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FOI/EIR	FOI	Section/Regulation	s22	Issue	Inspection as a form of publication
			s19		

Line to take:

Making information available for inspection, where facilities and systems are readily available, is a form of publication within the Freedom of Information Act.

Further Information:

The term publication is very broad and can refer to the action of making something generally known or available. In terms of the FOIA, information can be said to be published even if it is only made available for inspection.

It is therefore reasonable for public authorities to state in their publication schemes that information will be published by making it available for inspection. This may be information that they are required to make available for inspection by or under statute, or information which is only made available in this way. A public authority should ensure that its inspection facilities are clearly advertised and are readily available for public use. The absence of such availability of facilities will make it more difficult to argue that inspection amounts to publication.

In the same way, a public authority will be able to apply section 22 where there is an intention to publish the information in the future by means of inspection, as long as it is reasonable in all the circumstances to withhold information until the date of publication. However, for this to apply, inspection facilities must be readily available and easy to use. For example, in cases where records have been identified for transfer to the National Archives as 'open' records it can be argued that there is an intention to publish. This is because once transferred to the National Archives the information is made available to the public by means of an established and accessible system of inspection (such as free entrance, no requirement to make an appointment and availability of finding aids (e.g. cataloguing)). The public authority must have a clear and settled view as to which records will be transferred to the National Archives so that it can specify which information the section 22 exemption is being applied to. However, this will depend on individual circumstances such as the length of time before the record is due to be transferred. The closer to the date of transfer, the more reasonable it is likely to be for the information to be withheld until the transfer has taken place.

Appropriate standards of inspection facilities, including accessibility, would be expected in other cases in order for inspection to be regarded as publication. Not all public authorities will be able to offer the same level of inspection service as that offered by the National Archives, but in all cases the facilities must allow the public to have reasonable access to the information.

As the example of the National Archives shows, there is no requirement for the public authority that holds the information at the time of the request to be the body that subsequently publishes the information by means of inspection.

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Source	Details		
FOI Policy Delivery			
Related Lines to Take			
LTT26			
Related Documents			
FS50121803			
Contact		DC	
Date	15/02/2013	Policy Reference	LTT25

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