

QCA/ACCAC/CCEA

Notice for awarding bodies

The Freedom of Information Act 2000 and regulation

This document provides a brief summary of the Freedom of Information Act 2000 in relation to information provided by awarding bodies for the regulatory authorities' accreditation and monitoring activity. The regulatory authorities may be asked to consider releasing information from third parties, which would not previously have been released, and it is intended that duties will be carried out under the Act, while being mindful of the interests of awarding bodies.

Background

The Freedom of Information Act 2000 came into force on 1 January 2005 and applies to all public authorities, including the regulatory authorities. The scope of the Act means that, subject to exemptions, any information held by QCA, ACCAC and CCEA, is potentially disclosable to a member of the public on request, whether the regulatory authorities have generated or received that information. The Act is effective retrospectively and applies to all information held by the public authority.

The Act places two separate obligations on the regulatory authorities, the duty to confirm the existence of the information sought by the individual, and the obligation to disclose the information if it is held. The requirement to confirm or deny that the information is held, may apply, even if the information is exempt from disclosure.

Exemptions

Information supplied by awarding bodies to the regulatory authorities, which is commercially sensitive or confidential, or which relates to current investigations, may potentially be exempt from disclosure under the Act.

If a document, which has been requested, contains information, which is subject to an exemption, it does not mean that the whole document can be withheld. The exempted parts have to be removed and the rest of the document supplied. The correct section of the Act and the reason for the exemption must also be stated. Disclosure requests and exemptions must be considered on an individual basis and exemptions cannot be applied in advance.

Public interest test

Even if an exemption applies, in many cases, a public interest test must be applied, to determine whether public interest in the disclosure outweighs public interest in non-disclosure. If at this stage it is practicable, advice from the third party who provided the information may be sought.

Awarding body publications

Applicants who request information, which is published by an awarding body, will be advised to obtain the information from that awarding body.

Data Protection Act

The Freedom of Information Act applies in addition to the Data Protection Act 1998, which applies to requests by individuals for information on themselves.

Response times

The regulatory authorities are required to respond within 20 working days of requests received under the Act.

Information Commissioner

Advice and further information on the Freedom of Information Act can be obtained from the Information Commissioner at www.informationcommissioner.gov.uk