

# MAZE LONG KESH

## Development Corporation

### Policy and Procedures for Managing Freedom of Information Requests

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<i>Document Author</i>	<i>Jon Craig</i>
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## **POLICY STATEMENT**

The Maze Long Kesh Development Corporation (MLKDC) is committed to complying with the provisions of the Freedom of Information Act 2000 (FOI) and any related legislation which is applicable.

The FOI Act enables anyone to request any recorded information held by, or on behalf of, the Corporation. There is no need for the applicant to explain their reasons for the request, or that it is a request under the FOI Act. Requests for information must be made in writing, which includes emails. The request must state the name and address of the person applying for the information and the required information.

Information will be provided if it is held, unless one or more of the exemptions listed in the legislation applies. Information which is exempt does not have to be provided.

## **PUBLICATION SCHEME**

The FOI Act requires MLKDC to publish and maintain a publication scheme. This is a high level commitment to proactively publish certain types of information. The Corporation has adopted the Information Commissioners' Office (ICO) model publication scheme. All of the information referred to in the publication scheme is available on the MLKDC website.

## **INTRODUCTION**

This paper sets out the procedures that MLKDC will follow when handling requests for information made under the [Freedom of Information Act 2000](#) (FOI requests) or under the [Environmental Information Regulations 2004](#) (EIR requests). It is aimed at all MLKDC staff. A guide to data protection requests can be found at FI1/18/628798 GDPR & Data Protection Policy & Procedures.

If you have any questions arising from this paper ask the Chief Executive (CEx) or the MLKDC Information Manager (IM).

## **QUICK GUIDE FOR STAFF**

A flow chart, summarising the steps in MLKDC's process for dealing with FOI requests is shown in Figure 1 on page 5. The following is a broad overview of what you should do if you think you may have received an information request.

## **YOU ARE RESPONSIBLE FOR IDENTIFYING FOI REQUESTS AND TELLING THE CE (AND / OR THE IM).**

An FOI request must be in writing, state the name of the applicant, give an address for correspondence and describe the information requested. It can be received electronically or in hard copy. Note in particular, that a request does not have to mention the Freedom of Information Act in order to be treated under the terms of the legislation. See Section 1 for more detail.

- It is an FOI request:
  - i. Tell the CEx and the IM immediately (Section 2). Time is critical; there is a 20 working day time limit.
  - ii. The CEx decides if it is a valid request for information under FOIA or if it can be dealt with informally through normal business processes.
  - iii. The IM logs the request and sets up the appropriate Content Manager records as necessary. For example, those requests to be treated as informal requests will require logging and monitoring in line with business processes and those requests being treated as formal FOI's will require a separate Content Manager container.
- Provide information if asked by the CE or the IM.
- The CEx is responsible for all FOI correspondence. Normally the CE approves and signs all responses. However, he may choose to delegate to a nominee (e.g. the IM) where appropriate.
- If it is a request from another Government or public sector organisation, speak to the CE before making any response (Section 7). Similarly, the CE decides if MLKDC should ask another organisation for information.
- Use standard letters where possible (Section 8). Responses, letters, etc. must only be sent by the CE or his nominee.
- Save everything in Content Manager (Section 9).
- If you receive an appeal relating to an FOI request, tell the CEx (or IM) (Section 11).
- This guide also applies with appropriate adjustments to information requests under the [Environmental Information Regulations 2004](#) (an EIR request). It does not apply to 'subject access requests' made under the Data Protection Act, which should be referred to the CE. MLKDC's Managing Subject Access and Other GDPR Requests policy can be found at FI1/18/789902.

The CEx has delegated authority to act on FOI requests to the IM as his nominee. The IM will use his discretion to escalate actions relating to FOI requests where appropriate.

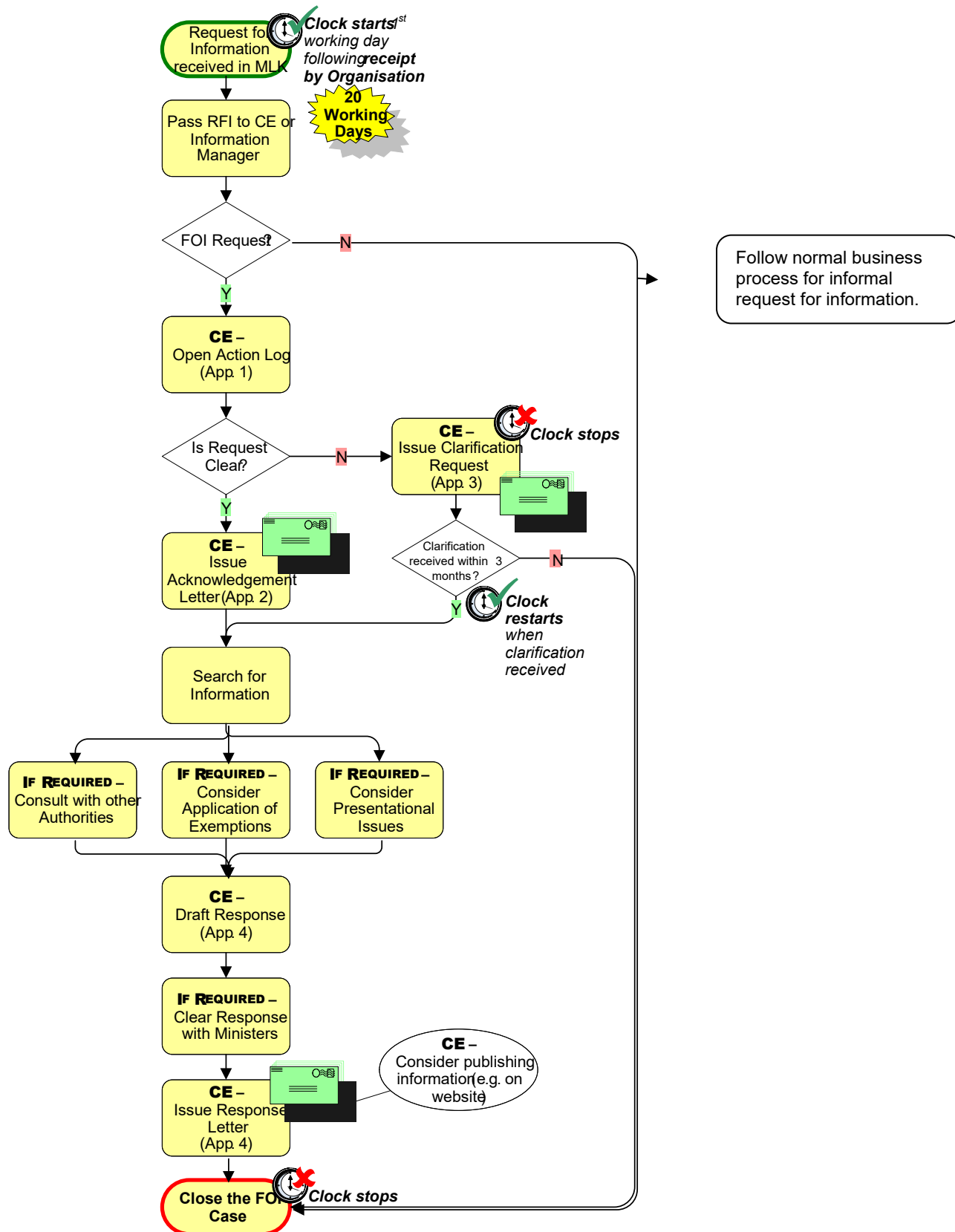


Figure 1: Freedom of Information Request Process Flowchart

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## 1. IDENTIFYING A FREEDOM OF INFORMATION REQUEST

The Freedom of Information Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002.

A Freedom of Information (FOI) request must be in writing, state the name of the applicant, give an address for correspondence and describe the information requested. It can be received electronically or in hard copy. You or anyone else in MLKDC may be the recipient. A request does not have to mention the Freedom of Information Act in order to be treated under the terms of the legislation.

However, you do not have to treat every enquiry formally as a request under the Act, as the guidance from the Information Commissioner's Office makes clear.

*'For a request to be valid under the Freedom of Information Act it must be in writing, but requesters do not have to mention the Act or direct their request to a designated member of staff. It is good practice to provide the contact details of your freedom of information officer or team, if you have one, but you cannot ignore or refuse a request simply because it is addressed to a different member of staff. Any letter or email to a public authority asking for information is a request for recorded information under the Act.'*

*"This doesn't mean you have to treat every enquiry formally as a request under the Act. It will often be most sensible and provide better customer service to deal with it as a normal customer enquiry under your usual customer service procedures, for example, if a member of the public wants to know what date their rubbish will be collected, or whether a school has a space for their child. The provisions of the Act need to come into force only if:*

- "you cannot provide the requested information straight away; or*
- "the requester makes it clear they expect a response under the Act.*
- When you receive a request you have a legal responsibility to identify that a request has been made and handle it accordingly. Staff who receive customer correspondence should be particularly alert to identifying potential requests.'*

If you get a FOI request or anything that looks like it could be, speed is of the essence. Pass it immediately to the CE or the IM. If you are unsure as to whether a request or any paper or electronic

correspondence received should be dealt with under the FOI Act (or the Data Protection Act), ask the IM or the CE.

You should check your own and any generic email accounts regularly, as well as your hard copy post, etc. If you are going on leave, giving colleagues access to your email account and asking them to check the inbox will prevent FOI requests lying in it unnoticed. For the same reason, the IM should assess the risk when someone is on sick leave and, as necessary, consider requesting access to such email accounts from IT Assist.

## **2. RESPONSIBILITIES**

You are responsible for identifying any information request that you receive and passing it to the CE if there is any possibility that it may be a FOI or other legislative request (e.g. a Data Protection Act query).

The CE is responsible for MLKDC providing a full response to a FOI request; to the required standard and within the statutory deadline. He in turn has delegated authority to the IM for ensuring that the request will be managed in a manner that conforms to these procedures. (All references to the CE below should be taken to apply to the IM when he is acting for the CE).

The statutory time limit for dealing with an FOI request is 20 working days (Figure 1) on page 5.

The IM will keep the CE informed of all key issues, including draft responses, relating to the management of FOI requests.

## **3. LOGGING AND ACKNOWLEDGING A REQUEST**

On receipt of a request for information, the IM must:

- I. Allocate an FOI case file reference number to the request. This will be in the format YYNN (with YY standing for the last two digits of the year and NN being the next available number for the request, e.g. 2001 for the first FOI request in 2020).
- II. Register the request centrally on Content Manager.
- III. Create a new container for the request, in which all documents relating to the management of the request must be placed.
- IV. Complete and issue a standard acknowledgement. This should be an email if the original request was by email or a letter if the request was received by post (see Appendix 2 for wording). An email can be sent by the IM. A letter should be signed by the CE or, in his absence, by the IM with the approval of the CE.
- V. Create and maintain in the Content Manager container, a log of all actions relating to the processing and management of the FOI request. The format of this log is set out at Appendix 1.

#### **4. CLARIFYING A REQUEST**

If there is any doubt as to the nature, scope or depth of the information which has been requested, the CE will contact the applicant within five working days to clarify precisely the type and nature of the information sought. This is to prevent nugatory work in searching for, collating and then considering information which may not be relevant to the request. Contact with the applicant to clarify the request may be by telephone, email or (standard) letter. The CE will log details of all such contacts.

When clarification with an applicant is considered necessary, the CE will issue the standard letter (Appendix 3), as necessary, and will 'stop the clock' until an appropriate response from the applicant is received (Figure 1 on page 5).

#### **5. SENSITIVE REQUESTS**

The CE should consider informing the Executive Office (TEO) and the Executive Information Service in TEO on receipt of requests of a potentially sensitive nature or which may involve presentational issues.

#### **6. IDENTIFYING RELEVANT INFORMATION AND PROCESSING THE REQUEST**

In determining the approach to be adopted, resource requirements and the likely timescales involved in processing a request, it is essential that the CE takes into account at the outset the following factors, all of which will have a significant impact on the time available to respond to a request within the statutory deadline:

- The need for clarification with the applicant;
- The need to consult with TEO and / or other Government Departments;
- The need to seek legal advice;
- The need to draft submissions to Ministers; and
- The likelihood of Ministers or officials wishing to view the response prior to issue.

The CE should also identify on receipt of a request whether the request may be a prelude to litigation. If litigation is a possibility, the CE must seek legal advice.

The CE, having considered the FOI request will decide whether it can be answered fully by reference to MLKDC's primary records only, or whether input is required from individual members of staff. The key task if you are asked to identify and collate information relevant to a request is to undertake this exercise thoroughly and comprehensively.

MLKDC records should be in Content Manager. However, relevant information may be held in a variety of formats: e.g. registered paper files, working papers, folders; electronically within email accounts. etc.



Information that should be reviewed also covers other recorded formats including photographs, maps, videos, voicemails and text messages.

**It is essential that all possible repositories which may contain relevant information are thoroughly and effectively searched.**

**NIL responses must be provided where no other response is appropriate.**

The CE should then identify any relevant sensitivities relating to the information for answering the request. If the CE considers that information should not be released, he must identify the relevant statutory exemptions and record in the log why they are considered applicable.

Where Ministers and / or officials have asked to view responses prior to issue, arrangements will be put in place to facilitate the swiftest possible turnaround to enable the response to the applicant to issue within the statutory deadline.

If a response which has been issued to an applicant is subsequently discovered to be inaccurate, the CE must be informed immediately and the applicant provided with the correct information.

## **7. CONSULTING AND INVOLVEMENT WITH THIRD PARTIES (INCLUDING GOVERNMENT DEPARTMENTS)**

A regular feature of the processing of FOI requests is the need to consult with third parties who may originally have supplied MLKDC with the information that the applicant has requested. There may also be a need to consult with third parties who may be harmed by, affected by, or have an interest in the information which is being considered for release.

In many cases, third parties will be Northern Ireland Government Departments but may also include UK or GB Government Departments, public sector organisations, commercial organisations and members of the public.

If there is a need to consult with third parties, the third parties must be given a reasonable time to respond depending on issues such as the nature of the clarification and the volume and sensitivity of the information sought.

Consultation with third parties therefore needs to be undertaken as early in the process as possible as it always adds to the time taken to respond to a request. This is particularly true where, for example, there is a need to consult with several departments simultaneously.

You must not respond to requests for consultation on FOI requests from Government Departments or other organisations without first consulting the CE.

Where a Government Department or organisation has sought the views of MLKDC regarding information it plans to release, and the CE considers that all or some of this information is inaccurate, the CE must ensure that the other departments or organisations are (a) informed of this and (b) asked

to confirm that the errors will be corrected. A record of this communication must be kept and stored in Content Manager by the CE.

You must not ask other Government Departments, the Northern Ireland Assembly or any other organisation to provide information as part of MLKDC's response to an FOI request. Responses by MLKDC to FOI requests addressed to it must be based on the information relevant to the request which is held within MLKDC (and not sourced from elsewhere).

## **8. USING STANDARD LETTERS WHEN PROCESSING REQUESTS**

Standard letters, suitably adapted as appropriate (e.g. for emails), should be used at all times when communicating with applicants and consulting with third parties in writing (these are attached as appendices to this document).

Letters to the applicant must always be signed by the CE (or by the IM acting under the CE's instruction), except:

- Letters relating to appeals, which must be signed by the Internal Reviewer (Section 11 - Appeals).
- The initial acknowledgement of the FOI request. If a letter is to be emailed, this should be signed by the CE. An email acknowledgement may be sent by the IM with the approval of the CE.

Where the IM is instructed by the CE to sign a letter on his behalf, the letter should still come from the CE but be signed 'pp' (i.e. per procuration).

PDF format should be used when responding to applicants electronically. Formal letters should be printed as a PDF document, which is attached to the email. In some cases (e.g. the initial acknowledgement letter) an email response is acceptable. This is noted on the templates in the appendices to this document. The IM may send the email that attaches the PDF of the formal MLKDC response letter coming from the CE.

The application of exemptions, public interest test considerations, etc. must be properly and thoroughly communicated to the applicant in the response.

## **9. DOCUMENTING THE DECISION MAKING PROCESS**

A complete record of all documentation relating to the processing of a request must be retained in the Content Manager container (or for items that cannot be put into Content Manager, the registered file that is logged in the Content Manager container). While this is a requirement of MLKDC's records management procedures, these records will also be used should an applicant request an Internal Review of MLKDC's decision.

The Content Manager container will be used by MLKDC's Internal Reviewer (Section 11 - Appeals) to determine if a request has been processed in line with MLKDC's FOI procedures. Records must

therefore be retained in Content Manager of all relevant emails, minutes, submissions, etc. and an appropriate record made of any meetings at which approaches were determined or decisions taken.

Where information is being withheld by MLKDC, the CE must ensure that the reasoning behind the identification and application of exemptions is fully recorded. It is also essential that the identification of the pros and cons of public interest test deliberations, plus the outcome of the balancing of the public interest, i.e. whether to withhold or disclose the information requested, is properly documented.

The Information Commissioner will also require the electronic records to be provided should a complaint be received from the applicant. Ensuring that the decision making process is thoroughly recorded and documented is therefore of critical importance and a key element of these procedures.

## **10. REFUSAL OF A REQUEST**

A request for information can only be refused for the following reasons:

- The request is vexatious or repeated.
- The cost of complying with the request exceeds the 'appropriate limit' ( Section 10.1 below)
- The information requested falls within one of the exemptions listed in Part II of the Freedom of Information Act (Section 10.2 below).

When refusing a request MLKDC must issue a refusal notice. This should be done promptly and not later than 20 working days after the request is received. Note that there is not a standard letter for the refusal notice, which must be signed by the CE (although he may instruct the IM to sign the letter on his behalf).

If the information requested is already public or about to be published, MLKDC is not obliged to deal with a request for it under the Freedom of Information Act (Sections 21 and 22, Freedom of Information Act 2000). That is, strictly the request is deemed not to be a FOI request. However, you must still tell the CE as if it were a FOI request. It is the CE's decision to determine whether this is the case.

### **10.1 Cost**

Where it is judged that it will exceed the cost limits for providing a request MLKDC can refuse to comply with the request. The limit is £450 for a public authority such as MLKDC. When a request is received the authority must estimate how much it will cost to deal with it, and if it will be within this limit.

When considering the cost of compliance you can take the following into account:

- Determining whether MLKDC holds the information requested.
- Locating the information.
- Retrieving such information or documents.
- The cost of staff time associated with these activities, currently calculated at £25 per hour.

The time spent considering whether or not information is exempt from release cannot be taken into account when estimating the cost of compliance.

## **10.2 FOI Exemptions**

The Freedom of Information Act 2000 provides exemptions for certain classes of information, subject to the application of the public interest test. The application of these exemptions is beyond the scope of this paper. Any proposal to invoke one or more of these exemptions must, if appropriate, be cleared through TEO.

## **11. APPEALS**

Where an applicant is not content with the response from MLKDC to a FOI request, he or she has the right to request an internal review of that response. These reviews will be carried out in line with guidance issued from time to time by the Information Commissioner. MLKDC's Internal Reviewer is the Director of Finance & Corporate Services.

Should you or the CE, or any other MLKDC staff, receive a request for an appeal, log and pass it to MLKDC's Internal Reviewer. You must also inform the CE.

## **12. PUBLISHING INFORMATION**

The CE should consider publishing information on MLKDC's Website, either before, during or after dealing with an FOI request for the information.

## **13. RECORDS AND STATISTICS FOR FOI REQUESTS**

MLKDC keeps records of the numbers of FOI requests dealt with as well as a record of the actions taken for each FOI request. Keeping these records is the responsibility of the CE, who delegates the task to the IM. The following records have to be kept up-to-date.

- An Action Log for each request (Appendix 1).
- Electronic records for all the actions taken in relation to a particular request.
- A register of FOI requests received each year.

## Appendix 1 - Freedom of Information Request Log – Format

The log should be in landscape format.

Electronic Folder Ref:

Name of Requestor:

Text of Request:

Date Received:

Target Response Date: [Date  
Received + 20 working days]

Date	Action Taken	Taken By	Related Documents	Notes

## **Appendix 2 - Standard Letter: Initial Acknowledgement**

[Remember to either print on headed paper or copy to a Word template that uses the MLKDC header and footer. Instead of a letter this text may be sent as an email in response to a FOI Request received by email.]

Our Ref: [Reference]

[Name & Address of Requestor]

[Date]

Dear [Name],

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

Thank you for your request for information regarding MLKDC.

Your request was received on [date] and I am dealing with it under the terms of the relevant legislation.

In some circumstances a fee may be payable but if that is the case I will let you know the likely charges before proceeding.

Please contact me if you have any queries about this letter.

**[If a letter, it should be signed by the CE or by the IM acting on his behalf (pp).]**

### **Appendix 3 - Standard Letter: Request for Clarification**

[Remember to either print on headed paper or copy to a Word template that uses the MLKDC header and footer. With the agreement of the CE, this letter may be sent as an email in response to a FOI Request received by email.]

Our Ref: [Reference]

[Name & Address of Requestor]

[Date]

Dear [Name],

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

Thank you for your request for information which was received on [date]. I am dealing with it under the terms of the above legislation.

Under Section II of the Code of Practice for Public Authorities issued by the Department of Constitutional Affairs, public authorities are entitled to ask for more detail, if needed, to enable them to identify and locate the information sought.

In this particular circumstance your request for *[information requested that is unclear]* is not sufficiently precise for MLKDC to be clear about what you want. Therefore I am writing to ask for clarification of your request.

To assist you with this exercise I would offer the following advice:

- [Advice on how to clarify the request.]

I hope that this information will help you in clarifying your request for information. Please note that the 20 day deadline to provide information will not begin until we receive your amended request.

Please contact me if you have any queries about this letter, remembering to quote the reference number above in any future communications.

**[If a letter, it should be signed by the CE or by the IM acting on his behalf (pp).]**

## **Appendix 4 - Standard Letter: Final Response**

[Remember to either print on headed paper or copy to a Word template that uses the MLKDC header and footer. Depending on the complexity of the response required, and with the agreement of the CE, this letter may be sent as an email in response to a FOI request received by email.]

### **A4.1 - When MLKDC has the Information Requested**

Our Ref: [Reference]

[Name & Address of Requestor]

[Date]

Dear [Name],

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

I refer to your request for information which we received on [date]. I am writing to confirm that the Maze Long Kesh Development Corporation (MLKDC) has now completed its search for this information.

Attached is [description of information provided].

Please note that the supply of information under Freedom of Information legislation does not give the person or organisation who receives them an automatic right to reuse the documents in a way that would infringe copyright, for example, by making multiple copies, publishing them or issuing copies to the public.

If you are unhappy with the level of service you have received in relation to our handling of this request, you may ask for an internal review. You should contact:

Ms Pamela Hubbard  
Maze Long Kesh Development Corporation  
94 Halftown Road  
Lisburn, BT24 5RN Email: [Pamela.Hubbard@mazelongkesh.com](mailto:Pamela.Hubbard@mazelongkesh.com)

If you are not content with the outcome of the internal review, you then have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:



The Information Commissioner's Office

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

[www.ico.gov.uk](http://www.ico.gov.uk)

Please contact me if you have any queries about this letter, remembering to quote the reference number above in any future communications.

**[If a letter, it should be signed by the CE or by the IM acting on his behalf (pp).]**

#### **A4.2 - When MLKDC does not have the Information Requested**

If MLKDC does not hold (any part of) the information requested, the following form of words should be used:

MLKDC does not record or hold details of [information requested].

If another public authority is known to hold the information requested, the following form of words should be used following the paragraph above:

However, this information may be held by [name of authority] and, with your permission, I would be happy to pass on to it your request.

**If MLKDC is claiming an exemption from the requirement to release information, the response letter must provide the following details:**

- **The nature of the information that is being withheld;**
- **The exemption being claimed (by reference to the Freedom of Information Act);**
- **The reason why the exemption is applicable to the information being requested.**

## **Appendix 5 - Standard Letter: Acknowledgement of Appeal**

[Remember to either print on headed paper or copy to a Word template that uses the MLKDC header and footer. With the agreement of the CE, this letter may be sent as an email in response to an appeal received by email.]

Our Ref: [Reference]

[Name & Address of Requestor]

[Date]

Dear [Name],

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

In your letter of [date] you asked that I review MLKDC's reply of [date] to your request made under the Freedom of Information Act 2000 received on [date].

I am currently undertaking an internal review of MLKDC's response and will advise you of the outcome by [date].

Please contact me if you have any queries about this letter, remembering to quote the reference number above in any future communications.

**[This letter should be signed by the Internal Reviewer.]**

## **Appendix 6 - Standard Letter: Result of Review**

[Remember to either print on headed paper or copy to a Word template that uses the MLKDC header and footer. This letter can only be sent as an attachment to an email in response to an appeal received by email.]

Our Ref: [Reference]

[Name & Address of Requestor]

[Date]

Dear [Name],

### **Freedom of Information Act 2000 – Request for an Internal Review**

I wrote to you on [date] in respect of your request for an Internal Review of the Maze Long Kesh Development Corporation's (MLKDC's) reply to your request for information made under the Freedom of Information Act 2000. I undertook to advise you of the outcome by [date]. The result of my Internal Review is contained in the remainder of this letter.

#### 1. Previous Decision

[...]

#### 2. Internal Review

[...]

#### 3. Process Undertaken

[...]

#### 4. Points of Specific Concern

[...]

#### 5. Nature of the Decision

[...]

#### 6. Conclusion

[...]

#### 7. Further Action

If you are not content with the outcome of the internal review, you then have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

[www.ico.gov.uk](http://www.ico.gov.uk)

Please contact me if you have any queries about this letter, remembering to quote the reference number above in any future communications.

**[This letter should be signed by the Internal Reviewer.]**

## **Appendix 7 - Environmental Information Regulations**

You may get an information request addressed to MLKDC under [Statutory Instrument 2004 No. 3391 The Environmental Information Regulations 2004](#) (an EIR request). The Environmental Information Regulations allows the public to request environmental information from public authorities, which includes MLKDC.

For all practical purposes you should follow the procedures outlined in this document; that is the time limits and responses apply (with appropriate modification).

### **You are responsible for identifying EIR requests and telling the CE.**

Environment information can be requested under six main areas.

- The state of the elements of the environment, such as air, water, soil, land, fauna (including human beings).
- Emissions and discharges, noise, energy, radiation, waste and other such substances.
- Measures and activities such as policies, plans, and agreements affecting or likely to affect the state of the elements of the environment.
- Reports, cost-benefit and economic analyses.
- The state of human health and safety, contamination of the food chain.
- Cultural sites and built structures (to the extent they may be affected by the state of the elements of the environment).

If MLKDC receives a request from a member of the public for environmental information on any of the areas mentioned above, we are legally obliged to provide it, usually within 20 working days. There are a number of exceptions to this rule and if MLKDC withholds the information, it must explain why and give the public interest reasons for refusal. However, it is the CE's responsibility to manage and respond to EIR requests.

## Appendix 8 - Time limits for Supplementary Requests

Rather than requesting an internal review of a FOI response the requester may ask for additional or slightly different information; i.e. they might modify their request. The legislation does not deal specifically with this situation. It does not seem to establish criteria based on whether a request for information should be treated as a 'supplementary request' or a 'new request'.

In practice, unless the supplementary request is substantially different to the original FOI request, **you should treat a supplementary request as an extension of the original request with the time limit reset to 20 working days from the date of the supplementary request.** File the papers in the same container. The rest of this appendix examines the reasons for treating a request as supplementary.

The only time limit that the Freedom of Information Act specifies for responding to a FOI requests is the 20 working days.

Section 10(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.'

Awareness Guidance No 11 from the Information Commissioner's Office similarly makes this clear.

'A public authority must inform the applicant in writing whether it holds the information requested and if so, communicate that information to the applicant, promptly, but not later than 20 working days after receipt of the request'.

Information Commissioner's Office decision [FS50089138](#) seems to suggest that the 20 working day time limit applies to supplementary requests as well (here the supplementary request had almost the same wording as the first one but covered a different time period). The Information Commissioner's Office decision states that:

'The information request was made initially on 11 April 2005, with a supplementary request made on 6 June 2005. The response to these requests was dated 14 June 2005. Whilst this was within the 20 working day time limit specified by section 10(1) for the second request, it was outside this time period for the first request.' (FS50089138 Page 8, paragraph 30).

Could a supplementary request be considered vexatious? Section 14 of the Freedom of Information Act provides that a public authority does not need to comply with a request for information if the request is vexatious.

Section 14 states 'Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.'

It is possible to argue that a supplementary request is 'substantially similar' to the initial request and issue a refusal notice. In practice, this refusal may then be challenged by the requester.

The Information Commissioner's Office guidance note, 'When can a request be considered vexatious or repeated?' advises "Deciding whether a request is vexatious is a balancing exercise, taking into account the context and history of the request. The key question is whether the request is likely to cause unjustified distress, disruption or irritation. In particular, you should consider the following questions:

- Could the request fairly be seen as obsessive?
- Is the request harassing the authority or causing distress to staff?
- Would complying with the request impose a significant burden?
- Is the request designed to cause disruption or annoyance?
- Does the request lack any serious purpose or value?"