

**Ministry of Defence
Access to Information**

Guidance Note C2: MOD FOI Disclosure Log

1 Scope of this Guidance Note

1. This note provides guidance on the maintenance and development of the MOD FOI Disclosure Log (formerly known as the FOI Reading Room). The purpose of the Disclosure Log is to make information released in reply to individual requests available to the widest possible audience. The MOD's FOI Disclosure Log releases are available online on the FOI website at <http://www.foi.mod.uk/>.

2. Benefits of a Disclosure Log

2.1 The benefits of a Disclosure Log include:

- Providing the public with a user-friendly source of information disclosed under FOI/EIRs by a public authority;
- Allowing information disclosed to one requester to be made available to a wider public audience;
- Allowing information released to be accompanied with supporting information, explaining issues of public interest in greater depth;
- Giving the public greater understanding of what information the public authority holds, thus enabling the public to make better-informed information requests in the future.

3. Content of a Disclosure Log

3.1 The Disclosure Log should include information released in response to requests made under FOI or the EIRs that meet the following criteria:

- Final responses to requests received from the media must be published as these requests are considered to be of wider public interest.
- Careful consideration must be given to publishing final responses to requests received from businesses, parliamentarians and academics if they are considered to be of wider public interest.
- Responses containing information relating to topical or high-profile subjects or judged to be of interest to the wider public or that promote the transparency or accountability of MOD.
- Responses to requests where similar or the same information is requested, ensuring that the information provided in responses is consistent.
- Responses to requests that ask for copies of responses to previous requests.

4. Simultaneous Release

4.1 In certain cases (particularly high profile requests by the media), you should consider whether information that has been identified for release in response to a particular request is of significant public interest and should be released to the applicant and via the Disclosure Log simultaneously. In these cases in particular, you may consider publishing additional background information to explain the context and other relevant issues more clearly. This practice ensures that information released to a single applicant becomes more widely available and benefits the public generally. Normally, information will not be published to the Disclosure Log until after the response has been issued to the original requester.

5 Procedure for publishing to the Disclosure Log

5.1 The process to be used to identify and publish responses to the Disclosure Log is as follows:

- a. CIO-CI-Access will monitor incoming requests against the criteria at 3.1 and those that should be considered for publication will be highlighted to the SME. FOI Focal Points should also ensure that subject matter experts make a further assessment against the criteria.
- b. When a decision to publish has been taken, FOI Focal Points must ensure that a copy of the original response (or any documentation) is redacted (and in a secure manner) before it is released to the Disclosure Log. (*See Guidance Note E8 and E9 on redaction*).
- c. FOI Focal Points should then create PDFs from the redacted response (if possible, ensuring that the PDF file is compatible with earlier versions of PDF readers and that the file size is kept as small as possible without compromising quality – users with a dial-up connection may have difficulty downloading large files).
- d. FOI Focal Points must complete the “MOD FOI Disclosure Log Metadata Template” (this is represented as a MS Word format at Annex A) so that records are kept of items released to the Disclosure Log. The latest revision of the electronic MS Excel template can be requested by e-mail from CIO-CI-AccessOps2.
- e. FOI Focal Points should then e-mail the redacted response, any additional information and the completed MOD FOI Disclosure Log Metadata Template at Annex A to CIO-CI-AccessOps2. However, if you have access to the Access to Information (AIT) Toolkit, you may upload the redacted response and indicate this in your email.
- f. CIO-CI-AccessOps2 will make any final checks to documentation before it is published to the Disclosure Log. FOI Focal Points will be informed of the website address of the information that is published to the Disclosure Log.

6 Roles & Responsibilities

6.1 The key roles and responsibilities in relation to the MOD’s FOI Disclosure Log are set out below:

CIO-CI-AccessOps2 is the post responsible for:

- ✓ Disclosure Log policy and guidance.
- ✓ Monitoring information requests being processed and identifying whether information could be pro-actively published on the Disclosure Log – in conjunction with FOI Focal Points;
- ✓ Updating the Disclosure Log regularly with new information releases; as a minimum, to be reviewed and updated monthly.
- ✓ Managing the content of the Disclosure Log to ensure that it is organised in a user-friendly format;
- ✓ Raising awareness of the Disclosure Log ensuring that staff consider whether information they hold and create could be pro-actively published on the Disclosure Log;

FOI Focal Points are to:

- ✓ Ensure that all responses to requests are monitored and considered for pro-active publication to the MOD FOI Disclosure Log as a matter of course and to the criteria set out above at Section 3.1.
- ✓ Establish a local process for regularly reviewing responses to requests with a view to release responses and background information to the Disclosure Log.

- ✓ Make an assessment of information that could also be released to the Publication Scheme.

7 Copyright

7.1 Public authorities complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act to release information to an applicant are not breaching the Copyright, Designs and Patents Act 1988 (CDPA). The FOI Act authorises release of the information to an applicant, even if it is in such a form as would otherwise breach the copyright interests of a third party. (The Copyright Designs and Patents Act 1988 will continue to protect the rights of the copyright holder once the applicant receives the information).

7.1.1. However, if you publish information which is subject to a third party's copyright on a website at the same time or soon after it is supplied to a requestor, you may be in breach of copyright. This is because the statutory duty in FOI (which permits disclosure to an applicant even if disclosure would normally breach the CDPA) does not cover publication to a wider audience on a website. Before publishing such information you must take steps to ensure that you do not infringe third party copyright.

Annex A: MOD FOI Disclosure Log Metadata Template

1. Name	2. AIT Number	3. Date of Request	4. Date of Reply	5. Description	6. MOD Contact Details	7. File Name
<i>Name of correspondent</i>	<i>Unique number on Access to Information Toolkit (AIT)</i>	<i>Date Request classed as being received by MOD</i>	<i>Date of actual reply to correspondent (Disclosure Date)</i>	<i>Describe the nature of the question and reply. This will be used to provide a summary of the item on the FOI website. It is an aid to identification of items of interest for the public. Please remember to spell out acronyms</i>	<i>Please provide name, post and phone no. for person dealing with release of item to the Disclosure Log</i>	<i>Name of file to be converted or directly placed on the internet (please attach as a separate document)</i>