

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Date: 10 August 2010

**Public Authority:** The House of Commons  
**Address:** London  
SW1A 0AA

### Summary

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The complainant requested information from the public authority concerning information considered by a particular All Party Group (APG) and also for a list of gifts and donations supplied in the last five years to it. The public authority responded that it did not hold any information. This was confirmed in an internal review when a more detailed explanation was also provided. The complainant did not accept that this was so and referred the case to the Commissioner. The Commissioner has considered the case in detail and has that found the response of the public authority was correct.

### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

### The Request

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2. On 5 February 2009 the complainant requested the following information in accordance with section 1(1) of the Act:

*'a) Please provide a copy of all written submissions and oral evidence presented to the All-Party Parliamentary Group for Involuntary Tranquilliser Addiction and the All-Party Parliamentary Drugs Misuse Group by Scientology organisations, over the past 5*

*years.*

*By 'Scientology organisations', I mean organisations which promote, recruit members for, or raise money for, Church of Scientology Religious Education College Incorporated (a US corporation which has been denied charitable status in the UK).*

*To the best of my knowledge a list of such organisations would include:*

*Citizens Commission on Human Rights (United Kingdom) Ltd / Citizens Commission on Human Rights International / Jive Aces / Church of Scientology Inc / Greenfields School / Greenfields Educational Trust / Hubbard Foundation / ABLE / Applied Scholastics International / Narconon / Criminon / The Way to Happiness Foundation International / Church of Scientology Religious Education College Inc / Office of Special Affairs (OSA) / Sea Org / Youth for Human Rights International*

*b) Please provide a list of all gifts, hospitality or donations supplied to the above listed committees by the above listed Scientology organisations, over the past 5 years.*

3. On 5 February 2009 the public authority issued a response. It said:

*'All-Party Groups (APGs) are informal cross-party groups that have no official status within Parliament. They are essentially run by and for Members of the Commons and Lords and do not receive funding or administrative support from the House of Commons. Therefore, the House does not hold the information you are seeking.*

*However the House does maintain a list of such groups and a register that provides information about the support available to them from outside bodies including any financial support above a certain level.*

*The list, Register and rules can be found via the following link. No*

*other information relevant to your request is held by the House.*

*<http://www.parliament.uk/about/how/members/apg.cfm>*

4. On 9 February 2009 the complainant responded with the following question:

*'In that case, what would be the correct way for me to make a freedom of information request in respect of the proceedings of an All-Party group?'*

5. On 11 February 2009 the public authority clarified its response:

*'[the] response should have made it clear that All-Party groups are not subject to the provisions of the Freedom of Information Act.'*

6. On 12 February 2009 the complainant responded with the following question:

*'May I ask: why they are exempt?'*

*If their proceedings are not available under FOI, where are they available?'*

7. On 15 February 2009 the public authority provided a response where it explained its position further:

*'Its not that such groups are exempt - the Act just does not apply. FOI applies to public authorities as listed in the schedules of the Act. While the House of Commons is listed as a public authority in schedule 1 this application is limited to information held by the House as an institution, e.g., that relating to its administration and its activities as a body corporate including events in the chambers and official committees. Individual MPs are not subject to the Act and it does not apply to information held in their offices or by the various political parties. All party groups are not official bodies (they do not have to report their activities to the House) but are loose grouping of individuals (MPs, Peers and others) with a shared interest. They do not receive public funding and staff of the House are not involved in their activities. As for where information might be available the only thing I can suggest is that you write and ask them directly.'*

*For further information about the distinction between information held by the House of Commons as a public authority and that held by*

*individual MPs please refer to the linked Information Tribunal decision where (starting at paragraph 33) the issues are well described:*

<http://www.informationtribunal.gov.uk/Documents/decisions/HOCfinaldecision08071.pdf> '

8. On 16 February 2009 the complainant responded with his interpretation of the Tribunal decision:

*'Thank you again for your quick response, and for your link to the very informative Tribunal decision.*

*That decision makes a distinction between information held by individual MPs, and information held by the house collectively.*

*("we find that where information is held by the House collectively, and not simply by an individual MP, then it falls within the scope of the Act", para 44).*

*Clearly the activities of an all-party parliamentary group are collective activities, in that they are performed by a group of MPs (and others), not merely by one individual MP.*

*An all-party group does receive public funding, in that the House of Commons provides the location in which the group meets.*

*If an MP's office holds records on behalf of a Group, then this is not an activity of an individual MP, in that the records are those of collective activity of members of the House.*

*I therefore ask that you retrieve this information from the Group on my behalf.'*

9. On 19 March 2009 the complainant requested an internal review to be conducted into the handling of his information request:

*'As your response to my request is now overdue, I am writing to request an internal review of [the] House of Commons's [sic] handling of my FOI request 'Scientology / All – Party Parliamentary Group for Involuntary Tranquilliser Addiction (APPGITA)'.'*

10. On 19 March 2009 the public authority wrote to the complainant and asked for clarification about what it was that it was to review:

*I should be grateful if you could clarify what it is you want reviewed. Responses to all of your requests for information were provided on 9,*

*11 and 15 February all within a few days of your request being made. A response to a related request for information actually held by the House of Commons was provided within 13 days. In these emails in response to your requests for information it was stated that All Party Groups are not subject to the FOI legislation; that the information you ask for is not held by the House of Commons; and, that the House of Commons does not have access to the information you asked for. It was also pointed out that the best route to accessing this information would be to ask for it from the relevant Group directly. Would you like us to review that response?*

*As far as I am aware, no other request for information has been received. However, for the avoidance of doubt, if you are referring to your email of 16 February in which you ask me to undertake an action on your behalf (which might be read as going beyond what is normally required under the FOI legislation). The answer is: I am sorry I am not in a position to do this, please refer to the earlier response made to your request for this information. All Party Groups are not subject to the FOI legislation; the information you ask for is not held by the House of Commons; and, the House of Commons does not have access to the information you asked for. You might consider asking for it from the relevant Group directly.'*

11. On 20 March 2009 the complainant responded to the public authority:

*'What I am asking you to review are your conclusions that:*

- 1) this information is exempt from FOI, and*
- 2) that the committee is not part of the House of Commons for FOI purposes.'*

He then reiterated what was said in his email dated 16 February 2009.

12. On 7 May 2009 the public authority communicated the result of its internal review to the complainant. It stated:

*'Thank you for your request for internal review received on 20 March 2009. I can confirm that the information you asked for in your request dated 5 February 2009 is not held by the House of Commons.*

*To explain further, the FOI Act applies to public authorities. These bodies are described and listed in the schedules of the Act itself. While the House of Commons is listed as a public authority, individual MPs are not. This means that information held by the House of Commons as an institution is subject to the access rights set out in the FOI Act (this*

*would include information relating to business and proceedings of the chambers and committees and about the administration and running of the House), but there is not a similar right of access to information held by MPs in their offices and constituencies. All Party Groups are informal groupings of MPs, Peers and other individuals with a shared interest and they therefore fall outside the definition of 'the House of Commons' for the purpose of the FOI Act.'*

It then repeated its reference to the Tribunal decision referred to in paragraph 8 above.

## **The Investigation**

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### **Scope of the case**

13. On 13 May 2009 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the following points:
  - That he believes that the All Party Group is a committee and is part of the House of Commons for the purposes of the Act. He believes that this is so because it is a collective activity of a group of MPs which receives support from public funds.
  - That he believes that there are procedural failings in the time taken to respond to the request and to respond to the request for an internal review.
14. On 17 July 2009 the Commissioner wrote to the complainant to confirm that the scope of this case was as follows:
  - To determine whether the public authority was correct in determining that it does not hold any relevant information for the request dated 5 February 2009. He will therefore be required to determine if information that is held by All-Party Groups (APGs) is held by the House of Commons for FOIA purposes.
  - To consider the issue about delays.
15. On 22 July 2009 the complainant informed the Commissioner that he was content with the scope as outlined by the Commissioner on 17 July 2009.

## **Chronology**

16. On 17 July 2009 the Commissioner wrote to the complainant to confirm the scope and invite any further arguments about why the complainant believes that the public authority held the information for its own purposes in this case. On 22 July 2009 the complainant said he had no further arguments than those within the correspondence above.
17. Also on 17 July 2009 the Commissioner wrote a set of detailed questions to the public authority enquiring about its position, about the searches it had conducted and also checking that it had considered relevant areas.
18. On 17 August 2009, 25 August 2009, 1 September 2009 and 3 September 2009 the Commissioner chased up a response to the letter dated 17 July 2009.
19. On 4 September 2009 the Commissioner received a response to his original enquiries.
20. Also on 4 September 2009 the Commissioner wrote to the complainant and informed him of his preliminary verdict in this case.
21. On 5 September 2009 the complainant said that he was not happy with the preliminary verdict and therefore wanted the investigation to continue.
22. On 7 September 2009 the Commissioner wrote to the complainant to acknowledge receiving his email and the complainant replied repeating his arguments contained in the email dated 16 February 2009.
23. Also on 7 September 2009 the Commissioner telephoned the public authority to obtain an additional explanation in relation to one part of the request. He was called back the same day by the relevant department who informed him that he would investigate the issue and provide that necessary clarification.
24. On 9 September 2009 the Commissioner made a final enquiry about this case to the public authority. On 10 September 2009 he received a response to both of his enquiries from 7 September 2009 and 9 September 2009.

## Findings of fact

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25. The Commissioner has looked on the Parliament website and notes that the following information is contained upon it about All Party Groups:
- A register of All Party Parliamentary Groups. This lists the membership of the groups, the benefits received outside parliament by the group from sources outside Parliament, the paid employment of members outside Parliament, the category and contact details of the group and the date of its last registered meeting. Both Groups that the request concerns are on the Approved List and are therefore also required to give details of the group's purpose; its 20 qualifying members; any affiliation it has to the Inter-Parliamentary Union or Commonwealth Parliamentary Association; its voting rights; and the date of its last Annual General Meeting. The Involuntary Tranquilliser Addiction group can be found under the heading Tranquilliser Addiction.
  - Within this register there are no references to any of the groups that the complainant has mentioned.
  - A guide to the rules for All Party Groups in April 2005. It is only if the group complies with these rules will it be allowed to have access to the facilities of the House of Commons.
  - The rules state that all All Party Groups must notify the Office of the Parliamentary Commissioner for Standards within 28 days from the date it receives from the same source outside Parliament one or more benefits whose total value is £1000 or more in a calendar year, including cumulative benefits. Benefits are categorised as either financial or material and must be registered as follows:-
    - a. Financial benefits – ie money received by the group (eg donations, grants, subscriptions). The source of the benefit and the amount received by the group must be stated.
    - b. Material benefits – (eg the provision of services, hospitality, or gifts other than money). The source and nature of the benefit must be stated. If the value of the benefit is not known the rules state that the groups should err on the side of caution when assessing its financial value. If the benefit is 'administrative



- The registration rules do not change the requirement for individual MPs also to register the benefits where they gain personally from it.
- All benefits are deleted from the Group's Register after it has appeared on it for a year.

## Analysis

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### Substantive Procedural Matters

26. The Commissioner must determine three issues in this case:
1. Is the information held by the members of the Groups individually held by the House of Commons for the purposes of the Act;
  2. Can the information held by the Group as an entity be regarded as being held by the House of Commons for the purposes of the Act;
  3. Whether there is any recorded information directly held by the House of Commons that is relevant to this request for information;
27. Section 3(2) provides –
- “For the purposes of this Act, information is held by a public authority if –*
- (a) it is held by the authority, otherwise than on behalf of another person, or*
- (b) it is held by another person on behalf of the authority.”*
28. The relevant limb in this case is (b). The wording of s3(2) does not contemplate two mutually exclusive situations; those in which information is held by the a third party, and those in which information is held by it on behalf of the authority. The Commissioner has also adopted the approach of the Information Tribunal in its decision in *Ennis McBride v the Information Commissioner and the Ministry of Justice* [EA/2007/0105]. Although this case relates to section 3(2)(a) it is still relevant.

29. The Information Tribunal determined that the question of whether the requested information is held by the public authority is not one which turns on the status of the authority; on who owns the information; whether the authority has exclusive rights to the information; or, whether there is any statutory or other legal basis for the authority to hold the information. The question of whether the information is held, or not held, is simply a question of fact to be determined by the evidence.

30. Taking into account the information above, the Commissioner will consider each issue in turn.

*(1.) Is the information held by the members of the Groups individually held by the House of Commons for the purposes of the Act?*

31. The public authority has argued that the Act's application is limited to information held by the House as an institution, e.g., that relating to its administration and its activities in its official capacity including events in the chambers and official committees. In this case APGs are not formal official committees (they do not have to report their activities to the House) but are loose grouping of individuals (MPs, Peers and others) with a shared interest. It believes therefore that the groups are analogous to its members, the individual MPs, who are not subject to the Act. It is also relevant to note that APGs do not receive public funding and the staff of the House are not involved in their activities.

32. The complainant argues that because the House of Commons provides accommodation for the groups it does therefore provide an element of public funding and therefore the information considered by the members of the APGs should fall for consideration under the Act.

33. The Information Tribunal (the 'Tribunal') has considered in detail which parts of the House of Commons are covered by the Act in *the Corporate Officer of the House of Commons v the Information Commissioner* (EA/0006/0074/0075/0076) paragraphs 33 to 47. The Commissioner understands that the parties disagree on its interpretation in this case and has therefore determined the case on the strength of the arguments received.

34. The Commissioner finds the Tribunal's summary of the legal basis of the House of Commons in paragraphs 33 to 36 useful. He has therefore reproduced these paragraphs below:

*33. Before considering what matters the Tribunal has to determine in this case we have found it useful to consider the question; whether the House is a separate entity from the*

*Members for the purposes of FOIA or is it to be regarded as the collective group of Members?*

*34. The parties by written representations following the hearing have provided us with submissions which have been very helpful in enabling us to consider this question. We find that the House is not itself a body corporate or any other kind of legal person. In particular, when dissolved by Her Majesty (for example before a General Election) it ceases to exist. It acts only by way of motions or resolution in accordance with its Standing Orders.*

*35. The Parliamentary Corporate Bodies Act 1992 (PCBA) creates by section 2 a corporation sole by the name of The Corporate Officer of the House of Commons. This office is held by the Clerk of the House of Commons for the time being and his functions are to hold property and enter into contracts for any purpose of the House. The 1992 Act does not convert the House of Commons itself into a corporate entity. Section 6 of the 1992 Act provides for a particular instance (gifts and bequests) where a reference to the House of Commons is to be treated as a reference to the Corporate Officer. But the Act does not provide more generally that legislative references to the House of Commons should be taken to be references to the Corporate Officer.*

*36. There is also the body known as the Commission of the House of Commons created by the House of Commons (Administration) Act 1978. The Commission is a body corporate (see para 1 of Schedule 1 to that Act). The main functions of the Commission are to be the employer of the staff who work for the House and to prepare, and lay before the House, estimates for the use of resources in the House service.*

35. The Tribunal then provided an explanation of its understanding about the legal position of the House in relation to the application of the Act in paragraphs 41 to 44, which have also been reproduced below:

*'41. For the purposes of FOIA, therefore Ms Grey states, the House regards the Members as separate entities from "the House of Commons". Where information is provided by Members to the House's administration, for example in relation to an expenses claim, the information is "held" by the House only to the extent that it is held by the House's administration, not to the extent that it may be retained in the Member's personal files.*

*42. The Tribunal accepts this legal position of the House in relation to FOIA and that the relevant public authority is in fact the House itself, not the Corporate Officer, although the title of the Appellant in this case is "The Corporate Officer of the House of Commons" as it was in the Baker case. The reason for the title of the Appellant is because under section 2 PCBA the Corporate Officer of the House is provided with power to sue or be sued and therefore has the capacity to conduct litigation. We also accept that each individual MP is not a public authority under the Act. If the Act had intended that individual MPs were to be public authorities, it would have said so in clear terms. We accept that the Act intends that the House of Commons – the body made up of MPs collectively – is to be a public authority.*

*43. The Tribunal also accepts that information that is held merely by an individual MP does not come within the scope of the Act. For instance, an individual MP's casework files do not come within FOIA. Information about an individual MP's expenses, if held merely by that MP as an individual, does not come within the scope of the Act either, since it is not information held by a public authority.*

*44. However we find that where information is held by the House collectively, and not simply by an individual MP, then it falls within the scope of the Act. It is accepted by the parties in the present case that the disputed information is held by the House collectively. There has been no suggestion at all that the disputed information is information that is merely held by individual MPs, or that the disputed information is not held by the House. Rather the appeal has been put on the basis that the information sought is exempt from disclosure under the Act.'*

36. The Commissioner accepts that individual MPs are not public authorities for the purposes of the Act. The Commissioner finds the any information by individual MPs about APGs is not information held by the House collectively. Information held by MPs about the work of APGs does not come within the scope of the definition of the House of Commons. The Commissioner has also found no evidence that the MPs are holding this information, to any extent, on behalf of the House of Commons.

*(2.) Can the information held by the Group as an entity be regarded as being held by the House of Commons for the purposes of the Act?*

37. The Commissioner has considered the comments of the Tribunal above and also the nature of the APGs themselves. He is satisfied that the Groups do not have any official status and are informal cross-party groups that are conducted by individual members with specific interests. They are an example of individual MPs collaborating together and with external groups and are not examples of MPs acting together collectively, using their Parliamentary authority.
38. The Commissioner has examined the rules on APGs to engage with how they operate. The only requirements that the House of Commons imposes is that the benefits are registered and to demonstrate that the group meets the requirements to be placed on the approved list, which enables it to have accommodation within the House of Commons. He notes that the APGs are not provided with any administrative or financial support by the House of Commons and that they operate separately from the official functions of the House.
39. The Commissioner is aware that information that relates to the House of Commons activities in its official capacity including proceedings in the chambers and official committees are covered by the Act. He is satisfied that the APG are not part of the House of Commons activities in its official capacity.
40. The Commissioner has also considered the complainant's submission about the group being accommodated by the House of Commons. The Commissioner does not feel that this is different from the MPs being provided with an office by the House of Commons. He does not believe that the fact accommodation is provided makes an APG fall within the definition of the House of Commons.
41. The Commissioner has finally considered the difference between APGs and Select Committees. Select Committees are appointed by the House and supported by public funds through the House of Commons administration vote to assist the House in performing its constitutional function of examining the policy, expenditure and administration of government departments. They report to the House of Commons and their activities are part of Parliamentary proceedings. None of these features are shared by APGs. The Commissioner is satisfied by this distinction and that while Select Committees fall within the definition of the House of Commons, the body of MPs collectively,, APGs do not.
42. He is also satisfied that any information held by the Group itself is only held by the Group itself and is not held, to any extent, on behalf of the House of Commons. This means that this information is not held by the House of Commons for the purposes of section 3(2)(b).

(3.) *Whether any more relevant recorded information is held by the House of Commons that is relevant to this request for information?*

43. The Commissioner is also required to consider whether the House of Commons directly holds any relevant recorded information that is relevant to the request. While he is satisfied that the information held by the members of the APG and the APG itself are not covered by the Act, there are still a number of places that he would expect to be checked to confirm that no recorded information is held by it.
44. In order to make a determination about whether the Act was applied correctly the Commissioner must consider whether the public authority held any recorded information that is relevant to either request for information at the date of the request. In doing so, the Commissioner has been guided by the approach adopted by the Information Tribunal in the case of *Linda Bromley & Others and Information Commissioner v Environment Agency* (EA/2006/0072). In this case the Tribunal indicated that the test for establishing whether information was held by a public authority was not one of certainty, but rather the balance of probabilities.
45. The Commissioner will apply this standard of proof to each part of the request in turn:
  - (i) *Information about the all written submissions and oral evidence presented to the specified All-Party Parliamentary Groups by Scientology organisations, over the past 5 years.*
46. The public authority has indicated to the complainant that it does not hold any further information about APGs in question apart from general information which is found on a link on its website. The Commissioner has considered the information on the website and can confirm that none of the information on the website is relevant to this part of complainant's request.
47. The Commissioner when determining whether relevant information is held has considered the nature of the APGs. As noted above, the House of Commons provides no administrative or secretariat support to the APGs and therefore there is no reason why it would hold this information with regard to that function. This support is provided instead by the Offices of the Members of the APGs or the relevant industry groups connected to them.
48. The Commissioner was aware that the Parliamentary Commissioner of Standards adjudicates on the application of the rules. While the rules are mainly about declaring financial interests and membership; the

- Commissioner believed there may be an outside possibility of a complaint being made to them about this issue and the information therefore being held by the House of Commons. The Commissioner specifically asked the House of Commons about this possibility and was informed that it had checked its records and had received no complaints about the listed organisations and therefore held no recorded information.
49. The Commissioner has enquired about whether any other staff of the House of Commons deals with APGs and has been informed that none of the staff do. It also can confirm that there is nowhere relevant to check in its central records due to this fact.
50. The Commissioner has determined, having regard to these answers and the steps the public authority have informed him they have taken, that on the balance of probabilities there is no relevant recorded information held in relation to this request for information.
- (ii) Information about gifts, hospitality or donations supplied to the APGs by the listed Scientology organisations over the past 5 years*
51. The public authority informed the complainant that it held the register of interests over the preceding year over a set amount for every APG. It provided the complainant with a link to this register. This contained no information about the listed organisations.
52. The Commissioner has investigated firstly whether the public authority holds previous copies of the register. These needed to be considered as information is removed after being declared for a year, so it was possible that earlier registers may have contained information about the specified organisations.
53. The public authority responded that it did hold historic registers which had been checked and contained no information about the listed organisations that were mentioned in the request.
54. The Commissioner has considered the legal requirements (contained in the rules for All Party Groups) and is satisfied that the register is the only information required to be held under the rules on All Party Groups. He is satisfied that these requirements are satisfied by the information provided on the website.
55. The Commissioner has also considered whether there was any other source of recorded information that would provide the relevant

information. He is satisfied that on the balance of probabilities there is not.

56. The Commissioner has determined, having regard to these answers and the steps the public authority has informed him it has taken, that on the balance of probabilities there is no relevant recorded information held in relation to this request for information.

### **Procedural Requirements**

57. The complainant made a specific complaint about the amount of time taken to answer his request for information. Section 10(1) allows a public authority twenty working days to provide a response. In this case the public authority took less than one day. The Commissioner therefore has determined that the public authority has complied with section 10(1). The Commissioner believes that the complaint centres on the failure to recognise the complainant's expression of dissatisfaction as a request for an internal review (between 16 February 2009 and 19 March 2009) and this will be considered in the 'Other matters' section of this Notice.

### **The Decision**

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58. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act. This is because it was correct to determine that it did not hold any recorded information that was relevant to the complainant's request.

### **Steps Required**

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59. The Commissioner requires no steps to be taken.

### **Other matters**

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60. Although it does not form part of this Notice the Commissioner wishes to mention one area that is of concern. This is that the Commissioner could not find evidence that originally the internal review process was set in motion, despite an expression of dissatisfaction on 16 February 2009.



61. However, the Commissioner's view is that any expression of dissatisfaction should automatically be regarded as a request for an internal review of the decision. This is in line with paragraph 38 of the Section 45 Code of Practice. The Commissioner hopes that the public authority will ensure that it picks up expressions of dissatisfaction so that it automatically puts its internal review procedure into operation when dealing with future requests for information.

## Right of Appeal

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62. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
Arnhem House,  
31, Waterloo Way,  
LEICESTER,  
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: [informationtribunal@tribunals.gsi.gov.uk](mailto:informationtribunal@tribunals.gsi.gov.uk).

Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

**Dated the 10<sup>th</sup> day of August 2010**

**Signed .....**

**Steve Wood**  
**Head of Policy Delivery**

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

## Legal Annex

### The Freedom of Information Act 2000

#### Section 1 - General right of access to information held by public authorities

(1) Any person making a request for information to a public authority is entitled—

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.

(2) Subsection (1) has effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.

(3) Where a public authority—

(a) reasonably requires further information in order to identify and locate the information requested, and

(b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.

...

#### Section 3 - Public Authorities

(1) "in this Act "public authority" means –

(a) subject to section 4(4), any body which, any other person who, or the holder of any office which –

(i) is listed in Schedule 1, or

(ii) is designated by order under section 5, or

(b) a publicly-owned company as defined by section 6.

(2) For the purposes of this Act, information is held by a public authority if –

(a) it is held by the authority, otherwise than on behalf of another person, or

(b) it is held by another person on behalf of the authority.

#### Section 10 - Time for compliance with request

(1) Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.

(2) Where the authority has given a fees notice to the applicant and the fee is paid in accordance with section 9(2), the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded in calculating for the purposes of subsection (1) the twentieth working day following the date of receipt.

(3) If, and to the extent that—

(a) section 1(1)(a) would not apply if the condition in section 2(1)(b) were satisfied, or

(b) section 1(1)(b) would not apply if the condition in section 2(2)(b) were satisfied,

the public authority need not comply with section 1(1)(a) or (b) until such time as is reasonable in the circumstances; but this subsection does not affect the time by which any notice under section 17(1) must be given.

...