

Corporate Services Division

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Richard Jackson
[Request-1663-58f34db1@whatdotheyknow.com](#)

Your Ref:

Our Ref: FOI IR 17877

Date: 29 October 2008

Dear Mr Jackson

Freedom of Information Act 2000 – Request for Internal Review

In your email received on 1st October 2008, you asked that I review the Department's decision to redact information, deemed as not relevant, within a document released to you in response to your original FOI request. This request, in which you asked for "*information that has been created or provided to departments to assist them in determining what category each request or requestor will fall under*" was received on 11th August 2008.

As an alternative to pursuing the Internal Review route, your email suggested that "*If you would provide the full, unredacted, document in relation to a differently worded request (e.g. to a simple request for a copy of the document itself, in which case please treat this as such a request), please either accordingly provide the document, or advice on how to phrase a request to obtain the document*".

I would however like to advise you that in order for a request to be deemed valid under Freedom of Information legislation, it must meet certain criteria outlined under Section 8(1) of the Act, ie –

"In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested."*

A request for a copy of a document does not, by itself, meet the criteria outlined at Section 8(1)(c) of the FOI Act, in that it does not describe the information requested. As public authorities are obliged to respond to requests for information as opposed to documents, I would advise that in order for your subsequent suggestion to be deemed valid under the legislation, it would be necessary for you to provide a description of all the information contained within the said document.

As you have not described the (additional) information you require, I have proceeded to conduct an internal review of the Department's decision to redact part of the document issued to you on 5th September 2008. I am now writing to let you know the outcome of my review.

I should explain at the outset that my role in carrying out such an 'Internal Review' is in line with the Lord Chancellor and Secretary of State for Justice's Code of Practice on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act 2000. Section 39 of the Code of Practice requires "*a fair and thorough review of handling issues and of decisions taken pursuant to the Act, including decisions taken about where the public interest lies in respect of exempt information.*"

Your request of 1st October suggested that the Department should either issue you with an unredacted copy of the document or "*provide a formal refusal notice for the part that you are redacting*". In considering whether the Department has properly withheld this information and having reviewed the relevant documentation, I am satisfied that the information was properly redacted and was not relevant to your original request for "*information that has been created or provided to departments to assist them in determining what category each request or requestor will fall under*".

As the information redacted was not relevant to the information you requested, there is no requirement for the Department to rely on the application of one of the FOI Act's exemptions to validate this redaction. There was no requirement therefore for the Department to issue a formal refusal notice.

In summary, having reviewed this case, I am satisfied that the information redacted from the document issued to you on 5th September 2008 was correctly withheld. However, as a gesture of goodwill, I am happy to provide you with a copy of the full un-redacted document, which is attached as Appendix 1 to this letter.

If you are dissatisfied with my findings, you have the right to appeal directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at -

Information Commissioner's Office
Wycliffe House
Water Lane
WILMSLOW
Cheshire
SK9 5AF

Please contact me if you have any queries about this letter, remembering to quote the reference number above in any future communications.

Yours sincerely

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Deirdre Kenny

DEIRDRE KENNY (MRS)

**FREEDOM OF INFORMATION REQUESTS TO
SECRETARY OF STATE (NI)**

GUIDANCE NOTES RE CATEGORISATION

1. To encourage consistency 'Categories' rather than 'Names' should be used in the 'Requester' column.
2. The following is a list of suggested category headings which can be added to in the light of experience:

Member of public

Media (eg, Journalist)

Public representative (egs, MLA/MP/Councillor/Peer)

Pressure Group (eg, Campaign for FOI)

Business (eg, Consultancy firm)

Solicitor

Researcher (egs, academic researcher, local historian, genealogist)

3. If a category is difficult to identify or cannot be substantiated easily, then simply use 'Member of the public'.
4. No attempt should be made to identify an 'employee' or 'staff' of the Northern Ireland Civil Service.
5. If you need to use abbreviations or acronyms, then spell them out in full in the first instance (per Daily Return), eg, Local Management in Schools (LMS). Then cite 'LMS' on every other occasion in the 'Information Requested' column.
6. In the 'Information Requested' column there is no need to state that the request is made 'under the FOI Act 2000'. It would be useful to note that the request has Data Protection Act 1998 and/or Environmental Information Regulations 2004 implications.