

## Making a request for information under the FOI Act

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### ***What is a FOI request?***

Under the Freedom of Information Act 2000 you have a general right of access to information held by DETI and other public authorities. Any written request for information received by DETI will be considered as a FOI request, i.e. it will be responded to in line with the requirements of the FOI Act. However, you should note that environmental information and information about yourself, that we might hold, are exempt under the FOI Act as these types of information have their own access regimes. So, if your request relates to environmental information it will be handled instead under the requirements of the **Environmental Information Regulations 2004**. If you are seeking information about yourself (known as a 'subject access request') this will be handled under the **Data Protection Act 1998**. However you do not have to quote or specify which legislation you are making a request under.

### ***What am I entitled to?***

You are entitled to be told whether or not we hold the information you have requested. This is sometimes referred to as the duty to "confirm or deny". If we do hold it, you are also entitled to have the information communicated to you. The Act is fully retrospective and gives you a right to request any recorded information held by the Department. However, there are some exemptions to these rights

### ***Why is some information not available?***

Whilst the FOI Act creates a right to request information it also recognises that certain types of information may need to be protected from disclosure - by defining a number of **Exemptions**. This means that we may be entitled to withhold some information requested. Exemptions fall into two categories, absolute and qualified

#### **Absolute and Qualified Exemptions**

Some exemptions are **absolute**, which means that information falling within the definition of these exemptions does not have to be disclosed under the FOI request process. Where an exemption is **qualified** DETI must in addition consider whether the public interest in maintaining the exemption outweighs the public interest in disclosure before making a decision. This is known as the **Public Interest Test**.

Where information has been withheld we will inform you which exemptions have been applied and why, unless to do so would in itself reveal exempt information.

The following list is a summary of the FOI exemptions (the number refers to the relevant section of the Act):

21. Information accessible to applicant by other means.
22. Information intended for future publication.
23. Information supplied by, or relating to, bodies dealing with security matters.
24. National security.
26. Defence.
27. International relations.
28. Relations within the United Kingdom.
29. The economy.
30. Investigations and proceedings conducted by public authorities.
31. Law enforcement.
32. Court records, etc.
33. Audit functions.
34. Parliamentary privilege.
35. Formulation of government policy, etc.
36. Prejudice to effective conduct of public affairs.
37. Communications with Her Majesty, etc. and honours.
38. Health and safety.
39. Environmental information.
40. Personal information.
41. Information provided in confidence.
42. Legal professional privilege.
43. Commercial interests.
44. Prohibitions on disclosure.

For further information about these exemptions please see the guidance published on the [Ministry of Justice website](#).

## ***How do I make a request?***

To ask for information under the FOI Act your request must:

- be in writing (this includes fax or email)
- state your name and an address for correspondence
- describe the information you require

To enable us to locate the information you require it will be helpful if you can define your request as clearly as possible, including, for example, any dates or timescales that may help identify relevant records. Please also include a daytime telephone number, if possible. This will help speed up the process should we need to contact you to clarify details of your request.

For convenience you can make a request by completing and submitting our [online request form](#)

Alternatively you may complete the form at Annex 1 of this document and send it to the following address:

Departmental Information Manager  
Department of Enterprise Trade and Investment  
Netherleigh  
Massey  
Avenue Belfast  
BT1 4JP

Fax: 028 9052 9545  
e-mail: [foi@detini.gov.uk](mailto:foi@detini.gov.uk)

### ***What does it cost?***

The FOI Act sets an "appropriate limit" on the cost of processing a request below which public authorities are required to provide requested information free of charge. We will not charge where the cost of locating, retrieving and extracting the information you request is less than this limit, which is currently set at £600.

Where the estimated cost of providing information exceeds £600, DETI is not obliged to proceed with the request. However we may be able to provide some of the information requested if it can be supplied within the "appropriate limit" and in these circumstances we will contact you and assist you in redefining your request.

### ***What happens when I make a request?***

When we receive a request for information, we will respond as soon as possible, and generally no later than 20 working days from the date of receipt. If we are unclear from your initial request, what information you are asking for, we will contact you to try to clarify what you are seeking.

If your request is very broad in scope and we estimate that the cost of complying would exceed the "appropriate limit", we may contact you to see if you can be more specific about what you are seeking. This may enable us to answer your request within the "appropriate limit" and therefore free of charge.

If some of the requested information is subject to a qualified exemption, and we need more time to weigh up public interest considerations for and against disclosure, we will write to you within the 20 days to tell you when we estimate we will be able to provide a final response to your request.

### ***What happens if my request is refused or I am unhappy with the response?***

If your request is refused, in full or in part, we will reply explaining why and identifying which exemption(s) have been applied, where appropriate. We will also send you a copy of the [DETI FOI Factsheet](#) which includes details on how to ask for an **internal review** of our decision by a more senior official within the Department. If, after the internal review, you remain dissatisfied, you have the right to appeal to the **Information Commissioner's Office** – contact details are also contained in our Factsheet.

### ***How many requests am I permitted?***

The Act does not specifically limit the number of requests you can make. However, it does give public authorities the right to refuse vexatious or repeated requests. Where a number of requests have been received from an individual for the same or similar information we are also allowed to aggregate the costs of these in estimating whether or not the cost limit would be exceeded.

### ***Environmental Information***

Some information held by the Department may be subject to Environmental Information Regulations (EIRs). 'Environmental Information' covers a wide range of topics, which relate to or impact on the environment. Applications for information can be made by anyone, anywhere in the world.

New EIRs ([Environmental Information Regulations 2004](#)) came into force on the 1st January 2005. If you make a request which includes information falling within the EIRs definition of environmental information we are obliged to consider this part of your request under these Regulations rather than the FOI requirements. Unlike Freedom of Information requests,

which need to be made in writing, EIRs can be made orally. Subject to the exceptions provided for in the Regulations we will seek to provide the information within twenty working days of receiving the request.

### ***Personal Data***

Under the **Data Protection Act 1998 (DPA)** individuals have a right of access to any personal data about themselves that the Department holds (although this is again subject to some exemptions). A request under the DPA is known as a subject access request. If you are seeking personal information about yourself we may in some circumstances need to ask for proof of identity. As before, it will be helpful if you can be as specific as possible to enable us to identify and locate the information you are seeking.

The DPA requires us to respond to your request within forty days of receipt.

## ***Annex 1: Request Form***

### **REQUEST FOR INFORMATION**

**NAME:** .....

**ADDRESS:** .....

.....

.....

**POSTCODE:** .....

**DAYTIME**

**TELEPHONE\*** .....

**DATE:** .....

**INFORMATION REQUESTED** (please be as specific as possible giving details of the subject matter, any relevant dates if known, or other references which will help us process your request faster):

The Department has a right to refuse a request if the costs of locating and retrieving the information exceed £600. We are also entitled to charge for disbursement costs (photocopying, postage, etc.) In all cases we will notify you of any estimated costs before proceeding with the request.

Please submit either by post to:

**Information Management Branch, DETI, Netherleigh, Massey Avenue, Belfast, BT4 2JP**

or by **fax** to

**Fax No: 028 9052 9545**

[Alternatively you can complete and submit the [online request form](#)]

\* Telephone No optional - but may speed up the application process