MECHANISM FOR AN INDIVIDUAL SEEKING ACCESS TO GOVERNMENT INFORMATION UNDER THE CODE OF ACCESS

START OF REQUEST

An individual seeks access to Government information

The individual submits a written request to Department to seek information

Can the information be released under the terms of the Code?

Yes

Information is released to the individual within 10 days

REQUEST CLOSED

No

Is the information requested simple or complex to source?

Simple

Information is released to the individual within an extended period as notified by the Department

REQUEST CLOSED

Complex

Information is not released to the individual. An explanation for non-disclosure is provided by the Department to the individual

Does the information request required simple or complex to source?

Yes

Information is released to the individual within an extended period as notified by the Department

REQUEST CLOSED

No

Does the individual accept the Department’s non-disclosure decision?

Yes

The individual appeals to the Department regarding its decision

Department considers the appeal and issues its decision to the individual

No

Is the individual satisfied with the Department’s decision?

Yes

REQUEST CLOSED

No

Does the Information Commissioner’s determination uphold or disagree with Department’s?

Upholds

The individual and the Department are advised that the non-disclosure decision has been upheld and this is final

Disagrees

The Information Commissioner requests the Department to reconsider its decision

Department reconsiders and the information is released

Does Council agree with the Information Commissioner or the Department?

Yes

Information Commissioner

Council invokes its directional powers and decides that the information should be released. The Department complies with Council’s direction and the individual is provided with the information

No

In exceptional cases, Council upholds Government’s decision and agrees that the information should not be released. The Information Commissioner and the individual are advised and this is final

REQUEST CLOSED

Council consults with Government in accordance with the relevant legislation

Does Council agree with the Information Commissioner or the Department?

Yes

REQUEST CLOSED

No

Following a request by the Information Commissioner to reconsider, the Department’s position remains unchanged. The individual and Council are advised accordingly.

KEY

1 Code of Practice on Access to Government Information, issued by the Council of Ministers amended 1 February 2016
2 Isle of Man Government Department, Board or Office
3 Government Departments Act 1987; Section 6
4 Statutory Boards Act 1987; Schedule 2 (12)

Standard mechanism for an individual to request information from Government

Escalated appeals mechanism via Tynwald Member, the Information Commissioner and Council