

Procedure for Freedom of Information (FOI) Requests

The Freedom of Information (FOI) Act 2015 provides you with the right of access to information held by public authorities, including Douglas City Council. It does this in two ways:

- Public authorities are obliged to publish certain information about their activities, via their Publication Scheme.
- Members of the public are entitled to request recorded information held by public authorities.

The Council makes every effort to ensure that information requests are answered promptly and professionally, and that the Publication Scheme is kept up to date.

The FOI Act does not give people access to their own personal data (information about themselves) such as their tenancy records. If a member of the public would like to see information that a public authority holds about them, they must make a Subject Access Request under Article 15 of the Applied General Data Protection Act (GDPR) 2018.

Compliance with the FOI Act is a legal duty and is overseen by the Information Commissioner's Office (ICO).

Every Public Authority must;

- Proactively publish information about their activities in line with guidance from the Information Commissioner's office, in a Publication Scheme. This is a guide to all the information that is routinely published.
- Make information that we hold available to those who request it within 20 working days, unless non-disclosure is permissible under one of the exemptions listed in the FOI Act.

Making a Freedom of Information Request

A large proportion of our information is already accessible on the website, or via our Publication Scheme. However, if you cannot find information that you require, you can submit a Freedom of Information Request under the FOI Act 2015.

In order to be considered a valid request under the FOI Act, a request for information should:

- Be in writing - This includes letters, emails or electronically using the IoM Government portal

- Include your real name
- Include a contact address to which we can reply. This includes a postal address or email address.
- You must be an Isle of Man resident.

Any written request received by the Council will be responded to within 20 working days. Working day means any day other than a Saturday, Sunday, or public holidays and bank holidays. The time allowed for complying with a request starts when the Council receives it, not when it reaches the relevant teams that the requests relate to. Under the FOI Act there is provision for the public authorities to claim a reasonable extension to this limit, up to an additional 20 working days, where the request requires more time to consider the public interest test.

The FOI Act also allows public authorities to apply variations to the normal 20 working day timescale in some limited circumstances.

Where possible, we will provide the information in the manner you request. However, some information may be exempt from disclosure. Where this is the case, we will clearly explain which exemption we have applied and why.

To help us with our search, we encourage you to be as specific as possible when describing the information that you are requesting. This will also allow us to give a prompt response and ensure that we provide you with all the relevant information that you request.

We will make every effort to ensure that valid requests are answered promptly and professionally. However, if you are not satisfied, you have the right to request a review of the response that you have received regarding your request for information or to complain about our handling of your request.

How to submit a request?

You must put your request in writing or electronically by using the IoM Government portal.

Please send this to:

Data Protection Team

Douglas City Council

City Hall

Ridgeway Street

Douglas

Isle of Man

IM99 1AD

Email: dataprotection@douglas.gov.im

Or [Isle of Man Government - Freedom of Information request for Local Authorities](#)

Exemptions

The FOI Act has a series of exemptions that may prevent the right of access to information, and which therefore may prevent release including:

- Information accessible to the applicant by other means
- Information intended for future publication
- Information provided in confidence.

Some exemptions are 'absolute' either in whole or part. This means that the requested information does not need to be disclosed under any circumstances.

Others are 'qualified' exemptions in that they are subject to a public interest test either in whole or part. This means that a public interest test will be carried out and the information will only be withheld if the public interest in not disclosing is greater than the public interest in disclosing.

Some of the 'qualified' exemptions are also subject to a prejudice test, which must be carried out before the information can be considered exempt. This test considers whether harm will or is likely to be caused if the information is released.

A public authority must give the applicant a refusal notice if it is not going to provide the information sought, in part or in full.

For more information on exemptions please refer to Appendix A.

What happens next?

- It will be acknowledged promptly and within 5 working days of receipt
- Requests will be dealt with as soon as possible, and in any event, will be dealt with within 20 working days of receipt, in accordance with the Information Commissioner's guidance
- In exceptional circumstances (for example, when it is necessary to reconsider the public interest) it may be necessary to extend the deadline for response by a further 20 working days. If that is the case, you will be informed and given an explanation for the delay, which will not exceed a total of 40 working days

What can you do if you are not satisfied with our response?

If your request for information, or handling of this, is not resolved to your satisfaction, you have the right to request a review to the Council.

Please refer to: How to Request an Internal Review for Freedom of Information (FOI) link on the website. Hard copies are available from Reception, Douglas City Hall.

Absolute exemptions

The absolute exemptions are set out in Part 3 of FOIA.

Information is absolutely exempt from the right of access if it is one of the following types of information:

- Information accessible to applicant by other means
- Court information
- Parliamentary privilege and business
- Communications with the Crown (expressly the Queen, heir to the Throne and second in line, and the Lieutenant Governor)
- Information under international agreements about exchange of information
- Certain types of personal information
- Information provided to the public authority in confidence
- Information the disclosure of which is restricted by law.

When responding to a request the public authority is required to give consideration to the possibility of removing exempt information while disclosing all non-exempt information.

Qualified exemptions

A public authority may refuse to supply some, or all, of the information requested because it is qualified exempt information.

This means that the information must be of the type referred to by the exemption and the public authority must consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

For some exemptions, the public authority must determine that a specified prejudice or harm would or would be likely to occur if the information was disclosed before considering the public interest.

The qualified exemptions are:

- 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
- Information for future publication.

When responding to a request the public authority is required to give consideration to the possibility of removing exempt information while disclosing all non-exempt information.