

### General Case Management Templates

Section of Act (if relevant)	Type of letter	Clause
	Acknowledgement of receipt where the request is received otherwise than submitted electronically and an automatic response generated.	<p>Thank you for your request for information received on [date] which states:</p> <p>[request]</p> <p>Your request is currently being processed under the terms of the Freedom of Information Act 2015. We will respond to your request promptly, and in any event, within twenty working days of the date of receipt.</p> <p>Should you have any queries regarding this letter please do not hesitate to contact [insert name where possible].</p> <p>Further information about freedom of information requests can be found at <a href="http://www.gov.im/foi">www.gov.im/foi</a>.</p>
	Disclosing information	<p>We write further to your request dated [insert date], which was received on [date] and which states:</p> <p>[request]</p> <p>1. I enclose a copy of [some/most/all] of the information you requested [in the format you asked for]</p>

		<p>2. The answer to your question is &lt;insert answer&gt;</p> <p>[Insert your right to request a review paragraph]</p>
s13	<p>Notification during standard processing period that an extended processing period is being claimed, to consider qualified exemptions.</p>	<p>We write further to your request dated [insert date], which was received on [date] and which states:</p> <p>[request]</p> <p>We are considering whether a qualified exemption applies to the information that you have requested, which may prevent us from providing the information to you. To enable us to do this the law states that we are allowed an extended period, beyond 20 days to respond.</p> <p>The period of time that is reasonable in the circumstances is determined having regard to -</p> <ol style="list-style-type: none"> <li>1. The time required to consult with a person who may be affected by the disclosure of information;</li> <li>2. The time taken to consult with a person about whether access to the information would be in the public interest; or</li> <li>3. Whether responding to your request for information will substantially or unreasonably interfere with the day-to-day operations of [insert public authority].</li> </ol> <p>Whilst this process is ongoing we will continue to give you reasonable notice of the progress of your application.</p> <p>Should you have any queries regarding this letter or your request, please do not hesitate to contact me.</p> <p>Further information about freedom of information requests can be found</p>

		at <a href="http://www.gov.im/foi">www.gov.im/foi</a> .
s14(1)(a)(i)	Letter asking for clarification of the information requested.	<p>We write further to your request dated [insert date], which was received on [date] and which states:</p> <p>[request]</p> <p>In order to identify and locate the information that you have asked for we need some further information from you. [Add an explanation of why this is the case]. In particular, it would be helpful to know [insert an indication of the sort of information that you will require in order to proceed with the request].</p> <p>We will not be able to process your request until this information is received and you have 28 days from the date of this notice in which to respond. Should you respond after this time [insert authority] can refuse to provide you with the information requested.</p> <p>Should you have any queries regarding this letter or your request, please do not hesitate to contact me.</p> <p>Further information about freedom of information requests can be found at <a href="http://www.gov.im/foi">www.gov.im/foi</a>.</p>
s14(1)(a)(ii)	Letter asking for proof that requester is Isle of Man resident	<p>We write further to your request dated [insert date], which was received on [date] and which states:</p> <p>[request]</p> <p>In order to clarify that you are resident in the Isle of Man and therefore entitled to make an application under the Freedom of Information Act</p>

		<p>2015, we should be obliged to receive from you confirmation of your residential status.</p> <p>We will not be able to process your request until this information is received and you have 28 days from the date of this notice in which to respond. Should you respond after this time [insert authority] can refuse to provide you with the information requested.</p> <p>Should you have any queries regarding this letter or your request, please do not hesitate to contact me.</p> <p>Further information about freedom of information requests can be found at <a href="http://www.gov.im/foi">www.gov.im/foi</a>.</p>
s11(2)(c)	Refusal notice – failure to clarify request or provide proof of residency	<p>We write further to your request dated [insert date], which was received on [date] and which states:</p> <p>[request]</p> <p>We subsequently wrote to you on the [ ] requesting</p> <p>[clarification of the information sought]</p> <p>[proof of Isle of Man residency]</p> <p>Unfortunately, you have not as yet provided the clarification requested because [insert explanation of why clarification is inadequate].</p> <p>Therefore we are unable to proceed further with your request at this time.</p> <p>If you wish to submit a new request which [more clearly describes the information you are looking for][shows that you are resident on the Isle of Man], we will be able to consider your request and respond accordingly. If</p>

		<p>you need any further advice and assistance to [clarify your request (if still within the 28 days)] [make a new application], please contact me.</p> <p>[Insert your right to request a review paragraph if closing the matter after 28 days]</p>
s11(3)(c)	Refusal notice – invalid request, no name or address	<p>We write further to your request dated [insert date], which was received on [date] and which states:</p> <p>[request]</p> <p>A request is not valid if it does not, in accordance with section 9(5)(a) of the Freedom of Information Act 2015, state the name of the applicant and an address for correspondence. As your request [does not state your name/provides only your first name/states a pseudonym instead of your actual name/does not provide a correspondence address], we do not consider it to be a valid request. Accordingly, we are not obliged to respond to it.</p> <p>However, if you provide [your name/a correspondence address] we will be able to consider your request and respond in accordance with the Act. If you need any further advice and assistance to submit a valid request, please contact me.</p> <p>[Insert your right to request a review paragraph]</p>
s19	Neither confirm nor deny	<p>We write further to your request dated [insert date], which was received on [date] and which states:</p> <p>[request]</p> <p>We do endeavour to provide information whenever possible. However, under section 19 of the Act, a public authority may refuse a request where to either confirm or deny whether it holds information would itself be absolutely exempt information or qualified exempt information under the</p>

		<p>Act.</p> <p>In this instance, if the information you requested did exist or was held by us, an exemption under section [insert exemption] of the Act would apply to that information. This exemption would apply because [explain briefly but clearly why it would apply].</p> <p>INCLUDE THE NEXT SENTENCE IF IT WOULD BE QUALIFIED EXEMPT INFORMATION [We also consider that to reveal whether the information you have requested exists, or is held by [insert authority], would be contrary to the public interest]. For these reasons, we are refusing your request under section 19 of the Act.</p> <p>[Insert your right to request a review paragraph]</p>
s4(1)	Refusal notice for pre 2011 information	<p>We write further to your request dated [insert date], which was received on [date] and which states:</p> <p>[request]</p> <p>[Where <b>FULL</b> request is for information pre 11 October 2011]</p> <p>A Freedom of Information request can only be made in respect of information created on or before 11 October 2011. As your request is for information created prior to this date we are not obliged to respond to it as a freedom of information request. However, we will endeavour to respond to it under the Code of Practice on Access to Government Information which can be found at <a href="http://www.gov.im/media/1358113/foia-code-of-practice.pdf">www.gov.im/media/1358113/foia-code-of-practice.pdf</a>.</p> <p>[Insert your right to request a review paragraph]</p> <p>[Where <b>PART</b> of the request is for information pre 11 October 2011]</p>

		<p>A freedom of information request can only be made in respect of information created on or before 11 October 2011. As your request for information is for both information before and after 11 October 2011 our response is as follows:</p> <p>In respect of that portion of the information requested, created before 11 October 2011, under the Code of Practice on Access to Government Information which can be found at <a href="http://www.gov.im/media/1358113/foia-code-of-practice.pdf">www.gov.im/media/1358113/foia-code-of-practice.pdf</a>; and</p> <p>In respect of that portion of the information requested, created on or after 11 October 2011, under the provisions of the Freedom of Information Act 2015.</p> <p>[Insert your right to request a review paragraph]</p>
s3	Refusal notice where requester is not an Isle of Man resident	<p>A request is not valid if it is not received from an Isle of Man resident, in accordance with section 9 of the Freedom of Information Act 2015 and therefore we are not obliged to respond to it.</p> <p>However, we will endeavour to respond to your request under the Code of Practice on Access to Government Information, which can be found at <a href="http://www.gov.im/media/1358113/foia-code-of-practice.pdf">www.gov.im/media/1358113/foia-code-of-practice.pdf</a>.</p> <p>[Insert your right to request a review paragraph]</p>
Pt 8 Code of Practice	Third Party Consultation Letter	<p>We have received a request under the Freedom of Information Act 2015 ("the Act"), which states:-</p> <p>[request details]</p> <p>You have an interest in the information which has been requested because [insert description of the information and the third party's interest in</p>

		<p>it]. Therefore, I am writing to ask you for your views on whether this information should be disclosed before we make a decision on the request. Please note that this consultation is a courtesy, not a statutory obligation and you do not have a veto on disclosure of the information. Under the terms of the Act, the decision on whether or not to release the information is for the [insert public authority] alone. However, we will take account of your views and balance them with those of the public and its right to know this information.</p> <p>We can withhold information only if an exemption under the Act applies to that information and, where applicable, the public interest in disclosure is not outweighed by the public interest in upholding the exemption.</p> <p>Could you please advise:</p> <p>Whether you have any concerns about the disclosure?</p> <p>Why/how any disclosure will cause you harm and how likely that harm will be?</p> <p>I should be grateful if you could reply to me by [insert date]</p> <p>Should you have any queries regarding this letter, please do not hesitate to contact me.</p> <p>Yours sincerely</p>
Pt 8 Code of Practice	Third party notification letter	<p>We have received a request under the Freedom of Information Act 2015 ("the Act"), which states:</p> <p>[request details]</p>



		<p>We are obliged to release this information unless an exemption under the Act applies.</p> <p>In this case we do not believe that there is any applicable exemption however we should be obliged to receive your views, which we will take into consideration in making an informed decision.</p> <p>I should be grateful if you could reply to me by [insert date].</p> <p>This response is due for release on [date] and should we not hear from you we will proceed with disclosing the information. I would be happy to share our final response with you, but in the meantime, if you could please advise me of any concerns that you have, I would be most grateful.</p> <p>Yours sincerely</p>
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S18	<p>Content of refusal notice/your right to request a review</p> <p>Needs to be included at the bottom of every letter that acts as a refusal notice i.e:</p> <ul style="list-style-type: none"> <li>- Whenever a practical refusal reason or an exemption is applied</li> <li>- Where clarification is sought of address or information, but not received.</li> </ul>	<p><b>Your right to request a review</b></p> <p>If you are unhappy with this response to your freedom of information request, you may ask us to carry out an internal review of the response, by completing a complaint form and submitting it electronically or by delivery/post to me at [insert address and email]. An electronic version of our complaint form can be found at <a href="http://www.gov.im/foireview">www.gov.im/foireview</a>. If you would like a paper version of our complaint form to be sent to you by post, please contact me and I will be happy to arrange for this. Your review request should explain why you are dissatisfied with this response, and should be made as soon as practicable. We will respond as soon as the review has been concluded.</p> <p>If you are not satisfied with the result of the review, you then have the</p>
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		<p>right to appeal to the Information Commissioner for a decision on;</p> <ol style="list-style-type: none"> <li>1. Whether we have responded to your request for information in accordance with Part 2 of the Freedom of Information Act 2015; or</li> <li>2. Whether we are justified in refusing to give you the information requested.</li> </ol> <p>In response to an application for review, the Information Commissioner may, at any time, attempt to resolve a matter by negotiation, conciliation, mediation or another form of alternative dispute resolution and will have regard to any outcome of this in making any subsequent decision.</p> <p>More detailed information on your right to a review can be found on the Information Commissioner’s website at <a href="http://www.inforights.im/">www.inforights.im/</a>.</p> <p>Should you have any queries concerning this letter, please do not hesitate to contact me.</p> <p>Further information about freedom of information requests can be found at <a href="http://www.gov.im/foi">www.gov.im/foi</a>.</p> <p>Yours sincerely</p>
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**Practical Refusal Reasons**

**(Any letter which cites a practical refusal reason needs to include the “right to request a review” paragraph at the end)**

Section	Legislation	Clause
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s11(3)(a)	the public authority does not hold or cannot, after taking reasonable steps to do so, find the information that the applicant has requested;	<p><b>Question</b> – have you provided advice and assistance in accordance with Part 4 of the Code of Practice to try and remove this practical refusal reason?</p> <p><b>Clause</b></p> <p>While our aim is to provide information whenever possible, in this instance the public authority does not hold or cannot, after taking reasonable steps to do so, find the information that you have requested.</p> <p><b>Provide further advice and assistance</b> – examples for illustrative purposes only are:</p> <p>[However, you may wish to contact [insert contact and public authority] who may be able to help you.]</p> <p>[However, we do hold [insert type of information] which you may find useful should you wish to submit a further freedom of information request.]</p> <p>[However, if you take a look at [website] you may find some useful information]</p> <p>[Insert your right to request a review paragraph]</p>
S11(3)(b)	complying with the request for information would require the public authority to do one or more of the matters mentioned in section 8(3) (things a public authority is not required to do by the Act);	<p><b>Question</b> – have you provided advice and assistance in accordance with Part 4 of the Code of Practice to try and remove this practical refusal reason?</p> <p><b>Clause</b></p>

		<p>While our aim is to provide information whenever possible, in this instance, complying with your request for information would require [insert public authority] to:</p> <p><b>Pick 1</b>  [create or derive information from information that it holds]  [undertake research into, or analysis or, information that it holds]  [undertake substantial compilation or collation of information that it holds]</p> <p>Which [insert public authority] is not required to do under the Act.</p> <p><b>Provide further advice and assistance</b> – examples for illustrative purposes only are:</p> <p>[However, you may wish to contact [insert contact and public authority] who may be able to help you.]</p> <p>[However, we do hold [insert type of information] which you may find useful should you wish to submit a further freedom of information request.]</p> <p>[However, if you take a look at [website] you may find some useful information]</p> <p>[Insert your right to request a review paragraph]</p>
S11(3)(c)	the applicant has submitted a request for information that does not comply with section 9 (requests for information);	<p><b>Question</b> – have you provided advice and assistance in accordance with Part 4 of the Code of Practice to try and remove this practical refusal reason?</p> <p><b>Clause</b> While our aim is to provide information whenever possible, in this</p>

		<p>instance you have submitted a request that does not comply with section 9 of the Act as</p> <p><b>Pick 1</b></p> <p>[your request has not been made on the prescribed form. ]  [your request does not contain your name]  [your request does not contain an address for correspondence  [your request does not contain an adequate description of the information requested]</p> <p><b>Provide further advice and assistance</b> – examples for illustrative purposes only are:</p> <p>[Please complete and submit the required form available on our website at <a href="http://www.gov.im/about-the-government/freedom-of-information/make-a-freedom-of-information-request/">www.gov.im/about-the-government/freedom-of-information/make-a-freedom-of-information-request/</a>]  [Please feel free to re-submit a new Freedom of Information request with your name/your address]  [If you would like assistance to re-formulate your request, please do not hesitate to contact [ ]]</p> <p>[Insert your right to request a review paragraph]</p>
s11(3)(d)	the request for information is vexatious, malicious, frivolous, misconceived or lacking in substance	<p><b>Question</b> – have you provided advice and assistance in accordance with Part 4 of the Code of Practice to try and remove this practical refusal reason?</p> <p><b>Clause</b></p> <p>While our aim is to provide information whenever possible, under section</p>

		<p>11(3)(d) of the Act a public authority may refuse to give the information requested in the request for information is vexatious, malicious, frivolous, misconceived or lacking in substance.</p> <p>Examples of factors which a public authority may take into account in determining if your request is vexatious etc. are set out in the Code of Practice issued under s60 of the Act, which you can find here <a href="http://www.gov.im/media/1358113/foia-code-of-practice.pdf">www.gov.im/media/1358113/foia-code-of-practice.pdf</a>.</p> <p>We consider that a number of these factors apply to your request [insert explanation of which of these factors apply and why – these factors must relate to the particular facts of the case].</p> <p>For these reasons [public authority] is not obliged to comply with your request.</p> <p><b>Provide further advice and assistance</b> – examples for illustrative purposes only are:</p> <p>[Should you wish to submit a fresh request in simplified terms please complete and submit the required form available on our website at <a href="http://www.gov.im/about-the-government/freedom-of-information/make-a-freedom-of-information-request/">www.gov.im/about-the-government/freedom-of-information/make-a-freedom-of-information-request/</a>.]</p> <p>[Should you require any assistance to reformulate your request please do not hesitate to contact [x] who will be able to assist].</p> <p>[Insert your right to request a review paragraph]</p>
s11(3)(e)	the request for information relates to information	<b>Question</b> – have you provided advice and assistance in accordance with

	<p>that is identical, or substantially similar, to information previously requested by, and supplied to, the applicant <b>AND</b> a reasonable period of time has not passed between compliance with the previous request and the making of the current request</p>	<p>Part 4 of the Code of Practice to try and remove this practical refusal reason?</p> <p><b>Clause</b></p> <p>While our aim is to provide information whenever possible, under section 11(3)(e) of the Act [insert public authority] is not obliged to comply with a freedom of information request where the request for information relates to information that is identical, or substantially similar, to information previously requested by, and supplied to you and a reasonable period of time has not passed between compliance with the previous request and the making of the current request.</p> <p>In this case the information requested was provided to you on the [insert date]. [Insert information to substantiate whether a reasonable time has passed].</p> <p><b>Provide further advice and assistance</b> – examples for illustrative purposes only are:</p> <p>[Should you wish to submit a further FOI request for different information, please complete and submit the required form available on our website at <a href="http://www.gov.im/about-the-government/freedom-of-information/make-a-freedom-of-information-request/">www.gov.im/about-the-government/freedom-of-information/make-a-freedom-of-information-request/</a>.]</p> <p>[Should you wish to make a further application after [date] when the information should be amended, this will be able to be dealt with as a further freedom of information request].</p> <p>[Insert your right to request a review paragraph]</p>
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## Exemptions

### Absolute Exemptions

s20 (UK s21)	Information accessible to the applicant by other means	<p>While our aim is to provide information whenever possible, under section 20 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to you, whether free of charge or on payment of a fee.</p> <p>[Some/Most/All of the information that you have requested is available from..... (advise the requester why the information is already accessible to them and provide links and other information where possible)].</p> <p>[Insert your right to request a review paragraph]</p>
S21 (UK s32)	Court Information	<p>While our aim is to provide information whenever possible, under section 21 of the Act the information you have requested is absolutely exempt from disclosure as it is contained in a document</p> <p>[filed with or otherwise placed in the custody of a court for the purposes of legal proceedings.]</p> <p>[served upon, or by, a public authority for the purposes of legal proceedings.]</p> <p>[created by a court for the purposes of legal proceedings.]</p> <p>[created by a member of the administrative staff of a court for the purposes of legal proceedings.]</p> <p>[placed in the custody of a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration.]</p>



		<p>[created by a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration.]</p> <p>[Insert your right to request a review paragraph]</p>
S22 (UK s34)	Parliamentary privilege and business	<p>While our aim is to provide information whenever possible, in this instance the information is absolutely exempt from disclosure under section 22 of the Act</p> <p>[in order to avoid an infringement of the privileges of [Tynwald/the Legislative Council/the House of Keys.]]</p> <p>Or</p> <p>[because in the reasonable opinion of [the President of Tynwald/the Speaker of the House of Keys], disclosure of the information [would/would be likely to] prejudice the effective conduct of parliamentary business.]</p> <p>[Insert your right to request a review paragraph]</p>
s23	Absolutely exempt communications with the Crown	<p>While our aim is to provide information whenever possible, in this instance the information is absolutely exempt from disclosure under section 23 of the Act because it relates to communications with</p> <p>[the Queen.]</p> <p>[the heir to the Throne.]</p> <p>[the person who is for the time being second in line of succession to the Throne.]</p> <p>[a person who has subsequently acceded to the Throne or become heir to,</p>

		<p>or second in line of succession to the Throne.] [the Lieutenant Governor.]</p> <p>[Insert your right to request a review paragraph]</p>
s24	Absolutely exempt information under international agreements about exchange of information	<p>While our aim is to provide information whenever possible, in this instance the information is absolutely exempt from disclosure under section 24 of the Act because [the information is][the information relates to] confidential information obtained, provided or dealt with under an international agreement providing for the exchange of information with [the United Kingdom.] [specified State.] [an international organisation.] [an international court.]</p> <p>[Insert your right to request a review paragraph]</p>
s25(1)(a) (UK s40)	Absolutely exempt personal data	<p>While our aim is to provide information whenever possible, in this instance, as the request is for your own personal data, [insert public authority] can neither confirm nor deny whether it holds the information requested as to do so is absolutely exempt under section 25(1)(a) of the Act.</p> <p>If you would like [insert public authority] to proceed with your request as if it were a Subject Access Request ("SAR") for your own personal data, then please confirm that to us. Your SAR will then be processed pursuant to the GDPR &amp; LED Implementing Regulations 2018 ("the Implementing Regulations"), particularly in accordance with Regulation 43 (rights of access of a data subject), and subject to Regulation 44 (any applicable</p>

		<p>restrictions to access).</p> <p>[Insert your right to request a review paragraph]</p>
s25(1)(b) (UK s40)	Absolutely exempt personal data	<p>While our aim is to provide information whenever possible, in this instance the information requested is personal census information and is absolutely exempt from disclosure under section 25(1)(b) of the Act.</p> <p>[Insert your right to request a review paragraph]</p>
s25(1)(c) (UK s40)	Absolutely exempt personal data	<p>While our aim is to provide information whenever possible, in this instance the information requested is a deceased person's health record and is absolutely exempt from disclosure under section 25(1)(c) of the Act.</p> <p>Access to health records is governed by the Access to Health Records and Reports Act 1993 and further information on how to access this information can be found at <a href="http://www.gov.im/about-the-government/departments/health-and-social-care/records-and-information-governance/how-do-i-see-my-records/">www.gov.im/about-the-government/departments/health-and-social-care/records-and-information-governance/how-do-i-see-my-records/</a>.</p> <p>[Insert your right to request a review paragraph]</p>
s25(b)(i) &(ii) (UK s40)	Absolutely exempt personal data	<p>While our aim is to provide information whenever possible, in this instance we are unable to provide <b>Some of/any of</b>* the information you have requested because it is absolutely exempt under section 25 of the Act (absolutely exempt personal information). The reasons why that exemption applies are that:</p> <ul style="list-style-type: none"> <li>• [insert public authority] is satisfied that the information amounts to</li> </ul>

		<p>personal data of which you are not the data subject; and</p> <ul style="list-style-type: none"> <li>• [insert public authority] is satisfied that disclosure of the information would contravene one of the data protection principles as set out at Article 5 of the General Data Protection Regulation as it applies in the Isle of Man pursuant to the Data Protection (Application of GDPR) Order 2018, namely that [insert public authority] can only disclose the information where it would be fair, lawful and meet one of the conditions for lawful processing in Article 6 [or if you are dealing with sensitive personal data “and one of the conditions in Article 9 of the GDPR and Schedule 2 of the Implementing Regulations is met”] and in this case, none of those conditions have been met.</li> </ul> <p>[Insert your right to request a review paragraph]</p>
s25(b)(iii) (UK s40)	Absolutely exempt personal data	<p>While our aim is to provide information whenever possible, in this instance [insert public authority] can neither confirm nor deny that it holds the information requested. This is because you have requested third party personal data, which, if it was held and was requested by the data subject, would not be disclosed to them because of an exemption from disclosure under the Implementing Regulations.</p> <p>[Insert your right to request a review paragraph]</p>
s26 (UK s41)	Information provided in confidence	<p>While our aim is to provide information whenever possible, in this instance the information is absolutely exempt under section 26 of the Act, as disclosure would constitute an actionable breach of confidence.</p> <p>[Insert your right to request a review paragraph]</p>

s27 (UK s44)	Information the disclosure of which is restricted by law	<p>While our aim is to provide information whenever possible, in this instance the information is absolutely exempt from disclosure on the basis that disclosure [is prohibited under (insert the relevant statutory provision or EU Obligation that prohibits disclosure)] [would constitute or be punishable as a contempt of court.]</p> <p>[Insert your right to request a review paragraph]</p>
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<b>Exemptions</b>		
<b>Class Based Qualified Exemptions</b>		
s28(1)	National security and defence	<p>While our aim is to provide information whenever possible, in this instance the information is exempt from disclosure under section 28(1) of the Act to safeguard national security.</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s29(3) (UK s27)	International Relations	<p>While our aim is to provide information whenever possible, in this instance the information is exempt from disclosure under section 29(3) of the Act as it is confidential information obtained from</p>

		<p>[the United Kingdom.]  [another State.]  [an international organisation.]  [an international court.]</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s30(2)(a) (UK s29)	Economy and commercial interests	<p>While our aim is to provide information whenever possible, in this instance the information is exempt from disclosure under section 30(2)(a) of the Act as it constitutes a trade secret.</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s31(1) (UK s30)	Investigations and legal proceedings	<p>While our aim is to provide information whenever possible, in this instance the information is exempt from disclosure pursuant to section 31(1) of the Act as it is information held by [your public authority] for the purposes of PICK ONE</p> <p>[an investigation that [public authority] has a duty to conduct to ascertain whether a person should be charged with an offence or a person charged with an offence is guilty of it.]  [an investigation, conducted by [the public authority], that in the circumstances may lead to criminal proceedings being instituted.]  [any criminal proceedings that the public authority has power to conduct.]</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST</p>

		[Insert your right to request a review paragraph]
s31(2)(a)  (UK s30)	Investigations and legal proceedings	<p>While our aim is to provide information whenever possible, in this instance the information is exempt from disclosure pursuant to section 31(2)(a) of the Act as the information was obtained or recorded by [your public authority] for the purposes of its functions relating to</p> <p>PICK ONE</p> <ol style="list-style-type: none"> <li>1. [an investigation that [your public authority] has a duty to conduct to ascertain whether a person should be charged with an offence or a person charged with an offence is guilty of it.] [an investigation, conducted by [your public authority], that in the circumstances may lead to criminal proceedings being instituted.] [any criminal proceedings that [your public authority] has power to conduct.]</li> <li>2. [criminal proceedings that [your public authority] has the power to conduct.]criminal proceedings that [your public authority] has power to conduct</li> <li>3. investigations that are conducted by [your public authority], by virtue of powers conferred under [state an enactment] for the purpose of <ol style="list-style-type: none"> <li>a. [ascertaining whether a person has failed to comply with the law.]</li> <li>b. [ascertaining whether a person is responsible for conduct that is improper.]</li> <li>c. [ascertaining whether any regulatory action under any enactment is justified.]</li> <li>d. [ascertaining a person's fitness or competence in relation to <ol style="list-style-type: none"> <li>i. [the management of bodies corporate.]</li> </ol> </li> </ol> </li> </ol>

		<ul style="list-style-type: none"> <li>ii. [any profession or other activity that the person is, or seeks to become, authorised to carry on.]</li> <li>e. [ascertaining the cause of an accident.]</li> <li>f. [protecting a charity against misconduct or mismanagement (whether by the trustees or other persons) in its administration.]</li> <li>g. [protecting the property of a charity from loss or mismanagement.]</li> <li>h. [recovering the property of a charity.]</li> <li>i. [securing the health, safety and welfare of persons at work.]</li> <li>j. [protecting persons, other than persons at work, against risk to health or safety where that risk arises out of, or in connection with the actions of persons at work.]</li> </ul> <p>4. Civil proceedings that are brought by or on behalf of [your public authority], which arise out of an investigation within this section to [state what type of investigation is was out of s31(1) and/or s31(2)(a).]</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s31(2)(b) (UK s30)	Investigations and legal proceedings	<p>While our aim is to provide information whenever possible, in this instance the information is exempt from disclosure under section 31(2)(b) of the Act as it relates to the obtaining of information from confidential sources.</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST</p>



		[Insert your right to request a review paragraph]
s34	Formulation of policy	<p>While our aim is to provide information whenever possible, in this instance the information is exempt from disclosure under section 34 of the Act as it is held by [a Government Department] and it relates to [the formulation or development of government policy.] [communications between Ministers (including, in particular, the proceedings of the Council of Ministers or of any committee of the Council of Ministers).] [the provision of legal advice or any request for such advice.] [the operation of a Ministerial private office.]</p> <p>Prompt – has the decision as to policy been made? If yes need a note to come up that “once a policy decision has been made, statistical information used to provide an informed background to the taking of the decision is not qualified exempt information”</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST Also per s34(3) In determining whether the public interest in maintaining this exemption outweighs the public interest in disclosing the information, regard must be had to the public interest in disclosing factual information used to provide an informed background to decision taking.</p> <p>[Insert your right to request a review paragraph]</p>
s38(1)	Qualified exempt communications with the Crown	While our aim is to provide information whenever possible, in this instance

		<p>the information is exempt from disclosure under section 38(1) of the Act as it relates to communications [with a member of the Royal Family or the Royal Household] [made or received on behalf of     [the Sovereign for the time being of the United Kingdom.]     [the heir to, or the person who is for the time being second in line of succession to the Throne.]     [a person who has subsequently acceded to the Throne or become heir to, or second in line of succession to, the Throne.]</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
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s38(2)	Qualified exempt communications with the Crown	<p>While our aim is to provide information whenever possible, in this instance the information is exempt from disclosure under section 38(2) of the Act as it relates to the conferring by the Crown of an honour or dignity.</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s39	Qualified exempt personal data	<p>While our aim is to provide information whenever possible, in this instance the information is exempt as it constitutes personal data of a person other than you and under section 8 of the Data Protection Act 2002 the data subject would be entitled to prevent disclosure of the information to a member of the public otherwise than under that Act.</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>

<p>s40  (UK s42)</p>	<p>Legal Professional Privilege</p>	<p>While our aim is to provide information whenever possible, in this instance the information is exempt from disclosure under section 40 of the Act as it is information in respect of which a claim to legal professions privilege could be maintained in legal proceedings.</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
<p>s41</p>	<p>Information for future publication</p>	<p>While our aim is to provide information whenever possible, in this instance the information is exempt from disclosure under section 41 of the Act as it is held with a view to being published at a future date [by way of advice and assistance give details of when and how the information is going to be published] and in all the circumstances it is reasonable that the information be withheld from disclosure until that time.</p> <p>NEED PROMPT FOR PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>

<b>Exemptions</b>

<b>Prejudice Based Qualified Exemptions</b>		
s28(5)	National security and defence	<p>While our aim is to provide information whenever possible, in this instance the information is exempt under section 28(5) of the Act as disclosure</p> <p>NEED PROMPT FOR “WOULD/WOULD BE LIKELY” to prejudice</p> <p>[the defence of the British Islands or any of them.] [the capability, effectiveness or security of any relevant forces.]</p> <p>NEED PROMPT FOR CARRYING OUT THE PREJUDICE TEST</p> <p>NEED PROMPT FOR CARRYING OUT THE PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s29(1)	International relations	<p>While our aim is to provide information whenever possible, in this instance the information is exempt under section 29(1) of the Act as disclosure</p> <p>NEED PROMPT FOR “WOULD/WOULD BE LIKELY” to prejudice</p> <p>Relations between the Island and</p> <p>[the United Kingdom.] [insert the name of any other State.] [An international organisation.] [An international court.]</p> <p>NEED PROMPT FOR CARRYING OUT THE PREJUDICE TEST</p> <p>NEED PROMPT FOR CARRYING OUT THE PUBLIC INTEREST TEST</p>

		[Insert your right to request a review paragraph]
s29(2)	International relations	<p>While our aim is to provide information whenever possible, in this instance the information is exempt under section 29(2) of the Act as disclosure</p> <p>NEED PROMPT FOR “WOULD/WOULD BE LIKELY” to prejudice</p> <p>[any interests of the Island abroad.] [the promotion or protection by the Island of any such interest.]</p> <p>NEED PROMPT FOR CARRYING OUT THE PREJUDICE TEST</p> <p>NEED PROMPT FOR CARRYING OUT THE PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s30	Economy and commercial interests	<p>While our aim is to provide information whenever possible, in this instance the information requested is exempt under section 30 of the Act, as disclosure</p> <p>NEED PROMPT FOR “WOULD/WOULD BE LIKELY” to prejudice</p> <p>[the economic interests of the island.] [the financial interests of the island.] [the ability of the Government to manage the national economy.] [the commercial interests of person (including [your public authority.])]</p>

		<p>NEED PROMPT FOR CARRYING OUT THE PREJUDICE TEST</p> <p>NEED PROMPT FOR CARRYING OUT THE PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s32(1)	Law Enforcement	<p>While our aim is to provide information whenever possible, in this instance the information requested is exempt under section 32(1) of the Act, as disclosure</p> <p>NEED PROMPT FOR “WOULD/WOULD BE LIKELY” to prejudice</p> <p>[the prevention or detection of crime.]  [The apprehension or prosecution of offenders.]  [the administration of justice.]  [the assessment or collection of a tax or duty or of an imposition of a similar nature.]  [the operation of immigration controls.]  [the maintenance of security and good order in institutions (within the meaning of the Custody Act 1995) where persons are lawfully detained.]</p> <p>NEED PROMPT FOR CARRYING OUT THE PREJUDICE TEST</p> <p>NEED PROMPT FOR CARRYING OUT THE PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>

s32(2)	Law Enforcement	<p>While our aim is to provide information whenever possible, in this instance the information requested is exempt under section 32(2) of the Act as disclosure</p> <p>NEED PROMPT FOR “WOULD/WOULD BE LIKELY” to prejudice</p> <p>[The exercise by [any public authority] of its functions in respect of  [ascertaining whether a person has failed to comply with the law.]  [ascertaining whether a person is responsible for conduct that is improper.]  [ascertaining whether any regulatory action under any enactment is justified.]  [ascertaining a person’s fitness or competence in relation to –  [the management of bodies corporate.]  [any profession or other activity that the person is, or seeks to become, authorised to carry on.]  [ascertaining the cause of an accident.]  [protecting a charity against misconduct or mismanagement (whether by the trustees or other persons) in its administration.]  [protecting the property of a charity from loss or mismanagement]  [recovering the property of a charity.]  [securing the health, safety and welfare of persons at work.]  [protecting persons, other than persons at work, against risk to health or safety where that risk arises out of, or in connection with, the actions of persons at work.]</p> <p>Or any civil proceedings brought as a result of the exercise of that function.</p> <p>NEED PROMPT FOR CARRYING OUT THE PREJUDICE TEST</p> <p>NEED PROMPT FOR CARRYING OUT THE PUBLIC INTEREST TEST</p>
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		[Insert your right to request a review paragraph]
s33	Audit functions	<p>While our aim is to provide information whenever possible, in this instance the information is exempt under section 33 of the Act as disclosure</p> <p>NEED PROMPT FOR “WOULD/WOULD BE LIKELY” to prejudice</p> <p>[the audit of the accounts of other public authorities.] [the examination of the economy, efficiency and effectiveness with which other public authorities use their resources in discharging their functions.]</p> <p>NEED PROMPT FOR CARRYING OUT THE PREJUDICE TEST</p> <p>NEED PROMPT FOR CARRYING OUT THE PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s35	Conduct of public business	<p>While our aim is to provide information whenever possible, in this instance the information is exempt under section 35 of the Act, as disclosure</p> <p>NEED PROMPT FOR “WOULD/WOULD BE LIKELY”</p> <p>[to prejudice the work of the Council of Ministers.] [to inhibit the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation.] [to otherwise prejudice the effective conduct of public business.]</p> <p>NEED PROMPT FOR CARRYING OUT THE PREJUDICE TEST</p>

		<p>NEED PROMPT FOR CARRYING OUT THE PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s36	Health and safety	<p>While our aim is to provide information whenever possible, in this instance the information is exempt under section 36 of the Act, as disclosure</p> <p>NEED PROMPT FOR “WOULD/WOULD BE LIKELY” to endanger [the physical or mental health of an individual.] [the safety of an individual.]</p> <p>NEED PROMPT FOR CARRYING OUT THE PREJUDICE TEST</p> <p>NEED PROMPT FOR CARRYING OUT THE PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s37(1)	Research and natural resources	<p>While our aim is to provide information whenever possible, in this instance the information is exempt under section 37(1) of the Act, as the information requested relates to research being, or to be, carried out by, or on behalf of, a public authority and disclosure before the completion of the research</p> <p>NEED PROMPT FOR “WOULD/WOULD BE LIKELY” to prejudice [the public authority or a person who is, or will be, carrying out the research on behalf of the public authority; or [the subject matter of the research.]</p> <p>NEED PROMPT FOR CARRYING OUT THE PREJUDICE TEST</p>

		<p>NEED PROMPT FOR CARRYING OUT THE PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>
s37(2)	Research and natural resources	<p>While our aim is to provide information whenever possible, in this instance the information is exempt under section 37(2) of the Act, as disclosure</p> <p>NEED PROMPT FOR “WOULD/WOULD BE LIKELY” to prejudice  [a cultural, heritage or natural resource.]  [a species of flora or fauna.]  [a habitat of a species of flora or fauna.]</p> <p>NEED PROMPT FOR CARRYING OUT THE PREJUDICE TEST</p> <p>NEED PROMPT FOR CARRYING OUT THE PUBLIC INTEREST TEST</p> <p>[Insert your right to request a review paragraph]</p>

<b>Prejudice test</b>	<p>The purpose of the exemption is to protect [insert interest that the exemption needs to protect].</p> <p>If the information is disclosed then it would/would be likely to cause the following:  [insert the nature and severity of the prejudice]</p>
<b>Public interest test</b>	<p>As [insert section] is a qualified exemption, it is subject to a public interest test. The public interest must be something that is of serious</p>

	<p>concern and benefit to the public at large.</p> <p>Factors in favour of disclosing the information include: [insert factors in favour of disclosing the information]</p> <p>Factors in favour of maintaining the exemption include: [insert factors in favour of maintaining the exemption which are particular to these specific facts]</p> <p>In assessing the weight to be attributed to each of the factors in favour of disclosing the information and maintaining the exemption, [public authority] has taken the following into consideration [do not just list the following – explain why it supports non-disclosure or otherwise</p> <ul style="list-style-type: none"> <li>• The severity of the impact of the prejudice.....</li> <li>• The age of the information</li> <li>• How far disclosure would further the public interests identified above</li> <li>• Whether there is any similar information in the public domain and whether this affects the public interest</li> <li>• Would disclosure correct misinformation</li> <li>• Has prejudice from disclosure already occurred to the degree that a further disclosure won't materially affect the prejudice already caused.</li> <li>• Any other relevant information</li> </ul> <p>In taking all of these factors into account the [public authority] determines that the factors in favour of maintaining the exemption outweigh the factors in favour of disclosing the information.</p>
<b>Letter Template</b>	<p style="text-align: center;">[PA LOGO &amp; LETTERHEAD]</p> <p style="text-align: right;">[ADDRESS OF PUBLIC AUTHORITY]</p>

[ADDRESS OF APPLICANT]

**REFERENCE NUMBER:**

[DATE]

**REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2015  
("the Act")**

<BODY OF LETTER> if applicable insert ...

Request

Response

Clauses

Exemptions

Right to request a review

Yours sincerely

[INSERT FOI CO-ORDINATOR DETAILS]