

## **Public Information Leaflet**

### **The Freedom of Information Act 2000**

**Note:** This guide is an overview of some of the main provisions of the Act and should not be regarded as a legal document.

**What does the Freedom of Information Act do?** The Freedom of Information (FOI) Act 2000 gives everyone the right to request information from public authorities. The FOI Act means that, from 1<sup>st</sup> January 2005, you can get information to help you to understand better how this Department works, how we spend public money, and how and why we make our decisions.

#### **You can also get information under:**

- **The Data Protection Act 2018 (DPA), includes the General Data Protection Regulation (GDPR)**, which amongst other things, gives individuals access to their own personal information. The GDPR applies to private enterprise as well as public authorities.
- **The Environmental Information Regulations 2004 (EIRs)** which gives people access to “environmental information” held by organisations that perform functions of a public nature.

#### **How do I get information about the Department of Education under the FOI Act?**

If you have access to the Internet you can get information on the departmental website [www.education-ni.gov.uk](http://www.education-ni.gov.uk) or visit [www.nidirect.gov.uk](http://www.nidirect.gov.uk) for further information on accessing the websites of all Northern Ireland Government Departments. Alternatively you can write to the Departmental Information Manager, Department of Education, Rathgael House, 43 Balloo Road, Rathgill, Bangor, BT19 7PR.

**How long does it take to get information?** Once a written request for information is received, we have 20 working days to respond – although that time can be extended where:

- A “qualified” exemption applies and we need to consider the public interest.
- We are awaiting payment of a fee by you.

Sometimes we might need to contact you in order to clarify exactly what information you are interested in. It will help us to process your request more quickly if you can be as specific as possible about what information it is you want. Please make sure that you provide us with your name and address and a contact telephone number.

**Is there a cost for getting information?** This depends on a number of factors including the volume of material requested. Responses to enquiries that cost the

Department less than £600 to process<sup>1</sup> will normally be provided free of charge, although there may be a small charge for disbursements<sup>2</sup>. The department has the right to refuse to respond to a request that is estimated to cost more than £600 to process unless the request is for information covered by EIRs, in which case the Department has to process the request if you are prepared to pay the costs.

***What happens if the information I want is not available?*** The FOI Act does not require us to gather information or create information that is not already there. But we are required to assist you with your request. We will contact you and tell you what information we do hold that might help to answer your query or suggest another public authority that may hold the information you are looking for.

***What information can I have?*** The FOI Act allows you access to information that a public body holds. However, there are some things that cannot be given to the public. For example, information about national security, law enforcement or personal information about others – though you can obtain your own personal information, as well as other supplementary information, through your Right of Access in the GDPR, which is commonly referred to as a Subject Access Request.

***What if I am refused information?*** We will tell you if information is being withheld and why. We will also tell you whom you should contact to request an internal review if you are not satisfied with our decision. And if you are still not satisfied after the internal review you can request a review by the Information Commissioner (see details below). Please contact us first if you are not satisfied with our response and tell us why you believe that we are wrongly withholding information from you.

***Where can I get more information about the FOI Act?*** You can get more information about FOI from the regional Northern Ireland office of the Information Commissioner. The Commissioner's details are:

**Website:** [www.ico.org.uk](http://www.ico.org.uk)  
**Phone:** 028 90 278757 or 0303 123 1114  
**Email:** [ni@ico.org.uk](mailto:ni@ico.org.uk)  
**Post:** Northern Ireland, Information Commissioner's Office, 3<sup>rd</sup> Floor, 14 Cromac Place, BELFAST, BT7 2JB.

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<sup>1</sup> Includes the cost of finding, sorting or editing the material

<sup>2</sup> Disbursements may include costs of photocopying, printing, postage etc