

**Ministry of Defence Access to Information  
Guidance Note**

Version 6

March 2009

**Guidance Note A1: Introduction to Guidance**

1. This Guidance on the Freedom of Information Act 2000 (FOI Act) and the Environmental Information Regulations 2004 (EIRs) is for use by all MOD employees, including Trading Funds and members of the Armed Forces. The advice provided is not definitive **each request must be considered on its own merits**. Each area of the department has an FOI Focal Point who can provide guidance on local procedures and should be your first call for any queries.

This Guidance must be read in conjunction with that issued by the Ministry of Justice (MOJ) at <http://www.justice.gov.uk/guidance/guidancefoi.htm>. The MOJ provide the FOI guidance for central government departments. Defra's guidance on the EIRs can be found at <http://www.defra.gov.uk/corporate/opengov/eir/index.htm>  
The Information Commissioner's website can be found at [www.ico.gov.uk](http://www.ico.gov.uk).

**Part A** introduces the Guidance and provides details of the governance arrangements in MOD for FOI and EIR. It also sets out the background to FOI with a summary of the Freedom of Information Act, how it is applied, and the powers of the Information Commissioner

**Part B** introduces other access to information regimes, such as the Environmental Regulations and the Data Protection Act 1998 and sets out their relationship to other relevant legislation including the Official Secrets Act 1989, Public Records Act 1967, and the Human Rights Act 1998.

**Part C** looks at the proactive release of information including the MOD Publication Scheme.

**Part D** deals with the reactive release of information in response to a request from a member of the public. It considers what is "information" and covers requests from receipt and validation through tracking with the Access to Information Toolkit (AIT); and the processes for handling requests to authorising responses.

**Part E** considers the provisions in the FOIA and EIR legislation which allow us to withhold information that rightly needs to be protected; the right neither to confirm nor deny if information is held and the redaction process.

**Complaints and Appeals Procedures** can be found [here](#)

**Commercial Information Guidance** can be found [here](#)