

Isle of Man persons have a legal right to ask for information that is held by public authorities.

What information does this apply to?

Requests can be made to public authorities listed in Schedule 1 of the Freedom of Information Act 2015*¹ ('FOIA') for information they hold which was created on, or after, 11 October 2011. Details of those public authorities can also be found on the Isle of Man Government's Freedom of Information webpage*²

Although FOIA requests cannot be made to public bodies not listed in the Schedule, or for information created before 11 October 2011, requests for such information can be made under the Code of Practice on Access to Government Information*³.

Can I make a request?

A person resident in the Island can make a request. A person "... *generally includes a reference to a body (whether corporate or not) as well as to an individual*" *⁴ and is known to the public authority as the 'applicant'.

Non-resident persons cannot make requests for information under FOIA but may do so under the Code of Practice on Access to Government Information*⁵.

What can I ask for?

An applicant can request information held by a public authority irrespective of the form in which it is recorded.

The right is to 'information' only. Whilst information may be recorded in varying formats, such as documents, images, or audio or visual recordings, the entitlement is to the particular information requested and not, for example, to a copy of the entire document.

Information which is **about you cannot be requested under FOIA** and you must exercise your right under the Data Protection Act and make a 'subject access request' for your personal data. Guidance on how to make a subject access request is available on the website*⁶.

How do I make a FOIA request?

Applicants must make clear requests using the standard form which is available online on the Isle of Man Government website*⁷ or directly from the public authority.

¹ <https://www.legislation.gov.im/cms/>

² <https://www.gov.im/about-the-government/freedom-of-information/>

³ <https://www.gov.im/categories/home-and-neighbourhood/code-of-practice-on-access-to-government-information-access-code/>

⁴ Section 35 Interpretation Act 2015 - <https://www.legislation.gov.im/cms/>

⁵ <https://www.gov.im/categories/home-and-neighbourhood/code-of-practice-on-access-to-government-information-access-code/>

⁶ <https://www.inforights.im/information-centre/data-protection/data-protection-guidance-for-individuals/your-rights/right-of-access/>

⁷ <https://www.gov.im/about-the-government/freedom-of-information/>

If you are not sure about making a request you should contact the public authority as it has a duty to give reasonable advice and assistance at all stages of a request. Guidance on making a request is also available on the Information Commissioner's website.

How much does it cost?

There are currently no fees charged for FOIA requests.

What will I get?

In most circumstances you will be provided with some, or all, of the information you have requested.

Can my request be refused for any reason?

Yes, requests can be refused in part or in full.

There are certain **practical reasons for refusing requests**:

A request cannot be made for information which is already reasonably accessible, including:

- information available in public libraries or archives, on the internet or from any other reasonably accessible source;
- information publicly available on payment of a statutory fee. For example, public documentation available from companies' registry or general registry.

Other practical refusal reasons include:

- where the public authority does not hold the information requested, or
- the public authority would be required to compile or create new information to respond to the request.

A request may also be refused if:

- it is not clear enough;
- a substantially similar request has been made to the public authority in the recent past; or
- the request is vexatious, malicious, frivolous, misconceived or lacking in substance.

There are also **exemptions** from the right of access that can be applied to certain information in particular circumstances.

Some exemptions are "absolute" and others are "qualified" and it will be a matter of fact whether an exemption applies. If a qualified exemption applies, the public authority must also consider the balance of the public interest when deciding whether or not to supply the information.

Guidance on practical refusal reasons and exemptions is available on the website.

How will I know if my request has been refused, or why?

The public authority must send you a refusal notice if it is not going to comply with your request in full, or in part.

The refusal notice must explain why the request is being refused, including details of why any exemptions are being applied and, in the case of qualified exemptions, why the public interest requires that the information is not disclosed.

When can I expect to get the information?

The public authority may send you an acknowledgement of your request explaining when you will get the response.

The public authority must supply the information you have sought promptly, but within 20 working days from receipt of the request (the standard time). In calculating the standard time, Day 1 is the working day the request is received by the public authority.

An extended response time can only be taken if the public authority needs to continue making a decision about whether a qualified exemption applies to the information, or to consider the balance of public interest.

If an extended period is required, the public authority must write and tell you before the end of the standard time.

What can I do if I am not happy with the way the request has been handled?

Firstly you must complain to the public authority, using the form available on the Isle of Man Government website⁸ or from the public authority, asking for a review of its response. Reviews are an integral part of a public authority's complaints procedures and may result in the supply of some, or all, of the information or a further refusal.

You can ask the Information Commissioner for a review of the public authority's response only when you have exhausted the public authority's complaints procedures. You will be known by the Information Commissioner as the "review applicant".

Guidance on how to ask for a review by the Information Commissioner is available on the website⁹.

⁸ <https://www.gov.im/about-the-government/freedom-of-information/>

⁹ <https://www.inforights.im/complaint-handling/how-to-make-a-complaint-to-the-information-commissioner/freedom-of-information-complaints/>