

HOME OFFICE**YOUR RIGHT TO KNOW****The Government's Proposals for a Freedom of Information Act**

The Government has promised to introduce a Freedom of Information Act to end secrecy and increase openness. The Government sees this as a law which will give you the right to information held by the vast majority of public organisations.

As a first step, the Government has published a White Paper - *Your Right to Know* - which sets out its proposals for a Freedom of Information Act. This leaflet describes what these proposals could mean for you.

What is freedom of information?

As proposed in the White Paper, a Freedom of Information Act would give everyone a legal right to see information held by national, regional and local government and some other organisations working on behalf of government. It would also mean that more information would be published as a matter of course. The aim is to open up public organisations and make the whole of government more accountable to people.

What public organisations would be covered?

It is proposed that Freedom of Information would apply right across the public sector at national, regional and local level. The Government would like the law to cover:

- government departments, for example Department of Health and Department for Education and Employment, and agencies, for example the Benefits Agency, the Employment Service
- local councils and local public bodies such as Registered Social Landlords and Training and Enterprise Councils
- quangos, nationalised industries and public corporations such as the Equal Opportunities Commission, and the Health and Safety Executive
- the National Health Service
- courts and tribunals
- the police and police authorities
- the armed forces
- schools, further education colleges and universities

- public service broadcasters such as the BBC and Channel 4

In addition it should cover:

- some private sector organisations carrying out duties on behalf of government
- privatised utilities.

What public organisations would not be covered?

Under the Government's proposals, the Security and Intelligence services would not be covered by the Act, nor would the Special Forces (SAS and SBS). This is because the Government believes they would not be able to carry out their operations effectively in the interests of the nation if they were subject to a Freedom of Information Act.

What sort of information would I be able to get?

The Government proposes to give everyone the right to see records or information held by the organisations listed above.

This would mean that you would have a right to see information held on you, such as your tax, social security, and medical records. You would also have the right to ask the organisations covered by the Act to give you other records or information about their day-to-day business that you might be interested in. For example, more information about food safety, medical safety, pollution and other issues of public interest, would be available.

Would other people be able to get hold of information on me?

Your Right to Know sets out ways to help ensure that this wouldn't happen without your consent.

Is there any information I wouldn't be able to see?

Under the Government's proposals, information about sensitive security and intelligence matters, the personnel files of government employees, and information whose disclosure could undermine crime prevention or the bringing of prosecutions would not be covered under freedom of information law.

The intention is to make **all** other information available **unless** it would clearly cause harm to:

- national security, defence and international relations, for example, sensitive details about military capabilities
- the internal discussion of government policy

- law enforcement, for example information which would encourage tax evasion
- personal privacy - you would not be able to get hold of other people's personal records without their consent
- business activities such as trade secrets, or information which could unfairly damage a company's commercial standing
- the safety of individuals, the public and the environment, for example sensitive details about the breeding grounds of endangered species
- references, testimonials or other such matters given in confidence.

In addition any decision, whether to release or refuse information would need to satisfy certain basic tests - for example, is it lawful? - to ensure that it is consistent with the public interest.

In *Your Right to Know* the Government sets out detailed proposals on how these tests could be used to see whether information can be released.

Would organisations publish more information than before?

Yes. The Government would like to give you the right to ask for information. It would also like to see organisations publish more information as a matter of course. The Government proposes that:

- facts and analyses important in helping the Government to make major policy proposals or decisions should be published
- guidance on dealings with the public should be published
- reasons for government decisions should normally be made available to those affected by the decisions
- information should be published about how public services are run, such as costs, targets, performance and complaints procedures.

How would I be able to get hold of the information I'm interested in?

Under the proposed law, all you would have to do is write to the public organisation concerned. You may also be able to apply by telephone or E-mail.

Would I have to pay anything?

Under the Government's proposals, public organisations may charge a small fee to help cover administrative costs when you first made a request for information. The intention is that this should be no more than £10. If your request involved a lot of additional work, an organisation would be entitled to charge for some of the work involved. You would, however, be notified in advance of any charges, so that you could decide

whether or not to continue with your request.

What if organisations won't give me the information I want?

The Government intends to appoint an independent and powerful Information Commissioner. If a public organisation refused to give you information and you disagreed with that decision, you would be able to appeal to the Information Commissioner. Appeals would be free and the Information Commissioner could order the organisation to release the information you had asked for.

The Information Commissioner would also be able to investigate complaints about delays in responding to a request and about excessive charges.

How can I find out more about the Freedom of Information Act?

The Government's proposals for a Freedom of Information Act are set out in the [White Paper](#)

[Freedom of Information Unit](#)

[Home Office Publications page](#)

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