

# Making the Most of Your Right to Know

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Tips for requesting information under FOISA and the EIRs

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Scottish Information  
Commissioner

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## Glossary and abbreviations

Term used	Explanation
FOISA	The Freedom of Information (Scotland) Act 2002
EIRs	The Environmental Information (Scotland) Regulations 2004
FOI	Freedom of Information

### Cross-referenced VC documents

VC No	VC name
32485	This document

# Making the Most of Your Right to Know

## Tips for requesting information under FOISA and the EIRs

### Introduction

Freedom of Information gives you the right to request and receive the information held by public authorities. The right applies to any information that is held by a public authority, and the authority must respond to each request within 20 working days of receiving it.

To ensure you receive the information you need, it can be a good idea to spend a little bit of time thinking about your request to get it right. The better you can describe the information you're looking for, the easier it will be for the public authority to find it for you.

Below you'll find some simple tips to help you get the most out of your right to know.

### Is the information already published?

Before submitting an FOI request, it's a good idea to check whether the information you're looking for is already published by the authority. Public authorities have a duty under FOI to publish certain types of information, under what is known as a "publication scheme".

If the information is already published you'll be able to access it straight away, and won't have to submit a request or wait for a response.

If you have internet access, try searching for the information on the public authority's website, or looking for their publication scheme or "guide to information" to find out what is published. You can also phone them to ask whether information is already available.

### Keep FOI separate

When making an FOI request, try to keep it separate from any other correspondence. FOI requests can often be overlooked by an authority if they are contained in a lengthy email or letter which deals with other issues.

Keeping your FOI requests separate will help to ensure that they are easily spotted by the authority and responded to as quickly as possible. It should also ensure that your FOI response isn't held up while the authority addresses any other matters you have raised.

### Ask for recorded information

FOI only provides a right of access to information which has been recorded by an authority. For information to be recorded, it must be stored and held in some way, e.g. in a report, spreadsheet, email, or a minute from a meeting.

Bear this in mind when wording your request, and try to ask for information which is likely to already be recorded and held. You should avoid asking for an employee's opinion or view on an issue, as this is often unlikely to be recorded.

For example:

- What were you thinking when you took the decision to shut the Scotstown school playground?
- Please provide information from all reports, correspondence or communications relating to the decision to shut the Scotstown school playground

## **Be specific**

Try and be as specific as you can when describing the information you want. Information requests which are too vague or too wide-ranging might lead to a response taking longer, or might mean unnecessary work for the authority as staff look for information that you don't need. They also might lead to your request being refused on cost grounds.

Help the authority find the information you're looking for quickly by focussing your request as much as you can on the information you really need.

For example:

- Please send me all information you hold relating to Scotstown school.

This request could be narrowed by, e.g.:

- Specifying the issue that you're interested in (e.g. the closure of the school playground)
- Including a date period (e.g. "I am only interested in information created after 1 January of this year")
- Specifying the types of information that you're interested in (e.g. information contained in reports, minutes, or email correspondence relating to the issue)
- Mentioning individuals or departments that would have been involved in the creation of the information (helping the authority to narrow its search)

How you word your request will depend on the information you are interested in. However, the more specific you can be, the easier it will be for the authority to find the information, and send it to you quickly.

And remember, you can always make a further request if you later find that you don't quite have everything you need.

## **Seek advice and assistance**

Every public authority has a duty to advise and assist people who are making requests for information. If you're not sure how to word your request, or what might be held by the authority, you can contact them for advice. It can often be helpful to have a quick chat with the authority before putting in your request - or you can get in touch if you have questions about the information that is sent to you in response.

If you're not sure who to talk to, asking for the public authority's FOI officer is usually a good starting point.

The Commissioner's office can also provide advice and assistance on wording your request. Contact us for more information.

## Keep copies

Keep copies of your correspondence with an authority. While most FOI requests are answered first time with the information being provided, authorities are entitled to refuse requests in certain circumstances.

If an authority doesn't respond, or if you're unhappy with the reasons that an authority gives for any refusal, you'll need copies of your correspondence when you appeal to the Commissioner.

## Find out more about the appeal process.

Some other quick tips:

Keep it simple

Don't overcomplicate your request – keep it as simple as you can, and focus on the information you actually need.

Use the FOI contact address

Most authorities have a specific address for FOI requests. While any FOI request sent to an authority address will be valid, using the authority's designated FOI address can help your request reach the right person quickly. You should be able to find this easily, by either searching on their website or telephoning the authority.

Provide a phone number

You don't have to do this, but providing a phone number with your request can speed things along if the authority needs to contact you about your request.

Be polite!

You may feel strongly about the subject of your request, but try and be as polite as you can when requesting information. Use everyday language, and avoid using any language that could be considered inappropriate or abusive - this could lead to your request being refused because it is "vexatious".

Say how you would like to receive information

You may find it helpful to say how you would prefer to receive information – e.g. electronically, or in paper format. Where possible, authorities should do this. If you are collating information, or comparing responses from different authorities you may find it helpful to receive information electronically.

Mention FOI?

You don't have to mention FOI when you make an information request, but doing so can help ensure that your request is identified quickly and dealt with effectively.

Make a list

If your letter or email contains more than one request, try to present your questions as a numbered list. This can help both you and the authority keep track of each part of your request, and ensure that it is responded to fully.

Check it twice

Read through your request one last time before you send it. Try and put yourself in the shoes of the member of staff receiving your request. Is it obvious that you're making an FOI request? Is the information you're looking for clearly described? Is the information you've asked for likely to be recorded? Have you included your real (first and last) name and an address?

Once you're happy, send it off, and good luck! You should receive your response within just over 20 working days. Our [response time calculator](#) will help you work out when your response should have arrived by.

### **Further information**

If you have any further questions, or you can't find an answer to your question on our [Your Rights](#) pages, then please don't hesitate to [contact](#) us.

