

## Freedom of Information Act 2015

### Guidance on making a freedom of information request

#### Introduction

A request for information can be made under the Freedom of Information Act 2015 ("the Act") by an Isle of Man resident (individual or organisation) to the Information Commissioner ("Commissioner"). The information requested must be held by the Commissioner at the time the request is received and have been created on or after 11 October 2011. If your request falls outside these parameters you can make your request for information under the Code of Practice on Access to Government Information.

The Commissioner must respond to your request promptly and in any event within 20 working days from receipt of your request.

#### 1. Requesting information from the Commissioner

You should only make a request for information that is not reasonably accessible to you by other means. As far as possible, you should ensure that the Commissioner is likely to hold the information. If the information is not held, or is reasonably accessible through other means, a refusal notice will be issued explaining why the information cannot be provided to you.

#### 2. Your details

You may request information as an individual or an organisation (company, interest group, media etc.) provided you are resident in the Isle of Man.

It is not necessary for you to provide a telephone number or email but they will help if there are any queries about your request.

If you do not indicate your preferred method of contact and no email has been given then the Commissioner will write to you using the postal address provided. If an email address has been provided, the authority will write to you via email.

#### 3. Information requested

You do not have to give any reason(s) for making your request but please provide as much information as possible to assist the Commissioner to respond to your request.

If your request is simple and straightforward the Commissioner may be able to answer it without you having to complete a request form. You may wish to contact the Commissioner's office prior to sending any request for information to identify whether the information can be provided to you other than in response to a freedom of information request. Requests dealt with in this way will be handled as 'business as usual' requests. As such, the right of review and timescales set out in the Act do not apply to such requests.

If, at the time of making your request for information, you express a preference for receiving the information by any one or more of the following means, the Commissioner will, where reasonably practicable give effect to your preference.

Such means are:-

- i. a copy of the information in permanent form or in another acceptable form;
- ii. a digest or summary of the information; and
- iii. a reasonable opportunity for you to inspect a record containing the information.

The Commissioner will take into consideration all the circumstances, including cost, when determining what is a reasonably practicable way of providing the information to you. If the provision of the information in a certain way is not considered reasonably practicable then the Commissioner will let you know the reason for this.

#### **4. Practical refusal reasons/exemptions**

Where certain conditions are satisfied the authority is entitled to refuse to provide the information requested. These conditions are where there is a practical refusal reason, or where the requested information is subject to an absolute exemption or a qualified exemption and the public interest test is satisfied.

a) Practical Refusal Reason includes: if the information is not held or cannot be found after taking reasonable steps to do so, complying with the request would require the authority to do something that it is not required to do, your request is not a valid request for the purposes of the Act, your request is vexatious, malicious, frivolous, misconceived or lacking in substance, your request relates to information identical or substantially similar to information previously requested and supplied and a reasonable time has not passed between requests.

b) Absolutely Exempt Information includes: information accessible to you by other means, information protected by parliamentary privilege, communications with the Crown, information under international agreements about exchange of information, personal information, information provided in confidence, and information the disclosure of which is restricted by law unless an authority is not required to do so.

c) Qualified Exempt Information where the public interest in maintaining the exemption outweighs the public interest in disclosing the information, includes: national security and defence, international relations, economy and commercial interests, investigations and legal proceedings, law enforcement, audit functions, formulation of policy, conduct of public business, health and safety, research and natural resources, qualified exempt communications with the Crown, qualified exempt personal information, legal professional privilege, and, information for future publication.

If any practical refusal reasons or exemptions apply to your request you will be provided with a full explanation in a refusal notice.

#### **5. Personal information**

A request for your own personal data cannot be made under the Act and instead a subject access request under the Data Protection Act 2002 should be made. Details on how to make a subject access request are available on the website.