

Procedure for Freedom of Information 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 can publish certain information about their activities, via their Publication Scheme.
- Members of the public are entitled to request recorded information held by the 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 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 wants to see information that a public authority holds about them, they must make a Subject Access Request under the Data Protection Act.

Compliance with the Act is a legal duty and is overseen by the Isle of Man Information Commissioner (IC).

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.
- Respond to requests within 20 working days providing the information unless non-disclosure is permissible under one of the exemptions listed in the 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 Freedom of Information (FOI) Act 2015.

In order for it 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 days mean 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 Act there is provision for the public authorities to claim a reasonable extension to this limit, up to an additional 20 working days, where it needs more time to consider the public interest test.

The 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:

FOI Team

Douglas City Council

City Hall

Ridgeway Street

Douglas

Isle of Man

IM99 1AD

Email: FOI@douglas.gov.im

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

Exemptions

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

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?

- The Freedom of Information Request 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 Act.
- 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 40 working days.

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

If you are unhappy with your response, you may ask us to carry out an internal review, by completing a Freedom of Information review form and submitting it electronically or by delivery/post to the Chief Executive, Douglas City Council, P.O. Box 2, IM99 1AD. If you would like a paper version of our form to be sent to you by post, please contact FOI@douglas.gov.im or call 696313 for this to be arranged. Your review request should explain why you are dissatisfied with the response and should be made as soon as practicable. We will respond as soon as the review has concluded.

Alternatively, a review request can be completed via the Government's portal via the link below.

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

If you are not satisfied with the result of the review, you then have the right to appeal to the Information Commissioner for a decision on;

1. Whether we have responded to your request for information in accordance with Part 2 of the Freedom of Information Act 2015; or
2. Whether we are justified in refusing to give you the information requested.

In response to an application for review, the Information Commissioner may, at any time, attempt to resolve a matter by negotiation, conciliation, mediation or another form of alternative dispute resolution and will have regard to any outcome of this in making any subsequent decision.

More detailed information on your right to a review can be found on the Information Commissioner's website at www.inforights.im/.

Appendix A

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 Sovereign/Monarch, 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.

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