

# Freedom of Information Policy & Procedure

TRUST WIDE

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## 1 Introduction

The Freedom of Information Act 2000 is part of the governments commitment to greater openness in the public sector, a commitment supported by United Lincolnshire Hospitals NHS Trust. The Freedom of Information Act 2000 furthers this aim by helping to transform the culture of the public sector to one of greater openness.

The main features of the Act are:

- A general right of access from 1<sup>st</sup> January 2005 to recorded information held by public authorities, subject to certain conditions and exemptions;
- In cases where information is exempted from disclosure, except where an absolute exemption applies, a duty on public authorities to:
  - Inform the applicant whether they hold the information requested, and
  - Communicate the information to themUnless the public interest in maintaining the exemption in question outweighs the public interest in disclosure;
- A duty on every public authority to adopt and maintain a publication scheme;
- An office of the Information Commissioner with wide powers to enforce the rights created by the FOI Act and to promote good practice.

## 2 Scope

- 2.1 The policy will apply to all Trust employees and to Non Executive Directors.
- 2.2 The Policy will provide a framework within the Trust to ensure compliance with the requirements of the FOI Act.

### 3 Principles

- 3.1 The Trust aims to create a climate of openness and transparency with all stakeholders and improved access to information about the Trust.
- 3.2 This policy does not overturn the duties of confidentiality or statutory provisions that prevent disclosure of personal identifiable information. The release of such information is still covered by the subject access provisions of the Data Protection Act 1998.
- 3.3 The Trust believes that public authorities should be allowed to discharge their functions effectively, therefore, the Trust will use the exemptions contained in the FOI act as and where appropriate.
- 3.4 The Trust believes that common standards are required to ensure that the organisation is compliant with the Act.

### 4 Aims and Objectives

- 4.1 This policy has been developed in order to:
- Ensure the Trust complies with the requirements of the FOI Act 2000;
  - Describe the management and accountability arrangements for the FOI Act within the Trust and to provide guidance for implementing procedures;
  - Ensure training and awareness sessions are provided for all employees regarding the FOI Act 2000.

### 5 Accountability and Responsibilities

- 5.1 The Trust recognises its responsibility to implement in full its duties in respect of the Act and to ensure all its employees understand and implement the Act's requirements.
- 5.2 **Chief Executive**  
The Chief Executive has overall responsibility for the performance of the Trust in respect of the FOI Act. The Chief Executive is therefore responsible for ensuring the implementation of the FOI Act and principles by the Trust.
- 5.3 **Deputy Board Secretary**  
The Deputy Board Secretary is the FOI Lead taking responsibility for the day to day management and advice on FOI policy.  
The Deputy Board Secretary has responsibility to :  
Ensure compliance with the Act

Maintain the policy and publication scheme  
Promote FOI awareness

#### 5.4 **Managers**

Managers at all levels are responsible for ensuring that the staff for whom they are responsible are aware of and adhere to this policy.

#### 5.5 **Responsibilities of all staff and Non Executive Directors**

All staff and Non Executive Directors are obliged to adhere to this policy. Staff are responsible for ensuring that they identify and report access requests to the Deputy Board Secretary promptly. Staff are also responsible for assisting the public in completing and submitting requests where required.

### **6 Training**

#### 6.1 The FOI Lead will work with the information governance team to ensure that training and awareness sessions relating to FOI are available to staff.

Staff will receive instruction and direction regarding the FOI Act from a number of sources

- Trust policies and procedures
- Induction training and Information Governance Training
- Intranet

### **7 Publication Scheme**

#### 7.1 The Trust adopted the Model Publication Scheme from 1<sup>st</sup> January 2009. The Trust's publication scheme details the information that the Trust publishes and is available via the website and in hard copy if requested. The content of the scheme will be regularly reviewed in terms of content.

### **8 General right of access**

#### 8.1 From the 1<sup>st</sup> January 2005 the FOI Act gave a general right of access to recorded information held by the Trust, subject to certain conditions and exemptions contained in the Act. Any person making a request for information to the Trust is entitled:

a) to be informed in writing whether the Trust holds the information of the description specified in the request, and

b) if the Trust holds the information to have that information communicated to them.

This is referred to as the duty to confirm or deny.

- 8.2 All requests for information under the general rights of access must be received in writing (which included a request transmitted by electronic means that is received in legible form and is capable of being used for subsequent reference), stating the name of the applicant and an address for correspondence and describes the information requested.

## 9 Provision for Dealing with FOI Requests

### 9.1 Upon Receipt of a Request

- 9.1.1 It is accepted that requests for information can come from many sources (via email, letter, over the telephone and in person) and it is important for **all** members of staff to be able to recognise an FOI request so it can be processed quickly and appropriately. **All Trust** staff have a responsibility to ensure that all FOI applications are identified and reported.
- 9.1.2 Not every application will clearly indicate the nature of the request as being FOI. **All** requests for information which are not related to a complaint, a claim or an access to patient notes request (and would therefore follow a different Trust policy/procedure) should be treated as an FOI request.
- 9.1.3 The Trust has a statutory responsibility to ensure that all FOI requests are actioned within a limited time frame. All requests that are either identified as an FOI request or are being treated as one in the case where the nature of the request is unclear **must** be forwarded to the Deputy Board Secretary by email within **1 working day** of receipt. If the application is in the form of a paper copy, the original documentation should also be sent to the Deputy Board Secretary in addition to the electronic copy.
- 9.1.4 Once the Deputy Board Secretary has received an application for information the following information will be recorded by the Trust on the FOI Management Database:
- Initial date received by the Trust
  - Name of applicant
  - Access route (if known) – Publication Scheme or general right of access
  - Information requested
  - Date request confirmed
- 9.1.5 The Trust has a duty to confirm or deny a request to the applicant subject to certain conditions and exemptions. The duty to confirm or deny a request does not arise where the Trust:
- a) reasonably requires further information in order to identify and locate the information requests, and
  - b) has informed the applicant of this requirement.

If the applicant has not provided sufficient information for the request to be processed, the Deputy Board Secretary will follow the procedure detailed in Section 9.6.

- 9.1.6 If the Deputy Board Secretary believes that any of the information requested is exempt from disclosure under Part II of the Act the procedure for Refusal of a Request (section 9.4) will be invoked. These provisions either confer an absolute exemption or a qualified exemption. A qualified exemption may be applied if, in all circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the Trust holds the information. The Part II exemptions are listed in Appendix A of this Policy. The Trust will seek to use the qualified exemptions sparingly and will justify the use of such exemptions. The Trust's legal advisors may be consulted, by the Deputy Board Secretary, for guidance where applicable.
- 9.1.7 The duty to confirm or deny does not arise if a fees notice (see Section 9.2 for Fees and Charges) has been issued to an applicant and the fee has not been paid within the period of 3 months beginning on the day on which the fees notice is sent to the applicant or is informed of the charge.
- 9.1.8 The Trust is not obliged to comply with a request for information if the request is vexatious. Where the Trust has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or subsequently similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request. The Trust will log all requests for information for monitoring purposes and will be able to identify repeated or vexatious requests.

## **9.2 Fees and Charges**

- 9.2.1 The Trust will generally not charge for information that it has chosen to publish in its Publication Scheme. Charges may be levied for hard copies, multiple copies or copying onto media such as a CD-ROM. Information that is available from the Trust's website will be free of charge, although any charges for Internet Service provider and personal printing costs would have to be met by the individual. For those without Internet access, a single printout of the information available on the website will be available by post or personal application. The Trust will not provide printouts of other organisation's websites.
- 9.2.2 The duty to comply with a request for information does not arise if the Deputy Board Secretary judges that the cost of compliance with the request would exceed the appropriate limit that will be established in national Fees Regulations. The Deputy Board Secretary will provide advice and assistance to applicants to investigate ways of bringing costs within appropriate limits. If the Deputy Board Secretary estimates that the cost of compliance with the request for information exceeds the appropriate limit set

by the Fees Regulations the applicant will be notified in writing of the estimated cost.

- 9.2.3 The Trust will follow the national Fees Regulations for general rights of access under the FOI Act.

### 9.3 Accessing the Information

- 9.3.1 The Deputy Board Secretary will identify who holds the information that the applicant has requested. Within **five working days** the contact person(s) will be identified and a request for information will be made.

- 9.3.2 When an applicant, on making their request for information, expresses a preference for communication by any one or more of the following means, namely:

- (a) the provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant,
- (b) the provision to the applicant of a reasonable opportunity to inspect a record containing the information, and
- (c) the provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant,

the Trust shall so far as reasonably practicable give effect to that preference.

- 9.3.3 In determining whether it is reasonably practicable to communicate information by a particular means, the Deputy Board Secretary will consider all the circumstances, including the cost of doing so. The Trust will have considered all other statutory obligations upon the Trust such as those established under the Disability Discrimination Act 1995. If the Trust determines that it is not reasonably practicable to comply with any preference expressed by the applicant in making their request, the Deputy Board Secretary will notify the applicant of the reasons for its determination and will provide the information by such means as which it deems to be reasonable in the circumstances.

- 9.3.4 Trust staff will have **five working days** to locate and provide the information requested to the Deputy Board Secretary. If it is not possible to comply with this deadline the Deputy Board Secretary must be informed immediately. In exceptional circumstances the FOI Team will allow **five additional working days** to enable Trust staff to comply with the request.

- 9.3.5 Once compiled, the information that the applicant has requested will be forwarded to the Deputy Board Secretary. The FOI Team will then review the information in respect of any exemptions and/or fees payable within **two working days** before providing the information to the applicant. If any exemptions are applicable, the procedure for the Refusal of Requests (section 9.4) will be activated. If any fees are payable the applicant will be issued with a Fees Notice.

## 9.4 Procedure for Refusal of Requests

- 9.4.1 A refusal of a request may apply to all the information requested by an applicant or a part thereof. A request for information may be refused if:
- a) the information is exempt from disclosure under Part II of the Act (Appendix A).
  - b) a fee notice or charge has not been paid within three months beginning on the day on which the applicant receives the Fees Notice or is informed of the charge.
  - c) the cost of compliance exceeds the appropriate limit.
  - d) the request is demonstrably vexatious or repeated.
- 9.4.2 If the Trust decides to refuse a request for information under any of the above clauses, the applicant will be informed of the reasons for this decision within **twenty working days**.
- 9.4.3 If the Trust is relying to any extent on a claim that any provision of exempt information relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information a notice will be issued within **twenty working days**. The notice will:
- a) state the fact;
  - b) specify the exemption in question, and
  - c) state (if that would not otherwise be apparent) why the exemption applies.
- 9.4.4 If the applicant is unhappy with the response they receive regarding their request they will be informed of the Trust's Complaints Procedure.
- 9.4.5 If the Trust anticipates that it will take more than twenty working days to reach a decision as to whether any part of the information requested by the applicant is exempt under the exempt information section of the Act, the Deputy Board Secretary will notify the applicant that no decision as to the application of an exemption has been reached. The applicant will be provided with an estimate of the date by which the expected decision will have been reached.
- 9.4.6 If a qualified exemption is being applied the Deputy Board Secretary will, within such a time as is reasonable in the circumstances, state the reason for claiming:
- a) that, in the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the Trust holds the information, or
  - b) that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The statement will not involve the disclosure of information which would itself be exempt information.

9.4.7 If the Trust decides that the information requested is exempt as either the cost of compliance exceeds the appropriate limit or the request is demonstrably repeated or vexatious, the notice will state that fact.

9.4.8 The Trust will keep a record of all refusal notices issued to applicants.

## **9.5 Provision of Advice and Assistance to Applicants**

9.5.1 The Deputy Board Secretary will act as a key contact point for applicants for the Trust.

9.5.2 The Deputy Board Secretary will provide advice and assistance to potential and actual applicants for information under the Act. The advice and assistance will include:

- guidance on how to access information from the Trust under the general right of access and the Publication Scheme,
- informing the applicant of the progress of their request
- explaining the basis upon which any charges or fees have been levied or exemptions applied (this is in addition to Fees Notices and refusal of request notices),
- suggesting other routes through which applicants may wish to access information, including from other public authorities,
- obtaining additional information to assist the Trust in meeting the information needs of the applicant;
- consulting with third parties as required;
- identifying source of independent help for applicants, and
- directing applicants to the complaints procedure and/or Information Commissioner if they are dissatisfied with the discharge of the duties under the exempt information section of the Act.

9.5.3 The Deputy Board Secretary will act as a source of advice and support for Trust staff in regard to the Act.

9.5.4 A request for information under the Act's general right of access must be made in writing (which includes a request transmitted by electronic means which is received in legible form and is capable of being used for subsequent reference). Where a potential applicant is unable to frame their request in writing, the Trust will take reasonable steps to ensure that appropriate assistance is given to enable that individual to make a request for information.

## **9.6 The Applicant has provided insufficient information to fulfil their request**

9.6.1 Where the applicant has not described the information sought in a way that would enable the Deputy Board Secretary to identify or locate it, or the request is ambiguous, the Deputy Board Secretary will contact the applicant. The Deputy Board Secretary will provide assistance to the applicant to enable them to describe more clearly the information requested.

9.6.2 The purpose of this contact will be to clarify the nature of the information sought, not to determine the aims or motivation of the applicant.

9.6.3 If the Deputy Board Secretary has provided such assistance and the applicant still fails to describe the information requested in a way which would enable the Trust to identify and locate it and provide details of the Trust complaints procedure and the applicant's rights to complain to the Information Commissioner.

9.6.4 The twenty working day time limit is not activated until the applicant has provided sufficient information for the Trust to supply them with the information they require.

## **9.7 The Applicant is unprepared or unable to pay a charge or fee or fees exceed the appropriate limit**

9.7.1 In some circumstances an applicant may indicate that he or she is not prepared or is unable to pay the fee notified in any fees notice or the charge levied for the information they have requested. In such cases the Deputy Board Secretary will consider whether there is any information that may be of interest to the applicant that is free of charge. The Deputy Board Secretary will contact the applicant and explore ways in which the fee or charge may be reduced. For example by:

- Providing information electronically instead of in hard copy or
- Inviting the applicant to view the information and take their own notes or to select the information they feel to be most relevant to them.

9.7.2 Under section 12(1) (exemption where cost of compliance exceeds appropriate limit) and regulations made under section 12(4) of the Act the Trust is not obliged to comply with a request for information because, the cost of complying would exceed the "appropriate limit" (i.e. cost threshold). In such circumstances, the Trust has three options:

- a) to refuse the request on the basis that it exceeds the cost threshold;
- b) to charge, under section 13 of the Act, for the provision of the information;
- c) to seek a means by which information could be provided within the cost ceiling.

9.7.3 In the event of a request exceeding the cost ceiling, the Deputy Board Secretary will, with the applicant, seek a way in which the information can be provided within the cost ceiling and/or examine with them what information could be provided within the cost ceiling. If this is not possible or if the applicant still wishes to pursue their original request, the Deputy Board Secretary will ask the applicant whether or not they would be willing to pay the full fees for the information they request.

9.7.4 If the applicant is willing to pay the full fees for the information they have requested a Fees Notice will be issued. If the applicant is unwilling to pay the

full fees the Procedure for Refusal of a Request (section 9.4) will be activated.

## **9.8 Requests which appear to be part of an organised campaign**

9.8.1 The Trust may receive a number of related requests that take the cumulative cost of compliance over the “appropriate limit” as prescribed in the Fee Regulations.

9.8.2 In such circumstances the Deputy Board Secretary will consider whether the information could be disclosed in another, more cost effective manner. For example, the information that has been requested could be published on the Trust’s website, with the applicants being notified of this, thus bringing the cost within the appropriate limit.

## **9.9 Providing the Information**

9.9.1 Information will be provided to the applicant by any one or more of the following means, namely:

- a) as a copy of the information in permanent form or another form acceptable to the applicant.
- b) through the provision of a reasonable opportunity to inspect a record containing the information.
- c) the provision of a digest or summary of the information in permanent form or in another form acceptable to the applicant.

9.9.2 The Deputy Board Secretary will record the date upon which the information was provided to the applicant.

## **9.10 Transferring Requests for Information**

9.10.1 If the Deputy Board Secretary receives a request for information which it does not hold, but which is held by another public authority, the Deputy Board Secretary will advise the applicant accordingly.

## **9.11 Contribution to FOI Networks (Round Robin Requests)**

9.11.1 Those dealing with request should be alert to the possibility that a request may have been sent to a number of organisations (a round robin request). Where this is considered to be the case the request should be alerted to the SHA FOI lead.

9.11.2 Co-ordinated support may be provided from the SHA FOI lead in respect of round robin requests. The Deputy Board Secretary will also contribute and liaise with external FOI networks to be updated on round robin requests.

## **10 Consultation with third parties**

- 10.1 The Trust recognises that in some cases the disclosure of information pursuant to a request may affect the legal rights of a third party, for example where information is subject to the common law duty of confidence or where it constitutes "personal data" within the meaning of the Data Protection Act 1998 (DPA). Unless an exemption provided for in the FOI Act applies in relation to any particular information, the Trust is obliged to disclose that information in response to a request.
- 10.2 In some cases disclosure of information cannot be made without the consent of a third party. For example, where information has been obtained from a third party and in these circumstances the disclosure of the information without their consent would constitute an actionable breach of confidence such that the exemption in section 41 of the Act would apply. In such cases the Deputy Board Secretary will consult the third party with a view to seeking their consent to the disclosure, unless such a consultation is not practicable, for example because the third party cannot be located or because the costs of consulting them would be disproportionate. Where the interests of the third party which may be affected by a disclosure do not give rise to legal rights, consultation may still be appropriate.
- 10.3 Where information constitutes "personal data" within the meaning of the DPA, the Trust will have regard to section 40 of the FOI Act which makes detailed provision for cases in which a request relates to such information.
- 10.4 A record will be kept of all contacts with third parties in regard to consultations and decision making on the disclosure of information that may affect their legal rights.

## **11 Consultation with third parties in non-legal circumstances**

- 11.1 Where the interests of the third party that may be affected by a disclosure do not give rise to legal rights, consultation may still be appropriate. The Deputy Board Secretary will undertake consultation where:
- (a) the views of the third party may assist the Trust to determine whether an exemption under the FOI Act applies to the information requested; or
  - (b) the views of the third party may assist the Trust to determine where the public interest lies.
- 11.2 The Trust may consider that consultation is not appropriate where the cost of consulting with third parties would be disproportionate. In such cases, the Deputy Board Secretary will consider what is the most reasonable course of action for it to take in light of the requirements of the FOI Act and the individual circumstances of the request.
- 11.3 Consultation will be unnecessary where:
- (a) the Trust does not intend to disclose the information relying on some other legitimate ground under the terms of the FOI Act;

- (b) the views of the third party can have no effect on the decision of the Trust, for example, where there is other legislation preventing or requiring the disclosure of this information;
- (c) no exemption applies and so under the FOI Act's provisions, the information must be provided.

- 11.4 A record will be kept of all contacts with third parties in regard to consultations and decision making on the disclosure of information.

## 12 Public Sector Contracts

- 12.1 When entering into contracts the Trust will refuse to include contractual terms which purport to restrict the disclosure of information held by the Trust and relating to the contract beyond the restrictions permitted by the FOI Act. Unless an exemption provided for under the FOI Act is applicable in relation to any particular information, the Trust will be obliged to disclose that information in response to a request, regardless of the terms of any contract.
- 12.2 When entering into contracts with non-public authority contractors, the Trust may be under pressure to accept confidentiality clauses so that information relating to the terms of the contract, its value and performance will be exempt from disclosure. As recommended by the Lord Chancellor's Department, the Trust will reject such clauses wherever possible. Where, exceptionally, it is necessary to include non-disclosure provisions in a contract, the Trust will investigate the option of agreeing with the contractor a schedule of the contract which clearly identifies information which should not be disclosed. The Trust will take care when drawing up any such schedule, and be aware that any restrictions on disclosure provided for could potentially be overridden by obligations under the FOI Act, as described in the paragraph above. Any acceptance of such confidentiality provisions must be for good reasons and capable of being justified to the Commissioner.
- 12.3 The Trust will not agree to hold information 'in confidence' which is not in fact confidential in nature. Advice from the Lord Chancellor's Department indicates that the exemption provided for in section 41 only applies if information has been obtained by a public authority from another person, and the disclosure of the information to the public, otherwise than under the FOI Act would constitute a breach of confidence actionable by that, or any other person.
- 12.4 It is for the Trust to disclose information in accordance with the FOI Act, and not the non-public authority contractor. The Trust will take steps to protect from disclosure by the contractor, information which the Trust has provided to the contractor which would clearly be exempt from disclosure under the FOI Act, by appropriate contractual terms. In order to avoid unnecessary secrecy,

any such constraints will be drawn as narrowly as possible, and according to the individual circumstances of the case. Apart from such cases, the Trust will not impose terms of secrecy on contractors.

### **13 Accepting information in confidence from third parties**

- 13.1 The Trust will only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the authority's functions and it would not otherwise be provided.
- 13.2 The Trust will not agree to hold information received from third parties "in confidence" which is not confidential in nature. Again, acceptance of any confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

### **14 Complaints about the discharge of the duties of the Trust under the FOI Act**

- 14.1 In the first instance, all complaints about the discharge of the duties of the Trust under the FOI Act, including the handling of requests for information will be dealt with under the Trust's Complaints Policy.
- 14.2 If after exhausting the Trust's Complaints Procedure the applicant remains dissatisfied with the conduct of the Trust, the applicant may apply to the Information Commissioner who will decide whether the request has been handled properly. The Trust will provide the applicant with contact details for the Information Commissioner.

### **15 Information Records Management**

- 15.1 The Trust's Records Management Strategy will be in accordance with the requirements that the law places upon the Trust and with the Code of Practice on the Management of Records under section 46 of the FOI Act.
- 15.2 The Trust's Information Records Management ~ Code of Practice and associated procedures address issues of active records management, including creation, keeping, maintenance and disposal.

### **16 Reference Documents**

- Data Protection Act 1998
- Freedom of Information Act 2000
- Lord Chancellor's Code of Practice on the Discharge of Public Authorities' Functions under Part I of the Freedom of Information Act 2000, issued under section 45 of the FOI Act, November 2002.
- Lord Chancellor's Code of Practice on the Management of Records under section 46 of the Freedom of Information Act 2000, November 2002.

### **17 Policy review and dissemination**

17.1 The Freedom of Information Policy will be reviewed every two years, and in accordance with the following on an as and when required basis:-

- Legislative changes
- Good practice guidance
- Case law
- Changes to organisational infrastructure

17.2 Staff will be made aware of policy reviews as they occur via team briefs and team meetings.

17.3 Compliance with timeframes will be presented quarterly to meetings of the Trust Information Governance Board.

17.4 An annual review of customer satisfaction will be completed, which will incorporate a review of any complaints received relating to Freedom of Information.

## Appendix A

### EXEMPT INFORMATION UNDER PART II OF THE FREEDOM OF INFORMATION ACT 2000

There are two types of class exemption: -

- (a) absolute, which do not require a test of prejudice or the balance of public interest to be in favour of non-disclosure.
- (b) qualified by the public interest test, which require the public body to decide whether it is in the balance of public interest to not disclose information.

With the exception of s21 (information available by other means) exemptions apply both to the communication of information AND the duty to confirm or deny, if that itself would disclose information that it is reasonable to withhold.

The absolute exemptions under the FOI Act are:-

- section 21, Information accessible to applicant by other means
- section 23, Information supplied by, or relating to, bodies dealing with security matters.
- section 32, Court Records
- section 34, Parliamentary Privilege
- section 36, Prejudice to effective conduct of public affairs (so far as relating to information held by the House of Commons or the House of Lords)
- section 40, Personal Information (where disclosure may contravene the Data Protection Act 1998)
- section 41, Information provided in confidence
- section 44, Prohibitions on disclosure

The exemptions that are qualified by the public interest test are:-

- section 22, Information intended for future publication
- section 24, National Security
- section 26, Defence
- section 27, International Relations
- section 28, Relations within the United Kingdom
- section 29, The Economy
- section 30, Investigations and proceedings conducted by public authorities

- section 31, Law Enforcement
- section 33, Audit Functions
- section 35, Formulation of Government Policy
- section 36, Prejudice to effective conduct of public affairs (for all public authorities except the House of Commons and the House of Lords)
- section 37, Communications with Her Majesty, etc and honours
- section 38, Health and Safety
- section 39, Environmental Information
- section 42, Legal Professional Privilege
- section 43, Commercial Interests
- More information on the exemptions can be found on the HMSO website at [www.legislation.hmso.gov.uk/acts/en/2000en36.htm](http://www.legislation.hmso.gov.uk/acts/en/2000en36.htm).