

Information Rights Blogs



New Guidance on Redaction Policy

Posted on [September 5, 2013](#)

The high profile interest in redaction of information has prompted the Information Rights team to update the FOI compliance notes on this topic. There is now a standalone compliance note (CN59 – Redaction) which explains what redaction is, and provides guidance on the correct process that must be followed to ensure that redactions are always fully effective and cannot be reversed or deciphered on the public copy.

The compliance note on redaction is available [here](#).



Care in the inclusion of standard Disclaimers on FOI Responses

Posted on [July 18, 2013](#)

When responding to a Request for Information (RFIs) under the Freedom of Information Act 2000 (FOIA), it is important for MOD's professional reputation that releasing officers think carefully about the content of any standard disclaimer notices. to see whether their content is relevant and omit any information that is nonsensical in the context of the letter or email being sent.

What does this mean in practice?

Standard disclaimer notices rarely contain information that has any status in law and particular care should be taken over their use in public correspondence. The need for some thought to be given to their use is highlighted quite starkly in the following two examples below:

"The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Department"

Officials responding to FOI requests are always acting in an official capacity should never express personal opinions in a reply. They should always be answering on behalf of the Department. Therefore any policies or other information expressed in a response **will** be based on official Departmental policy or have the legal status of an official Departmental reply. Indeed that is what the FOI Act requires.

"This email is intended for the recipient only. Access to this message by any other person is not permitted. If you are not the intended recipient you must not use, disclose, distribute, copy, print, or rely upon this email"

This disclaimer has been included in MOD FOI responses to the whatdotheyknow.com website. Since all responses are automatically meant to be viewable to the public at large (it's a public website) it's clearly nonsensical to include this disclaimer.

These are but two examples and those responsible for drafting and sending responses to FOI requests should always check the content of any standard disclaimers used in email and letters to ensure their content is relevant and take the trouble to delete any information that is nonsensical in the context of the letter or the email being sent.



Handling Process for FOI requests from staff members

Posted on [July 18, 2013](#)

Issue

CIO have given some mixed advice on how to handle requests for information under the FOI Act from staff and this blog aims to give clarity.

Things to note:

- All FOIs should be treated requester blind (It doesn't matter who they are, each request should receive the same treatment);
- A request can be sent from anywhere via electronic or paper form;
- It is down to the requester to do what they want with an FOI response subject to the responsibility to comply with any copyright issues. This maybe the reason for requesting information under the Act in the first place, but it's not our place to consider their motive in seeking the information.
- If you believe that there may be more effective ways to provide information in respect to request made by a member of staff rather than using the FOIA then by all means clarify this point with them, but the assumption should always be that if the FOIA is quoted, then it is dealt with as such.
- It is not for anyone to judge which e-mail address or postal address is appropriate for use as a personal request for information. Any issues over whether requests have been made during work time is for local line management to handle. The FIOA requires only an address, name and valid request to be considered compliant.
- If in doubt, contact the FOI helpdesk! (xxxxxxx) CIO-FOI (MULTIUSER)



FOI requests framed as questions

Posted on [June 11, 2013](#)

This blog provides advice on responding to correspondence from the public which identifies itself as a FOI request but is framed as a question or a series of questions.

How should the Department respond to FOI requests framed as questions?

MOD often receives FOI requests which are wholly or in part framed as a question or a series of questions. Those responding should be aware that **opinions, explanations and other information created by officials solely for the purpose of answering the questions raised by the requester are not, by themselves, a legitimate substitute for proper compliance with responsibilities of public authorities as set out in Section 1 of the Act as described below.** Subject to any statutory FOI exemptions that may apply, under Section 1 of the Act the Department **must in every case** confirm or deny whether it holds any information held at the time the request is received and provide it to the requester. Although the Act does not specifically state that the "held" information will be restricted to "recorded" information, the Information Commissioner has confirmed that the information "held at the time the request is made" will be limited to "recorded information".

In a Decision Notice of 15 February 2011, FS50279127, the Information Commissioner stated that "The Act does not provide a right to ask questions from public authorities. It provides the right to ask an authority for a copy of any recorded information that it holds... Although this is the case, the Information Tribunal has clarified that any written question to a public authority can be considered to be a freedom of information request. If a question can be answered by

simply providing the applicant with copies of recorded information that it holds then it should do so. Otherwise it should simply state that it does not hold relevant information.”

If we can respond to an FOI request that is framed as a question by providing a copy of recorded information, then we should do so (subject to any exemptions that may apply), clearly stating that the MOD holds recorded information within scope of the question posed. If we cannot, then we should respond along the following lines:

“Section 1 of the Freedom of Information Act gives an applicant the right to access recorded information held by public authorities at the time the request is made and does not require public authorities to answer questions, provide explanations or give opinions, unless this is recorded information held. I can confirm that the Ministry of Defence holds no recorded information that would provide an answer to the question/s you have asked in your request.”

“You may find it helpful to know that The Information Commissioner’s Office publishes guidance on how to make requests for information under the Freedom of Information Act in the ICO Charter for Responsible Freedom of Information Requests, available on the ICO website at the following address:

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/practical_application/its_public_information_foi%20charter_final.pdf“

(End with the usual appeals para)

Whilst in every FOI response you **must** meet the section 1 responsibility described above, under section 16 of the Act explanations and advice can be provided but this should never be provided without also meeting the section 1 obligations.

This guidance only applies to correspondence where FOI is mentioned in the request or any covering email, or where the request is received via the MOD’s FOI mailbox. Other correspondence containing requests for information framed as questions will often be appropriate for handling under normal business correspondence procedures.



New ICO Guidance on Vexatious Requests

Posted on [June 3, 2013](#)

The Information Commissioners Office (ICO) recently launched its [new guidance on section 14](#) (vexatious requests) This follows the Upper Tribunal’s recent decisions on this exemption as well as decisions such as [Salford City Council v IC and TieKey Accounts \(EA/2012/0047\)](#) concerning reliance on section 14 to avoid incurring unreasonable cost burdens.

Essentially the ICO’s long-standing 5 indicators are supplanted by a new list of 13 indicators. The thirteen indicators, anyone of which may suggest the request is vexatious, are (in no particular order):

abusive or aggressive language

burden on the authority

personal grudges

unreasonable persistence

unfounded accusations

intransigence

frequent or overlapping requests

deliberate intention to cause annoyance

scattergun approach

disproportionate effort

no obvious intent to obtain information

futile requests

frivolous requests.

The ICO guidance suggests a process for establishing if a request causes a disproportionate or unjustified level of work. Authorities should:

1. consider the purpose of the request if apparent and any wider public interest
2. balance this against the impact on the authority
3. take the context and relevant history into account

The CIO-SPP-Information Rights team has revised the standing internal guidance on s(14) by updating FOI Compliance Note 9 – Vexatious and Repeated Requests. Please familiarize yourself with the [updated guidance](#) and check the ICO's guidance for more detailed advice which is designed to help public authorities understand when a request can be refused as vexatious under section 14(1) of the FOI Act



Redacting Information – Reminder of Correct Process

Posted on [May 2, 2013](#)

The CIO-SPP Information Rights team often receives queries from focal points on how to redact exempt information from documents before release under Freedom of Information (FOI). Recently, a business area asked about the use of PDF Factory as a tool for the purposes of redaction. PDF Factory is *not* an approved method of redaction and *should not* be used. PDF Factory does not strip the metadata when converting documents from Word to PDF unlike Adobe Acrobat Professional v 7.0 and above.

The correct process for redacting information from documents was highlighted in a [blog post from 2011](#)

In general the main principle that should be applied to all redacting is to redact in a way that does not allow the document to be unredacted by other means. This generally means the only effective way to protect information is to print out the redacted information and scan it in. This way, there is no electronic way of gaining access to the information we are withholding and no meta data from the information's history to worry about.



Advice from WDTK.com on requests not being uploaded to their site

Posted on [April 17, 2013](#)

Faced with the regular problem of responses sent from the Department to whatdotheyknow.com (WDTK.com) not appearing on their website, CIO contacted the Administrators of WDTK.com to seek a remedy to the issue.

WDTK.com issued the following response which Focal Points should note when sending responses to FOI requests to WDTK.com addresses.

“All correctly addressed responses received by WhatDoTheyKnow are automatically published on the relevant request threads.

Where public bodies encounter problems we are happy to help; please do send us details of any error or bounce messages. Problems with our website are very rare, but we do on occasion see issues with public [sic] bodies mangling request addresses, for example omitting elements of them. Our site also closes very old requests to new responses; in these cases an attempt to reply results in a message being generated asking the sender to contact us if they want the request re-opened.

We are very happy to work with you, and your technical staff, to investigate any specific instances where responses have not been published online. A good place to start would be forwarding a copy of the sent message along with any error/bounce messages received.”



Questions in House of Lords on Government plans to amend the FOI Act

Posted on [March 7, 2013](#)

In case you missed it, the House of Lords had [a brief debate](#) on what plans the Government has to amend the Freedom of Information Act during oral questions in the House on 27 February.



Transparency Agenda – Departments to publish information on their projects within the Government’s Major Projects Portfolio (GMPP)

Posted on [March 7, 2013](#)

Under the umbrella of the Government’s Transparency Agenda, Ministers have decided that Departments will publish information on each of its projects within the “Government’s Major Projects Portfolio (GMPP)” six months in arrears (ie using data supplied at Q2 in the previous Financial Year), starting in May 2013, and every 12 months thereafter.

The information to be published includes the Major Projects Authority (MPA) Delivery Confidence rating of each project and the reasons for it, action taken by the departments, and other project-specific data such as whole life cost. At the same time, the MPA will publish its Annual Report, which will include the Q2 12/13 GMPP project list, aggregate portfolio data and an overview and update on MPA’s work.

The intention is that the proactive disclosure of the information will be fully in line with FOI principles. The purpose of this note is to advise FOI focal points that they may be asked by MOD Project Teams (who are currently collating the information) to provide advice and guidance on these principles and the redaction of information in the data before publication (where it is deemed that, were it to fall within scope of an FOI request, the same information would be withheld under a legitimate exemption).



A summary of some of the key processes to note when handling cases on the Access to Information Toolkit (AIT).

Clarify

A closure status as far as we are concerned, but as many of you are aware this isn't a closure status on AIT, rather it is a workflow which should then be closed off as Full Release. There were many instances of "Clarify" workflows where the cases were closed off as No Release, Partial, Cost etc and some of the releases had exemptions attached to them. Clarifying should be processed early in the 20 working day period and should not be used if a case goes late!

Things to note:

- Clarify is a case closure and **Not** for pausing cases;
- Every Clarify case should be closed as **Full Release**;
- Please ensure you **remove any exemptions** that you may have started to put on during your initial case handling. These will show up on our stats if not removed; and
- Please ensure you **upload** your clarify letter.

Uploading

Many of you are good at ensuring you upload your final response letters and any other correspondence with the requester to AIT. This is good practise and provides a log which is useful if the case goes to Internal Review. Some users, however, have been uploading files which have no place on the system and there is a danger that these documents could be assumed safe for release when the truth is quite the opposite.

Things to note:

- Only **correspondence between the department** and the requester should be uploaded onto the system;
- All correspondence / documents / information sent out of the department should be at most **PROTECT** and only at that level because it contains personal details relating to the requester;
- Do **not** upload any **PIT arguments** (other than those embedded in the final response to the requester); and
- Do **not** upload any **correspondence between officials**, AIT is not the place to record this.

Partial Release (Cost)

This option in the drop down box in AIT is often misused. Question: – Is there ever a time when this selection should be used? Answer: – Maybe in the past, but not now. If you are refusing to answer any part of the question because to do so would be at prohibitive Cost then the whole request is "No Release (Cost)". This however doesn't mean you can neglect your duty under s.16 (Advice and Assistance). Although you shouldn't be providing new information in this section, you could inform the requester where some data relating to their request can be found on-line, citing that under s.21 the department wouldn't be releasing this information anyway. If the department doesn't hold information and this is well known and doesn't require searching, then this could also form part of the s.16 advice. This information together should form part of any advice on refining a request.

Things to note:

- **Only “No Release (Cost)”** should be used to close a case on s.12, “Partial Release” should **never** be used; and
- s.16 (Advice and Assistance) **can contain s.21 elements and Information not held** which should support any refinement the requester may choose to do. Noting that this is not releasing any new information.

Logging requests

Many of you have to log requests when they arrive directly into your business area. CIO-SPP-IR has noticed recently that some areas are logging correspondence as new requests and including any dialogue through e-mail in the request received box. Logging should only be used for new requests. A request received as a result of the clarification process should be logged as a new request, with only the wording of the actual request recorded (do not include any non relevant info the requester may include). Informal resolution is not a new request and does not need to be logged. If in doubt, please contact the FOI team.

Things to note:

- **Only new** requests should be logged;
- **Informal resolution** and other dialogue does not constitute a new request and **should not be logged**; and
- Only sections of text relevant to the new request should be inserted into the request box, any other information from the requester can be uploaded if it is related to the request.



Section 12 (Cost Limit Exceeded) Calculations and Contractor Fees

Posted on [January 18, 2013](#)

This guidance summarises how business areas should deal with contractor costs when calculating costs for a Section 12 refusal.

Several business areas have asked about how to deal with contractor costs when calculating costs for a Section 12 refusal. It is often mistakenly believed that a public authority can take into account the costs attributable to the time that external contractors charge to retrieve information they hold on behalf of the department. In fact, it is not the actual cost which external contractors charge the MOD but the hourly rate as per the FOIA fees regulations at £25 per hour that should be taken into account. Unless an external contractor estimates that it will take them over 2.5 days then you cannot refuse a request by engaging s.12 – you must cost external contractors time as you would civil servants.

Can I include the costs an external contractor charges the MOD for locating and retrieving information towards the s.12 cost limit ?

Where contractors are involved in determining whether the public authority holds the requested information, or in locating, retrieving or extracting that information, the total cost charged by the contractor to the public authority cannot be included in cost calculations – any staff time (either employee or contractor) can only be taken into account at the rate of £25 per hour.

In an ICO Decision Notice dated 4th June 2007, the Information Commissioner explained that section 4(4) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the “Regulations”) makes it clear that any costs incurred by any person undertaking work on behalf of the authority should be estimated at the rate of £25 per person per hour. The Commissioner explained that public authorities could not therefore simply

apply the fee charged by its contractors to provide the information requested. The Commissioner therefore expects public authorities to calculate the costs any contractors reasonably expects to incur at a rate of £25 per person per hour in accordance with the activities outlined in section 4 (3) of the Regulations.

Further information on s.12 and contractors fees can be found on the ICO FOI Guidance on s12 – specifically the section on “Costs other than staff time” available [here](#).



When is it Necessary to Attempt Informal Resolution with a Requester

Posted on [November 21, 2012](#)

The procedure that needs to be followed for carrying out an internal review when a requester requires a full reconsideration of their FOI request be undertaken because they do not agree with how their request has been handled and or the substance of the response provided.

Background

The CIO-SPP-IR team has noticed that there appears to be a myth gathering credence in the Department that requesters have to agree to informal resolution first before they can have an Internal Review. This is not the case. Informal resolution is optional and may not always be appropriate.

What does the Act say about the FOI complaint procedure?

There is no statutory requirement under the FOI Act that specifies that all requesters must seek informal resolution first before seeking an independent internal review. Indeed, the Department has to be careful that it is not seen to be discouraging applications for appeals as it might end up being accused of depriving requesters of their legal rights.

CIO only recommends attempting informal resolution **if** it is clear from a follow-up letter from a requester that there is a realistic prospect of resolving an appeal by undertaking some further action that will meet the requester’s expectations.

Typically, informal resolutions take the form of a clarification of a previous response that involves providing a small amount of further information (e.g. *How many pages should there have been in the attached document you sent me?* or *What is the meaning of the abbreviation ‘prt’ on page 10?*, etc)

Where the requester wishes a full reconsideration of his/her request as s/he does not agree with either the handling or the substance of the response provided – or both, that complaint should be forwarded direct to the MOD Internal Review team for informal independent review. Internal reviews should not be undertaken by Focal Points or their Line Manager.

Practice Point

It is recognised that there is sometimes a fine line between a request for new information and providing a small amount of further information about an old one. It is a judgement call. If in any doubt how to respond, the follow-enquiry should be forwarded to CIO-SPP-IR Ops1 for advice. Long continuous correspondence over FOI handling should be avoided at all times.

FOI Act Section 45 Code of Practice

The Department needs to be mindful of the wider obligation in the Code of Practice under s45 of the Act, which can be found: <http://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section45-code-of-practice.pdf> which states (Part 6) that **Any written reply from the applicant expressing dissatisfaction with an authority's response to a request for information should be treated as a complaint...these complaints should be handled in accordance with the authority's complaints procedures.**



Use Caution if applying the 'Mosaic Effect' when withholding information

Posted on [November 12, 2012](#)

The mosaic effect is a term used to describe a situation where the release of information held by the Department would prove harmful if combined with information already in the public domain.

Background

The mosaic effect is a term used to describe a situation where the release of information held by the Department would prove harmful if combined with information already known to the public. The mosaic effect argument was recently used by MOD in a First Tier Tribunal Case when withholding information under section 24 of the Freedom of Information Act (FOIA). The Tribunal views on the mosaic effect provide a useful steer on the likely outcome should MOD rely on this argument to any extent in future Appeals.

What happened at the First Tier Tribunal?

A requester who asked for information about briefings and the summary reports following site visits by the UK Atomic Weapons Establishment (AWE) staff to a United States atomic energy facility (called the Y-12 facility) regarding the proposed development of an enriched uranium facility at AWE Aldermaston took his appeal to the First Tier Tribunal. The Department relied on the provisions of sections 24, 27 and 38 of the FOIA. At the Tribunal the Department used the mosaic effect argument to withhold some information under section 24.

The Tribunal accepted in principle the application of the Mosaic Effect argument but they found that **“it is advisable to be extremely cautious, on an item by item basis, as to the extent, if any, it should be applied. It certainly should never be considered or used as a blanket refusal.”**

Whilst the judgement does not rule out the mosaic effect having a part to play in persuading a Tribunal that disclosure of specific nuclear-related information would be harmful to national security, it suggests that successfully defending a decision to withhold information on such grounds will only be achieved where the mosaic pattern is known. In other words, we need to be able to identify the specific items of information already in the public domain which, when linked with the requested information held by the Department, will have the prejudicial effect we are trying to prevent by non-disclosure.

What does the Tribunal decision mean?

The Tribunal decision is not a ringing endorsement of the 'Mosaic effect' concept. We should continue to apply it with care – actual mosaic patterns will need to be articulated in Public Interest Tests (PITs).

Details of the open decision are available on the Tribunal website here:

[http://www.informationtribunal.gov.uk/DBFiles/Decision/i574/20110920%20Decision%20\(Reviewed\)%20EA20110004.pdf](http://www.informationtribunal.gov.uk/DBFiles/Decision/i574/20110920%20Decision%20(Reviewed)%20EA20110004.pdf)



Dealing with combined FOI/MCs

Posted on [April 20, 2012](#)

Recently we have had a number of combined FOI/MC requests that appear to have caused some confusion. Here we explain how to respond to requests for information (RFIs) from Parliamentarians and correspondence from Parliamentarians that ask for both recorded information and ask questions of the Department or Minister.

How do I identify combined FOI/MC requests?

The requester will be a Parliamentarian (MP, Peer, MEP or Member of a Devolved Legislature or their staff) and will ask for recorded information from the department. They may also ask questions of the Department or Minister.

Why might a Parliamentarian submit a FOI request?

Parliamentarians are also entitled under the FOI Act to request recorded information held by public authorities. Under the FOI Act we are required to be 'applicant blind' therefore we do not need to speculate as to the reasons any requester submits a RFI beyond where it assists us in responding to their request.

How do I deal with combined requests?

There are two ways in which FOI requests from Parliamentarians are handled. These are as follows:

- If the correspondence contains only requests for recorded information, the request is treated differently from the normal process set out in Ministerial Correspondence guidelines. In these cases the request is:
 - recorded on the Access to Information Toolkit (AIT);
 - placed with a subject matter expert/Focal Point (SME/FP) through CIO-SPP-IR; and
 - treated as a RFI under the Freedom of Information Act.

However, unlike replies to other FOI requests, the response must be sent from a Minister, hence requiring a Ministerial Submission from the SME/FP. This type of request is called an 'MC FOI'. [Guidance for these types of request](#) is available.

- If the correspondence contains requests for recorded information and also ask questions of the Department or Minister then the request should be handled in two parts so that the FOI elements are split from the normal MC elements of the request. In these cases the request should:
 - split the elements of the requests into those covered under the FOI Act and those which are not;
 - record the request on both the Parliamentary Toolkit and AIT;
 - placed with an SME/FP; and
 - flagged to both Parliamentary Branch and CIO-SPP-IR
 - **You can respond with one letter; however, you must make clear which elements are being responded to under the FOI Act and which are not.**

The guidance at the link above is relevant for both types of correspondence from Parliamentarians; the only difference is that in the latter only **parts** of the request will be answered under the FOI Act.

Should I use the FOI appeals paragraph?

Yes. However, you should make clear which elements of your response are covered by the FOI appeals paragraph and which are not.

If you are unsure about what category correspondence you have received falls into, always contact CIO-SPP-IR who will provide advice on whether it should be answered in part or in full as a FOI request.



Closure of MOJ Clearing House and the new arrangements for managing Round Robin and Referral cases.

Posted on [February 29, 2012](#)

On the 17 February 2012, the MOJ closed its FOI Clearing House and as a result will no longer be issuing guidance on round robin cases.

MOJ Clearing House has now closed, however, the MOJ Policy Team continues to have an interest in round robin requests and the more sensitive requests, including those concerning national security, propriety and ethics and communications with the Royal Household. As such, the MOJ will continue to circulate the current round robin lists at least three times a week.

From now on, the department with lead responsibility for the subject of a request will be responsible for providing advice to other departments; the Access Ops Team will ensure Focal Points are informed of any round robin cases that involve them and facilitate contact with other departments, providing support and advice on the new process including when guidance should be issued to other departments.

Please note; the procedure for handling cases with national security implications has not changed (s.23 and s.24). Please continue to contact the Access Ops Team or Access Special Projects if you propose to use either s.23 or s.24.

For those with a particular interest in cases involving communications with the Royal Household, national security or other sensitive cases, see the [full guidance issued by the MOJ](#).



Redacting information from documents before release

Posted on [October 12, 2011](#)

This is a reminder of the guidance staff should follow when redacting exempt information from documents before release under Freedom of Information (FOI) legislation.

When staff need to redact information from documents for release under FOI legislation the processes to follow are specified in [The National Archives' Redaction Toolkit \(www\)](#).

Incorrect redaction, where electronic information is obscured rather than removed, can be reversed and the redacted information can be read. This has occurred recently and has been reported in the media: [Daily Star \(www\)](#); [BBC News \(www\)](#).

The MS Word redaction tool is *not* an approved method of redaction and *should not be used*; a document can appear to have been redacted using the MS Word redaction tool even if the process has not been completed and can be reversed.



AIT Workflows and correctly closing cases

Posted on [July 11, 2011](#)

When, how and who should close cases on AIT once a response has been sent to the requester.

I have responded to an FOI request, what happens to the case on AIT?

You must correctly close the case on AIT (or Web App) as soon as the response is sent to the requester. Until the case has been closed on AIT, the request is considered unanswered and will appear in the MoJ and focal point performance statistics as such.

Can only AIT Administrators close cases?

No. All AIT users have permissions to process a case through the appropriate workflow. It is only the Admin Closed workflow that is limited to Administrators.

How do I close a case?

There are five possible workflows for closing a case that has received a substantive response. Access the case, select Process Item from the Action heading on the left hand side of the screen. Under the Workflow Options heading on the left hand side of the screen select Process Request. This will display the five closure workflow options and the Clarify workflow.

Which workflow shall I use?

Cases that have been answered must be closed using the appropriate workflow option from the five available:

Full Release workflow

Use when: All the information requested that the department held was released

Closed status: Full Release

Cost Limit Exceeded workflow

Use when: Section 12 cost limit applied

Closed status: No Release (Cost) OR Partial Release (Cost) – do not use this option

Exemptions may apply workflow

Use when: If applying any exemption other than s12; this workflow is also used to put a request On Hold (PIT)

Closed status: Full Release OR Partial Release OR No Release

No Information Held workflow

Use when: The department and its agencies do not hold this information

Closed status: Not Held

Vexatious Request workflow

Use when: The applicant has asked for the same or similar information previously and has been answered as fully as is possible; you must consult with CIO-SPP-IR before making a request

Closed status: Newly Vexatious OR Previously Vexatious

There is a sixth workflow:

Clarify Request workflow

Use when: Indicate that a clarification letter has been sent to the requester, then proceed to use the Full Release workflow

Closed status: This workflow will not close a case

If you are closing a case on behalf of someone else and it is unclear from the final response letter how the request was handled, clarify this with them before proceeding on AIT.

Pages 25-80 of the [AIT user guide](#) provide screenshots of the stages and information required for each workflow.

When and how should the Clarify Request workflow be used?

This should be used when you have asked the requester to clarify their request. A letter asking a requester to clarify a request is considered to be a substantive response in cross-Government statistics. These statistics require us to capture the number of times we seek clarification. Therefore the Clarify Request workflow and then the Full Release workflow should be fully completed to close the case.

The following process should be followed in order to capture the correct information in the statistics:

1. Process the request through the whole of the Clarify Request workflow, so that the status changes from Open to On Hold (Clarify) and back to Open
 - The date clarification received should be inputted as today's date and in the comment box type "A clarification response is considered to be a substantive response for MoJ stats purposes."
2. Process the request through the Full Release workflow
 - For 'Select Full Release Type' select 'Other' and in the comments box type "A clarification response is considered to be a substantive response for MoJ stats purposes. So this FOI request has been closed on AIT as 'Full Release', even though no information has been disclosed, because no more appropriate closure workflow is available on the AIT system."
3. When/if a clarified request is received it should be logged as a new request under a new AIT number with a comment referencing the original request and original AIT reference number.

When should I use the Admin Close option?

Admin Close should not be used to close requests that have received a substantive response. Requests that have been Admin Closed are discounted from the MoJ and focal point performance statistics. See the blog post [Using the AIT Admin Close function](#) for full information about when to use this function. Only AIT Administrators can use this function.

Do I need to upload documents to the request before I close it?

Yes. You must upload a copy of the final response that was sent to the requester. If a query is received regarding a request, AIT will be used to check the status and handling of a request in the first instance. If the final response is not uploaded, it is difficult to see how a request has been handled. This is particularly important for the Internal Review/Compliance team.

I have closed a request but did not upload the documents, can I upload them?

No. You must ensure that the final response and any other documents are uploaded to the request before processing through one of the closure workflows. Only CIO-SPP-IR can upload documents to closed cases and will only do so in extenuating circumstances.

Can a Closed case be re-opened?

No. If a case has been closed but the request is still unanswered, you will need to re-log the request. The status of the incorrectly closed case will count in statistics, therefore it is essential to ensure cases are only closed when a request has been answered.

Can the status of a Closed case be changed?

No. If a case is closed using an incorrect workflow, the status cannot be changed and the

incorrect status will count in statistics. Therefore it is essential to ensure cases are closed using the correct workflow.

Can CIO-SPP-IR amend the statistics to take into account AIT data errors?

No. The statistics are created using the data inputted in AIT. If the data is incorrect, the statistics will be incorrect and cannot be manually altered.



Using the AIT Admin Close Function

Posted on [February 4, 2011](#)

The Admin Close function on AIT should only be used when a request logged on the system is as follows:

Withdrawn – Business As Usual

This is used when a request is handled as a Treat Official and not an FOI. Parlibranch must be informed

Withdrawn – By Requester

This is used when a requester asks for their request to be withdrawn or when a request has been placed On Hold Clarify and the requester has not responded within the 60 working days time limit

Withdrawn – Admin Reasons

This is used when a request is logged in error e.g. it is a duplicate request

In each case, the comments box must be completed with a meaningful reason for the closure for future reference.

Only the Administrator of an AIT group can Admin Close a request. Requests that are Admin Closed do not count towards the Departments statistics.

Requests that have been answered must be closed using the appropriate Workflow Option from the six available:

- Full Release
- Cost Limit Exceeded
- Exemptions may apply
- No Information Held
- Vexatious Request
- Clarify Request