MOD FOI/EIR Compliance Notes

Other FOI Issues and Considerations

CN13:Handling Requests from http://www.whatdotheyknow.com

Document history

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What this is about:
This note outlines the process in responding to requests received via the public website 'www.whatdotheyknow.com' (WDTK). It provides an overview on how to identify a request from WDTK, the process for handling a request from WDTK and how to send a response to requests received from this website.

Detail:
What is www.whatdotheyknow.com?

- www.whatdotheyknow.com (WDTK) is a website which the public can use to submit FOI requests to UK public authorities. It automatically posts the request and responses to the internet for anyone to see and comment on. The website was created by mysociety.org, the not-for-profit organisation that also created www.theyworkforyou.com.

How do I identify a request from WDTK?

- A request received from WDTK can be recognised by its return email address, which will have the following format: *"request-*****-********@whatdotheyknow.com"*.

- Requests from WDTK will also have a standard footer, as follows:-

    *"---
    Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
    http://www.whatdotheyknow.com/help/officers*

    *Please use this email address for all replies to this request:
    request-*****-********@whatdotheyknow.com*

    *Is CIO-FOI@mod.uk the wrong address for Freedom of Information requests to Ministry of Defence? If so please contact us using this form:
    http://www.whatdotheyknow.com/help/contact*

    *If you find WhatDoTheyKnow useful as an FOI officer, please ask your web manager to suggest us on your organisation's FOI page
    --"*

How do I handle a request received through WDTK?

- The FOIA is requester-blind; this means the content of responses should not be affected regardless of who is making a request. However, there are some additional considerations that need to be made when handling WDTK requests.

Could the request be better handled as 'treat official correspondence?

- As WDTK is specifically designed to allow people to make FOI requests, a 'treat official' response cannot be used when replying to correspondence received through this route. All responses to WDTK need to be FOIA-compliant and should only provide previously recorded information. If this is not possible refer to the guidance on responding to FOI requests framed as questions for additional information.

What if a requester asks for their own personal information?

- Personal information protected by the Data Protection Act 1998 (DPA) cannot be posted to WDTK without breaching DPA. We should send a FOIA-compliant response to the request for information, exempting such personal information under Section 40 of FOIA. The requester should then be invited to re-submit their request as a 'subject access request' (SAR) under the Data Protection Act 1998. The process for making a SAR is described here.

How do I send my response to WDTK?

- You need to reply directly to the full WDTK email address provided, which begins with the word 'request' and ends with 'whatdotheyknow.com'. Your email is then automatically posted to the WDTK website.

What contact details should I provide when responding to requests from WDTK?

- Any contact details you provide will be automatically posted to the internet as part of the response. You may choose to remove your own name, telephone number, and email address from the response. If you choose to do this, you will need to send the response from a group email address belonging to your business area. Your iHub should be able to set one up for you. Every FOI focal point should have one for receipt of correspondence from CIO-SPP-Information Rights.

How can I get information removed from WDTK?

- As WDTK is not administered by the Government it is very difficult for MOD to have content removed from the site once it has been posted. This can only be achieved through liaison with the site's administrators and they may refuse. So it is important that any material you send to WDTK has been appropriately cleared and you are prepared for it to be published to the internet. Alternatively, you should publish any information that is being released with your response to an appropriate MOD website. You can then provide a link to this information in the response which is posted on the WDTK website.

Can WDTK be used to make anonymous FOI requests?

- It is possible. Requesters have to create an account using the website before they are able to use the site to make requests. That process requires that they have a valid address at the time the account is created. However, that email address is not passed on and could, itself, be created anonymously. So it is quite possible for requesters to use one or more names that are not their own when submitting requests using WDTK. We can only refuse the request on that basis if a requester is obviously using a pseudonym. If two or more requesters appear to be acting in concert then we can aggregate their requests when considering refusal on cost grounds. (See Section 1: CN 7 – Section 12 Cost of Compliance)