

## Section 20 Information accessible to applicant by other means

### Introduction

This document is drafted as practical guidance to assist public authorities in applying the section 20 information accessible to applicant by other means exemption. It is not intended to be a comprehensive assessment of the law in this area and a public authority is required to assess each request on the basis of its own individual facts.

A public authority can only rely on the exemption if the information falls within it. There is no prejudice test or public interest test.

A public authority should consider whether other exemptions, in addition to this one, may also apply to the requested information, bearing in mind that other exemptions might be more appropriate (see other exemptions guidance). Different exemptions may apply to different aspects of the requested information, although only one exemption needs to be engaged for information to be withheld.

### Section 20

Information accessible to applicant by other means

- (1) Information is absolutely exempt information if it is reasonably accessible to the applicant, whether free of charge or on payment, other than by requesting it under section 9(1)(requests for information),
- (2) Without limiting subsection (1), information is taken to be reasonably accessible if –
  - (a) it is available in public libraries or archives;
  - (b) it is available on the internet or from any other reasonably accessible source
  - (c) it is made available under a publication scheme; or
  - (d) the public authority that holds tm or any other person, is obliged by or under an enactment to supply it to members of the public on request.
- (3) Information is not reasonable accessible merely because it is made available voluntarily by a public authority, otherwise than under a publication scheme (if any).

<b>Assess the information</b>	
Does the public authority hold the information requested?	
Is all of the information requested available elsewhere from that source?	
Is the information available to purchase and is it still in print?	
Is the information mass produced or only	

available from specialist outlets?	
Is the information available over the internet? <ul style="list-style-type: none"> <li>If a public authority is providing the requester with a link to a website then to engage the exemption it should assist the applicant in accessing the details, such as providing a specific link to where the information requested can be found.</li> </ul>	
Is the information available in a public library?	
Can the information be identified easily? Is it indexed, catalogued or documented?	
Is the information subject to any conditions or restrictions on use?	
Has the information been archived?	
Is the information ephemeral (lasting only for a brief time)?	
Is the information accessible through another legal process or statute and would the applicant be as free to use the information as if it had been supplied under the Act or are there any restrictions on its use?	

<b>Assess the applicant (from the information that you know)</b>	
Are there any legal access rights available to the applicant?	
Does the applicant have access to otherwise closed or private sources of information by virtue of a particular quality, entitlement or qualification?	
Does the applicant possess enhanced skills or resources which may bring otherwise inaccessible information within reach (for example, research, technical or linguistic skills)?	
Is the applicant disadvantaged in some way (disability, educational or economic), which might render information, which would otherwise be readily accessible to the general public, inaccessible to the applicant?	

### **Actions to take if the exemption is engaged**

- Advice and assistance should be provided to the requester on where the information can be obtained.
- If the information is mixed in with other information, e.g. on a website, explain where on the website the specific information can be located.

### **Further Information**

The Information Commissioner has written guidance on the application of section 20.  
<https://www.inforights.im/media/1362/exempt20a-available-by-other-means.pdf>

Freedom of Information Act 2015 Code of Practice – Part 4, Provision of advice and assistance by public authorities to persons who propose to make, or have made, requests for information.  
<https://www.gov.im/media/1358113/foia-code-of-practice.pdf>

