



The Consumer Council

Making a request to the Consumer Council for information under Freedom of Information (FOI)

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What is an FOI request?

The **Freedom of Information Act 2000** (FOIA) gives rights of public access to information held by the Consumer Council and other public authorities. Any written request for information received by the Consumer Council which is outside that of normal/routine business requests will be responded to in line with the requirements of the FOIA.

However, requests for environmental information and information about yourself, that we might hold, are exempt under the FOIA 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**. You do not have to quote or specify which legislation you are making a request under.

See guidance '[Making a request for information](#)' from the Information Commissioner's Office for further details.

What am I entitled to?

You have a legal right to request any recorded information held by the Consumer Council. 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 Consumer Council. However, there are some exemptions to these rights.



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Why is some information not available?

Whilst the FOIA creates a right to access 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** the Consumer Council must consider whether the public interest in maintaining the exemption outweighs the public interest in disclosure when considering whether or not to apply the exemption. 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.



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

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

For further information about these exemptions please see the guidance published on the [Information Commissioner's Office website](#).

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How do I make a request to the Consumer Council?

To ask for information under the FOIA your request must:

- Be in writing (this includes fax or email);
- State your name and an address for correspondence; and
- 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 sending an email to info@consumercouncil.org.uk. Alternatively you can write to the following address:-

Consumer Council
Elizabeth House
116 Holywood Road
Belfast BT4 1NY
Fax: 028 9065 7701



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What does it cost?

The FOIA sets an "appropriate limit" 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 £450.

Where the estimated cost of providing information exceeds £450, the Consumer Council 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 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 provide a response.

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



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What happens if the information I requested is not held?

The Consumer Council will contact you and advise you that the information requested is not held. If the Consumer Council is aware that the information you have requested may be held by another public authority we will advise as such in our response and provide the necessary details to assist you in re-applying.

In some cases, the Consumer Council may automatically transfer the request on your behalf to the appropriate public authority, in these circumstances we will contact you to advise what has been done.

If we are unable to advise which public authority holds, or may hold the information requested, the Consumer Council may try to provide alternative assistance to facilitate you in pursuing your request if appropriate.

Consultation with Third Parties

Where a request is received under the FOIA for information concerning the details of a third party or a document that has been provided by a third party including another public body, individual or business, the Consumer Council is required to take reasonable steps to contact and consult with the third party regarding the release of the information.

During consultation with the third party the identity of the requestor is not generally released unless we have your permission.

Although the third party will be consulted, the decision as to whether or not to release the information will be taken by the Consumer Council alone on a case by case basis.



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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. We will also provide details on how to ask for an **internal review** of the Consumer Council's decision.

If, after the internal review, you remain dissatisfied, you have the right to appeal to the **Information Commissioner's Office** and contact details will be contained in our response.

How many requests am I permitted?

The FOIA 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 Consumer Council may be subject to the **Environmental Information Regulations 2004** (EIRs). 'Environmental Information' covers a wide range of topics, which relate to or impact on the environment. Requests for information can be made by anyone, anywhere in the world.

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



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Regulations we will seek to provide the information within twenty working days of receiving the request.

You may use the same contact methods as FOI to make a request to the Consumer Council under the EIRs.

Personal Data

Under the **Data Protection Act 1998 (DPA)** individuals have a right of access to any personal data about themselves that the Consumer Council holds (although this is again subject to some exemptions).

These requests are known as subject access requests. If you are seeking personal information about yourself you should make a subject access request under the Data Protection Act 1998 as this information is exempt from disclosure under the FOI regime.

If you want to make a subject access request, please apply in writing to:

Consumer Council
Elizabeth House
116 Holywood Road
Belfast BT4 1NY
Fax: 028 9065 7701

You may need to include the following information and documentation to prove your identity:

- Proof of identity, such as a photocopy of your driver's license/passport or copies of two recent utility bills; and
- Any information that will enable us to locate the data that you are seeking.

Your request will be dealt with within 40 calendar days of the Consumer Council accepting the request in line with the requirements of the DPA.



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Note:

The supply of information under the Freedom of Information Act (FOIA) does not give the recipient the automatic right to re-use it in any way that would infringe copyright. This includes, for example, making multiple copies, publishing and issuing copies to the public.

Permission to re-use the information must be obtained in advance from The Consumer Council. For further details on how to apply for a licence please see:

<http://www.opsi.gov.uk/click-use/index.htm>