

Regulation Overview

U.K. Freedom of Information Act



FREEDOM OF INFORMATION ACT

Passed in November 2000, the Act allows anyone to access documents (stored in paper and electronic form) kept by Central and Local Governments, Schools and Police. Public organizations have to establish "publication schemes" or a list of documents that they publish on a regular basis, and make them freely accessible to any individual. If the document a person is looking for is not on the approved scheme, it can be requested individually. Exemptions include documents related to national security, commercially sensitive information, confidential documents, etc.

Any person making a request for information to a public authority is entitled:

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request; and
- (b) if that is the case, to have that information communicated to him.

WHO IS AFFECTED BY THE FREEDOM OF INFORMATION ACT?

The scope of the Act ranges from large government departments to individual medical practitioners. This list includes the principal authorities in central and local government together with public bodies such as the National Health Service, the state education sector, police, and armed forces together with a miscellaneous list of other public bodies and offices. The Act also applies to Northern Ireland, Wales and Scotland.

WHAT ARE THE REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT?

The request for information has to satisfy certain conditions in that it must:

- be in writing;
- state the name of the applicant;
- state an address for correspondence;
- describe the information requested.

Information is held by a public authority if it:

- is held by a public authority, otherwise than on behalf of another person; or
- is held by another person on behalf of the authority. Public authorities should be aware that although information may not be in their actual possession, for the purposes of the Act, it may still be deemed to be held by that public authority if it is "held" by another person on their behalf.

A public authority must comply with a request for information promptly and, in any event, not later than 20 working days following the date of receipt of the request (Section 10(1))³. Any individual or organization, including those outside the United Kingdom, has a right of access to information held by public authorities covered by the Act and this time limit applies irrespective of the geographical location of the applicant. It is the Commissioner's view that the duty to comply with section 1(1)(b) of the Act is satisfied when the information is posted or otherwise transmitted to the applicant.

WHEN IS THE FREEDOM OF INFORMATION ACT EFFECTIVE?

The Act came into force on the 1st January 2005.

WHAT ARE THE PENALTIES FOR THE FREEDOM OF INFORMATION ACT?

If a public authority fails to comply with a decision notice and the failure to comply has been certified to a court, the court may enquire into the matter and, after hearing any witness or a statement in defense, may deal with the authority as if it had committed a contempt of court. A public authority, which knowingly or recklessly makes a statement it knows to be false in a material respect as purported compliance with an information notice, is to be taken to have failed to comply with an information notice.

A person is guilty of an offence if he alters, defaces, blocks, erases, destroys or conceals any record held by the public authority, with the intention of preventing the disclosure by that authority of all, or any part, of the relevant information (section 77). This offence can be committed by the public authority and any person who is employed by, is an officer of, or subject to the direction of, the public authority. This is a summary offence punishable by a fine not exceeding level 5 on the standard scale (currently £5,000). Any person who intentionally obstructs a person in the execution of a warrant, or fails, without reasonable cause, to give any person executing a warrant such assistance as he may reasonably require for the execution of the warrant, is guilty of an offence.

HOW DO FIRMS COMPLY WITH THE FREEDOM OF INFORMATION ACT?

Publication schemes are essentially a guide to the information a public authority routinely publishes or intends to publish and may prove to be helpful in assisting the public to understand what a public authority does and the service it provides.

A publication scheme might also assist the public in formulating requests for information when the statutory right of access to information becomes available from January 2005. In adopting or reviewing a publication scheme, a public authority must have regard to the public interest in allowing public access to information held by the authority, and in the publication of reasons for decisions made by the authority.

Classes of information should be defined as clearly as possible to assist those seeking information from the public authority. Classes of information forming part of a publication scheme should not be confused with the actual information falling within a class. Whilst there is no requirement under the Act to specify a time within which the information will be provided, the Commissioner will expect information included in a publication scheme to be provided in a timely manner. The nature of the information included in a publication scheme is such that it should be available "off the shelf" so that it may be provided to an applicant without delay.

WHAT DOES ZL TECHNOLOGIES PROVIDE?

ZL Technologies' compliance platform provides a comprehensive set of tools to comply with the Freedom of Information Act, including:

- Email archiving and WORM storage
- Email retention policy management
- Email search and discovery
- Email storage management
- Email attachment management
- Permissions-based access to email

ZL Technologies provides an all-in-one solution which stores data on virtually any non-rewriteable device (CD-R, DVD-R, and magneto optical disc, et al). A comprehensive and hierarchically searchable index is automatically generated for headers, message body, size, and attachments. By providing a full auditor application, ZL Technologies enables internal or external auditors to capture specific mails and generate an annotated thread for tracking the entire review lifecycle. ZL Technologies can capture all email records, store them in a tamper-proof way, maintain privilege-based access control to data, and allow quick, compound searches, discovery, and retrieval for administrators and auditors.

While ensuring the highest levels of security is a primary consideration, the day-to-day practicality and usability of our solution is also at the forefront of our design considerations.

To address this requirement, ZL's solution is completely gateway and server based making it transparent to senders. Since there is no change in user experience, no training is necessary. In addition, ZL does not require recipients to download or install any software, applets, or ActiveX components onto their system. While many other solutions might claim they do not require any downloads, they might require applets or other installed components to run properly, potentially interfering with network firewalls and certain operating systems. ZL truly requires no such downloads, transparent or otherwise.

Administrators benefit from a fully automated system, which can be set to manage the entire life cycle of registering, maintaining, and renewing users. ZL Technologies' full suite of automated end-user registration and authentication technologies provide maximum flexibility by tying to existing standards such as SSO, SAML, LDAP, Active Directory, and other centralized authentication schemes. These can be stored on directory servers, databases, PIN servers, or other structures. ZL Technologies also enables self-administration by users of their passwords or keys depending upon which security module is deployed. The burden for administrators operating the system is dramatically reduced.

With compliance capabilities tightly matched to the requirements of The Freedom of Information Act, ZL Technologies helps meet the regulatory compliance needs of Europe's public authorities.

ABOUT ZL TECHNOLOGIES

Established in 1999, ZL Technologies, Inc. (ZL) provides cutting-edge enterprise software solutions for email archiving, regulatory compliance, litigation support, corporate governance, content management, file archiving, and secure email. ZL's flagship product, the Unified Archive, offers comprehensive email and file archiving and management for companies using Lotus Notes/Domino, Microsoft Exchange, Bloomberg, and others. The suite provides a highly flexible framework that is fully scalable, enabling organizations of all sizes to meet legal discovery, compliance, and storage management requirements. With a proven track record and an impressive list of clients, including Walgreens, Bank of New York Mellon, Pacific Life, and Morgan Keegan, among other top global institutions, ZL has emerged as the premier provider of email archiving and compliance solutions. For more information, please visit www.ZLTI.com

To learn more about how ZL Technologies can help you take control of your data, call us at 408.240.8989 or visit us online at www.ZLTI.com