

How to Make a Request Under the Freedom of Information Act

Ask first, it may be that the local authority is happy to disclose information without you having to formally request it.

If this is unsuccessful you can formally request information from the local authority. To do this put your request in writing to the “Head of Legal Services” or “Borough Solicitor”. The request should state your name and address and describe the information you are requesting. You should state that you are requesting the information under The Freedom Of Information Act 2000. A typed letter or an email is best.

The request should of course be legible and written in a way in which the local authority can understand. If they don't understand your request they may ask you for further information or clarification. If you do not provide this, the local authority won't process your application.

You aren't obliged to say why you want the information, but you can do so if you feel it will be helpful. You might for example say that you are looking to buy a house, if the local authority has particular concerns about information being made more widely available. You may wish to allay those fears by for example saying that you will not pass the information on to anybody else (unless of course that is what you intend to do).

If you have a preference you can request the format of the information. (For example electronic spreadsheet or paper print out) The local authority should try and meet your request if they can.

The local authority may request a fee for providing the information. If they do so they should have a published fee structure stating how much they charge. If they request a fee they are entitled not to process your request until they receive the fee from you.

If the local authority refuses your request, they should reply to you within 20 days to say so. In their reply they should say which of the exemptions under the FOI they feel applies, and if it is not obvious state why they think the exemption applies in your case.

The local authority should also tell you how you can appeal against their decision. If you wish to appeal in the first instance you should appeal to the local authority itself. You can complain on any of the following grounds:

- Failure to provide the information you requested
- Failure to respond to your request within 20 working days (or failure to explain why longer than 20 working days is needed)
- Failure to give you proper advice and assistance
- Failure to give information in the form in which you requested it

- Failure to properly explain any reasons for refusing the request
- Failure to correctly apply an exemption under the Act

Most local authorities have a formal complaints procedure, and in the absence of a proper appeal procedure you should use this instead. If the local authority do not have a proper complaints procedure, or if you are unhappy with the response from an appeal you can complain to the Information Commissioner at:

England:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
telephone: 01625 545 700
email: mail@ico.gsi.gov.uk

Scotland:

Information Commissioner's Office - Scotland
28 Thistle Street
Edinburgh
EH2 1EN
telephone/fax: 0131 225 6341
email: Scotland@ico.gsi.gov.uk

Wales:

Information Commissioner's Office - Wales
2 Alexandra Gate
Ffordd Pengam
Cardiff
CF24 2SA

telephone: 02920 894 929
fax: 02920 894 930
email: Wales@ico.gsi.gov.uk

Northern Ireland:

Information Commissioner's Office - Northern Ireland
Room 101, Regus House
33 Clarendon Dock
Laganside
Belfast
BT1 3BG
Northern Ireland

telephone: 028 9051 1270
fax: 028 9051 1584
email: ni@ico.gsi.gov.uk

David Ireland
The Empty Homes Agency
Tel: 020 7963 6889
Email: david.ireland@emptyhomes.com