint?

We will send an acknowledgement on receiving a complaint to the ICO.

We will allocate your complaint to a caseworker and you will receive an initial response within 28 days. This will:

- outline the steps we will take
- give your case a unique reference number which you should use in future correspondence with us.

If we cannot resolve your complaint informally, the Information Commissioner will issue a Decision Notice. We will send it to you and to the public authority you have complained about.

If we cannot deal with your complaint, we will write to you explaining why.

What is a Decision Notice?

A Decision Notice outlines the Information Commissioner's final assessment as to whether or not the public authority has complied with legislation. For example, if the ICO decides the authority has not given you information you are entitled to, we will instruct it to do so.

At the same time as issuing a Decision Notice, we will send you details of your right to appeal to the Information Tribunal.

The authority may also appeal.

What if the public authority ignores a Decision Notice?

If a public authority ignores a notice, the Information Commissioner can make an application to the High Court. The court will investigate, and may deal with the authority as if it has committed contempt of court. The punishment may be a fine or even imprisonment.

Contact us

FOI/EIR Complaints Resolution

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Freedom of Information Act 2000 (FOI)

This deals with access to official information other than environmental information.

You can request any information held by a public authority by letter or email. The request can be refused only if there is good reason to do so.

Information must also be published through the authority's publication scheme. The scheme must state what classes of information are available, how they are to be provided and whether there will be a charge. (For more information on publication schemes, see the ICO leaflet *Read All About It.*)

Environmental Information Regulations (EIR)

These give a similar right of access to environmental information held by public authorities and those bodies carrying out a public function.

You can ask for environmental information by letter, email, phone or in person.

Data Protection Act 1998 (DPA)

This gives a right of access to personal information and also sets out the standards for handling personal information. This Act applies to private and public sector bodies. (More information about how to access your own information is available from the ICO or its website.)

Further information is also available from the Department for Constitutional Affairs:

Information Rights Division

Department for Constitutional Affairs

6th Floor

Selborne House

54 Victoria Street

London

SW1H 6QW

www.foi.gov.uk

Publications Line

t: 08453 091 091

f: 0870 600 81 01

Helpline

t: 01625 545 745

f: 01625 524 510

e: foi-enquiries@ico.gsi.gov.uk

eir-enquiries@ico.gsi.gov.uk

w: informationcommissioner.gov.uk



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Wycliffe House, Water Lane
Wilmslow, Cheshire SK9 5AF

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