

# Freedom of Information

## BCS Practitioner Certificate



**bc**s

The  
Chartered  
Institute  
for IT

February 2021 v6.1

This professional certification is not regulated by the following United Kingdom Regulators – Ofqual, Qualification in Wales CCEA or SQA.

# Document Change History

Any changes made to the syllabus shall be clearly documented with a change history log. This shall include the latest version number, date of the amendment and changes made. The purpose is to identify quickly what changes have been made.

<b>Version Number</b>	<b>Changes Made</b>
V6.0	Document Creation
V6.1	Exam Format section updated

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# Introduction

Under the Freedom of Information Act 2000, anyone can request access to information held by public authorities. The Act sets out the requirements for the publication of information held by, or held on behalf of, public authorities, and defines the implications for public and private sector organisations, as well as for individuals, in relation to the handling of requests for information. The requirements set out by the Act include the publication and maintenance of publication schemes, the need to respond to requests for information and disclose information requested subject to the appropriate application of legal exemptions.

Those experienced in freedom of information issues, as well as those new to the subject, require adequate training in order that their organisations are confident legal compliance is continually addressed. It is necessary to identify issues requiring expert freedom of information advice in good time in order that organisational reputation and credibility is enhanced through relevant information management policies and procedures.

The BCS Certificate in Freedom of Information provides a qualification that demonstrates a level of application and knowledge obtained by those responsible for dealing with freedom of information within an organisation. The BCS Certificate in Freedom of Information is aligned to SFIA plus as its framework.

# Qualification Suitability and Overview

There are no mandatory requirements for candidates to be able to undertake this certificate qualification, although candidates will need a good standard of written English. It will be advantageous for candidates to have some prior understanding of freedom of information law, legal training, or experience of, or an aptitude for, applying the law.

This qualification has been designed for Information Managers, FOI practitioners, information governance leads, Data Protection Officers, Solicitors advising on information law issues, Press Officers and all those who have responsibility for managing and responding to requests for information from the public. It is also relevant to private sector organisations that are either affected directly by freedom of information and environmental information legislation or indirectly by their contractual relationship with a public authority.

Candidates can study for this certificate by attending a training course provided by a BCS accredited Training Provider or through self-study.

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<b>Total Qualification Time</b>	<b>Guided Learning Hours</b>	<b>Independent Learning</b>	<b>Assessment Qualification Time</b>
56 hours	40 hours	16 hours	1.5 hours

\*Examples of Independent Learning include reading of articles or books, watching videos, attendance of other types of training or work shadowing.

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## Trainer Criteria

It is recommended that to effectively deliver this award, trainers should possess:

- 1 year training experience
- A Freedom of Information Certification or similar qualification related to information regulation
- 1 year experience working in an information management role

# SFIA Levels

This award provides candidates with the level of knowledge highlighted within the table, enabling candidates to develop the skills to operate successfully at the levels of responsibility indicated.

Level	Levels of Knowledge	Levels of Skill and Responsibility (SFIA)
K7		Set strategy, inspire and mobilise
K6	Evaluate	Initiate and influence
K5	Synthesise	Ensure and advise
K4	<b>Analyse</b>	<b>Enable</b>
K3	<b>Apply</b>	<b>Apply</b>
K2	<b>Understand</b>	<b>Assist</b>
K1	<b>Remember</b>	<b>Follow</b>

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## SFIA Plus

This syllabus has been linked to the SFIA knowledge skills and behaviours required at level 4 for an individual working in information governance.

### KSB18

Organisational Awareness - Understanding the hierarchy and culture of own, customer, supplier and partner organisations and being able to identify the decision makers and influencers.

### KSC10

Familiar with Information retrieval tools - The application of automated (software) tools which enable selective access to information, or extraction of patterns and knowledge from large amount of data, typically held within some form of database or "data warehouse". Also referred to as "Data Mining".

### KSC19

Familiar with Corporate Industry and Professional Standards - Applying standards, practices, codes, and assessment and certification programmes relevant to the IT industry and the specific organisation or business domain.

### KSCA3

Aware of Information Architecture - Methods, techniques and technologies for ingesting, securing, processing and using data and information within and beyond an organisation.

### KSCA5

Proficient in Data Handling - The ability to harvest, clean, curate, manage, process and manipulate data in a variety of formats.

### KSD25

Familiar with Report writing techniques - Methods and techniques for writing clear, accessible and persuasive business and technical reports.

Further detail around the SFIA Levels can be found at [www.bcs.org/levels](http://www.bcs.org/levels).

# Learning Outcomes

Upon completion of the certificate, candidates will be able to demonstrate:

1. An understanding of legislation, codes of practice and ethics within public authorities
2. An understanding of the scope and principles of the freedom of information act
3. A practical understanding of the obligations and responsibilities of an FOI officer
4. A practical understanding of disclosure, non-disclosure and exemptions in relation to FOI requests
5. A practical understanding of key legislation including Environmental Information Regulation and Data Protection
6. An understanding of the enforcement and appeals process



# Syllabus

## 1. The legislation, codes of practice and ethics within public authorities. (5%) (K1,K2)

### Candidates will be able to:

**1.1** State the different public authorities that are covered by the Freedom of Information Act.

#### Indicative content

- a. Those public authorities (public bodies and publicly-owned companies) covered by FOI and those not (e.g. charities)

#### Guidance

Before moving into the technicalities of the legislation it is important that candidates are aware of the different public authorities covered by the FOIA. Refer to Schedule 1 for public bodies and section 6 for publicly-owned companies.

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**1.2** Describe the need for governance in a public authority.

#### Indicative content

- a. Objective of corporate governance, people process, performance and purpose
- b. Governance structure and the importance of the roles including audit
- c. FOIA Codes of practice (section 45 and section 46)

#### Guidance

The objective of this criteria is for candidates to recognise the need for having a clear governance structure in place to ensure that they are able to follow the required legislation in their role, and to understand the role of audit and reporting.

It useful to consider the FOIA codes of practice and how they relate to internal governance in terms of;

- a. promoting and ensuring good practice is followed when handling requests for information.
- b. the design of systems, policies and procedures that ensure effective and secure records management.



# Syllabus

## 1. The legislation, codes of practice and ethics within public authorities. (5%) (K1,K2)

### Candidates will be able to:

**1.3** State codes of practice and legislations relevant to data in a public authority.

### Indicative content

- a. Freedom of Information Act 2000
- b. Environmental Information Regulations 2004
- c. Data Protection Act 2018
- d. General Data Protection Regulation 2016
- e. The Re-use of Public Sector Information Regulations 2015
- f. Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- g. Code of Practice on the Discharge of Public Authorities' Functions under Part 1 Section 45 of the Freedom of Information Act 2000
- h. Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000
- i. Code of Practice on the Discharge of the Obligations of Public Authorities Under the Environmental Information Regulations
- j. Public Records Act 1958

#### Health Services

- k. Access to Health Records Act 1990

#### Security and Intelligence

- l. Official Secrets Act 1989

#### Local Government

- m. Local Government Records Act 1962
- n. Local Government Act 1972
- o. Local Government (Access to Information) Act 1985
- p. Local Government Act 2000
- q. Local Government Act 2010

### Guidance

The intention of this criteria is to ensure that candidates understand that there are a number of pieces of legislation and codes of practice that they should have an understanding of and be able to apply when handling different types of requests for information. They do not need to know each piece of legislation in depth (and some listed here will be more relevant to different organisations and sectors) however having a basic understanding of the principles of the legislation and in which circumstances they apply is important when handling a request for information.

# Syllabus

## 1. The legislation, codes of practice and ethics within public authorities. (5%) (K1,K2)

### Candidates will be able to:

**1.4** Describe the difference between ethics and legislation.

#### Indicative content

- a. Consequences of breaking ethics and laws
- b. Internal ethical values
- c. Compliance with external legislation
- d. Codes of practice

#### Guidance

It is important for candidates to understand that when undertaking their role and handling requests for different types of information, they have both a moral duty to act in an ethical manner in as much as they do to act in a legal manner. It is useful to consider the Codes of Practice here in which, although not a statutory requirement, are designed to set out a set of standards for good practice.

A requirement of the FOIA is to ensure that everyone has the right to access information, and therefore it can be useful to consider the influence of bias and how that may threaten an information officer to act in an ethical and objective manner.

# Syllabus

## 2. The scope and principles of the Freedom of Information Act. (20%) (K2)

### Candidates will be able to:

**2.1** Explain the purpose of the Freedom Of Information Act legislation.

### Indicative content

- a. Provides a right of access to recorded information held by public authorities, without the need to mention, or even know about, the Act
- b. Imposes a duty to adopt and maintain a Publication Scheme
- c. Imposes the obligation, in most cases, to confirm or deny whether the information is held by the public authority
- d. Creates exemptions from the duty to disclose information
- e. Establishes the arrangements for enforcement and appeal
- f. Requires Ministers to publish Codes of Practice

### Guidance

Candidates should have a clear understanding of why the FOIA legislation exists and how it underpins their role in handling information.

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**2.2** Describe the principles the FOIA legislation is based on.

### Indicative content

- a. Everybody has a right to access information.
- b. An applicant does not need to give you a reason for wanting the information.
- c. You must treat all requests for information equally, except under some circumstances e.g. requests relating to personal data or vexatious requests.
- d. The information someone can access under the Act should not be affected by who they are.

### Guidance

Having an understanding of the principles on which the act is based should ensure the candidate is more likely to make the right decision when it comes to handling a request for information.

# Syllabus

## 2. The scope and principles of the Freedom of Information Act. (20%) (K2)

### Candidates will be able to:

**2.3** Explain the purpose of Schedule 1, showing how it is amended and applied.

### Indicative content

- a. Public bodies included in Schedule 1 of the Act itself.
- b. By order amending Schedule 1. Provision of available examples.
- c. By order adding any person that exercises functions of a public nature or is providing under a contract with a public authority any service whose provision is a function of that authority or company (including any corporate body).
- d. Schedule 1 bodies with limited application.
- e. Publicly-owned companies may be defined in section 6 of FOIA rather than Schedule 1.

### Guidance

Candidates should understand how Schedule 1 defines which public authorities are in scope and when it should be amended e.g. new types of authorities or updates to certain legislation.

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**2.4** Explain the relationship between the Freedom of Information Act and the private sector.

### Indicative content

- a. Characteristics of private sector.
- b. Information held on behalf of a public authority.
- c. Organisations designated as exercising a public function.
- d. Private companies whose information is held by a public authority.

### Guidance

Candidates should recognise that private sector companies may be in scope of FOIA where they hold a contract with a public authority to undertake work on their behalf, or where they provide a public function.

# Syllabus

## 2. The scope and principles of the Freedom of Information Act. (20%) (K2)

### Candidates will be able to:

**2.5** Explain who and what is covered by the Freedom of Information Act.

#### Indicative content

- a. The applicant - any natural or legal person of any nationality, living anywhere, for any reason
- b. Recorded information “held” by a public authority
- c. To be supplied in a “preferred” format

#### Guidance

It is essential that candidates have a clear understanding of the types of information covered under FOIA and who can request it. Candidates should refer to section 3.2 and section 84 of FOIA for definitions. They should be aware at this point understand that exemptions may apply to certain information as discussed in topic 4 of this syllabus.

# Syllabus

## 3. Obligations and responsibilities (30%) (K3, K4)

### Candidates will be able to:

**3.1** Explain good practice in relation to record management.

### Indicative content

- a. Discharge of Functions Code of Practice (s45 FOIA)
- b. Records Management Code of Practice (s46 FOIA)
- c. Information Architecture including principle, design and structure of information sharing environments
- d. Information retrieval tools and techniques such as software programmes, organisation and storage

### Guidance

Candidates should be able to demonstrate that they understand how information is structured, how it is maintained, how it is retrieved, and how it is kept secure. The Codes of Practice are particularly relevant here, and candidates should be encouraged to consider practices undertaken in their own contexts towards managing information.

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**3.2** Explain the use of publication schemes.

### Indicative content

- a. Duty to adopt and maintain an approved
- b. Publication Scheme
- c. Model schemes
- d. Charging policy
- e. Duty to publish information in accordance with that Scheme (printed publications, public registers, web pages)
- f. Duty to review the Scheme
- g. Model schemes and definition documents

### Guidance

Candidates should understand the use of publication schemes as a framework to how a public authority publishes and makes information publicly available, as per its duty.

# Syllabus

## 3. Obligations and responsibilities (30%) (K3, K4)

### Candidates will be able to:

**3.3** Apply knowledge of access rights including FOIA and codes of practice 2018 in handling and analysing a request and responding.

### Indicative content

- a. Criteria for a valid request - FOIA section 8
- b. Giving advice and assistance
- c. Clarification of requests - FOI, EIR, DPA, other
- d. Vexatious or repeated requests
- e. Reducing cost of a request
- f. Consulting third parties
- g. Transferring requests
- h. Duty to confirm or deny information is held - FOIA Section 1 (1)(a)
- i. Duty to communicate information - FOIA Section 1 (1)(b)
- j. Duty to provide information subject to application of exemptions from disclosure
- k. Responses – supplying requested information and refusals
- l. Historical records
- m. Means of Communications FOIA Section 11
- n. Datasets and the requirements of:
  - Section 11A Reuse of Datasets
  - Re-use of Public Sector information 2015
  - Section 11B
  - Copyright/Intellectual Property Rights
  - CDPA Section 50
  - Open Government Licence

### Guidance

Candidates should have a firm understanding of the concepts listed and what needs to be considered at each stage when handling and responding to a request for information, although it is sufficient for them to have a basic understanding of Copyright/Intellectual Property Rights, understanding that they should consult legal specialists in this field when required. There are a number of factors to consider that will influence the validity of a request and how to classify a request as FOI, EIR or as a DPA (personal information) request.

This criteria should enable a candidate to practically demonstrate their understanding and application of the legislation in order to handle a request for information.

# Syllabus

## 3. Obligations and responsibilities (30%) (K3, K4)

### Candidates will be able to:

**3.4** Describe fees, regulations and costs associated with a request for information.

#### Indicative content

- a. Fees Regulations made under the Act;
- b. Fees Notices and prepayment
- c. Fees and cost limits FOIA sections 9, 12

#### Guidance

Candidates should have an understanding of the fees involved when handling requests for information. This is to ensure that they are able to offer the correct advice to an applicant in terms of any associated charges, and that they can make informed decisions on how to handle a request based on the associated costs.

**3.5** Apply the time deadlines to the request for information.

#### Indicative content

- a. Regulations made under the Act
- b. Variations and extensions under the Act
- c. Public Interest test extensions

#### Guidance

It is critical that candidates understand the timescales in which they need respond to a request for information to ensure they are compliant, and how this may differ under certain circumstances e.g. where a public interest test may need to be carried out.



# Syllabus

## 4. Disclosure, non-disclosure and exemptions. (20%) (K3)

### Candidates will be able to:

**4.1** Apply exemptions from disclosure.

### Indicative content

- a. Absolute exemptions
- b. Qualified exemptions:  
Class-based and Prejudice-based
- c. Prejudice test
- d. Public interest test
- e. Legitimate interest test
- f. Ministerial certificates (under section 24, 25 and 53 of the FOIA)
- g. Common law duty of confidence Section 41
- h. Removal of exemptions: historical records
  - i. DPA'18/GDPR under Section 40
  - j. Responding

### Guidance

Candidates should be able understand the different exemptions that can apply to different types of requests for information, knowing how to apply them and how to carry out any required tests in order to determine whether information can or cannot be disclosed.

# Syllabus

## 5. Environmental information and personal data (20%) (K2)

### Candidates will be able to:

**5.1** Explain the Environmental Information Regulations and the relevance and differences to the FOIA.

### Indicative content

- |                                                                          |                                              |
|--------------------------------------------------------------------------|----------------------------------------------|
| a. Scope of the Regulations (in England, Wales and Northern Ireland)     | e. Obligations imposed by the Regulations    |
| b. Definition of environmental information                               | f. Access rights: who may apply and for what |
| c. Code of Practice relating to the Regulations                          | g. Time deadlines and related provisions     |
| d. Interface with Freedom of Information and Data Protection legislation | h. Charges for environmental information     |
|                                                                          | i. Exceptions from disclosure                |
|                                                                          | j. Enforcement                               |

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**5.2** Explain the principles and lawful decisions in regards to the Data Protection Act.

### Indicative content

- a. Definition of personal data
  - b. Sections 7 and 10 of the Data Protection Act 2018
  - c. Interface between Data Protection Act 2018 and FOIA
  - d. Amendments to Data Protection Act 2018 that relate to FOIA
    - Data Protection Act '18 / GDPR
      - Article 5 GDPR Principles
      - Article 6 Lawful conditions
- Interface between DPA'18 and FOIA including amendments  
As is, baring Reuse of PSI 2015 which should be included with Datasets and reuse of datasets

### Guidance

EIR is key legislation which should be understood when handling requests for environmental information. Candidates should understand what is covered and the differences between EIR and FOIA. Similarly the principles of the Data Protection Act 2018 should be understood when handling requests for personal information.

# Syllabus

## 6. The enforcement and appeals process (5%) (K2)

### Candidates will be able to:

**6.1** Describe enforcement powers.

#### Indicative content

- a. Role and powers of the Information Commissioner's Office
- b. Information, Decision and Enforcement notices
- c. Practice Recommendations

#### Guidance

Candidates should understand the role of the Information Commissioner Office (ICO) in promoting good practice, their powers of enforcement, and their role in ensuring authorities meet the requirements of the legislation.

**6.2** Describe offences in relation to the disclosure of information.

#### Indicative content

- a. Offence of altering etc. records with intent to prevent disclosure
- b. Offences of obstruction, execution and warrant

#### Guidance

For a candidate to effectively carry out their role in a lawful manner, they should be aware of the offences they may be asked to commit by their employer (knowingly or unknowingly), understanding the impact and the consequences. Link back to ethics.

**6.3** Describe the appeals process.

#### Indicative content

- a. Internal review
- b. Appeal to ICO
- c. Appeal against notices of the ICO
- d. Appeal to First Tier Tribunal (Info Rights)
- e. Roles and powers of the First Tier Tribunal (Information Rights)
- f. Appeals to the Upper Tribunal

#### Guidance

The decision made by the Freedom of Information officer can be appealed and therefore candidates should understand the appeals process and what the potential outcome of an appeal could be.

# Examination Format

This certificate is assessed through completion of an invigilated online exam which candidates will only be able to access at the date and time they are registered to attend.

<b>Type</b>	<ul style="list-style-type: none"> <li>Six 1-mark multiple choice questions (State and Describe)</li> <li>Twelve 2-mark multiple response questions (Explain)</li> <li>Three scenarios with five 2-mark questions (Apply and Analyse)</li> </ul>
<b>Duration</b>	90 minutes
<b>Supervised</b>	Yes
<b>Open Book</b>	No (no materials can be taken into the examination room)
<b>Passmark</b>	39/60 (65%)
<b>Delivery</b>	Digital format only

Adjustments and/or additional time can be requested in line with the BCS reasonable adjustments policy for candidates with a disability, or other special considerations including English as a second language.

# Question Weighting

Each major subject heading in this syllabus is assigned a percentage weighting. The purpose of this is:

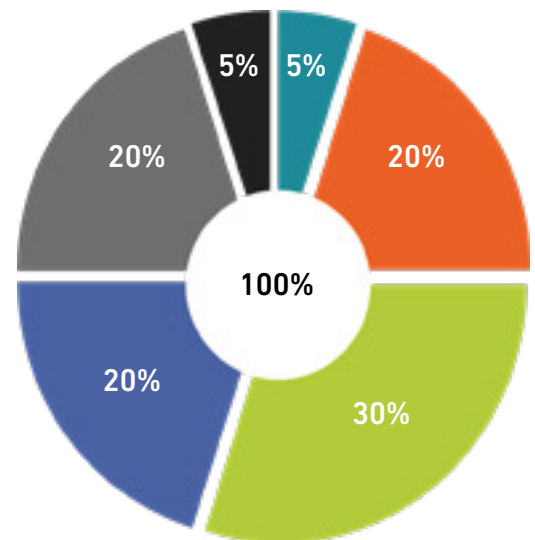
1. Guidance on the proportion of content allocated to each topic area of an accredited course.
2. Guidance on the proportion of questions in the exam.

## Syllabus Area

- 1. The legislation, codes of practice and ethics within public authorities
- 2. The scope and principles of the freedom of information act
- 3. Obligations and responsibilities
- 4. Disclosure, non-disclosure and exemptions
- 5. Other related legislation
- 6. The enforcement and appeals process

## Question type

- Multiple Choice 5%
- Multiple Response 20%
- Scenario Based 30%
- Scenario Based 20%
- Multiple Response 20%
- Multiple Choice 5%



**Syllabus Weighting**  
 5% 20% 30% 20% 20% 5%

# Recommended Reading

The following resources and titles are suggested reading for anyone undertaking this award. Candidates should be encouraged to explore other available sources.

**Legislation:** We would not advise that the legislation is read cover to cover. It is an awareness of these and an understanding of the main points.

- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Data Protection Act 2018
- UK GDPR
- Local Government Records Act 1962
- Local Government (Access to Information) Act 1985
- Environmental Information Regulations 2004
- Local Government Act 2010
- Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

**Codes of Practice:**

- Code of Practice on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act 2000
- Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000
- Code of Practice on the discharge of the obligations of public authorities under the Environmental Information Regulations

**Guidance:**

- The Information Commissioner, Publication Schemes Guidance and Methodology [www.ico.org.uk](http://www.ico.org.uk)
- Guide to Section 46 Freedom of Information Act
  - Guide to the Environmental Regulations

**Websites:**

- The Information Commissioner Office [www.ico.org.uk](http://www.ico.org.uk)
- [How to make a freedom of information \(FOI\) request](#)
- [First tier Information Tribunal \(Information Rights\)](#)
- [Campaign for Freedom of Information](#)
- [The Constitution Unit](#)

**Title:** A Practical Guide to IT Law  
**Author:** Nikki Cordell, Sam De Silva, Sara Ellacott, Victoria Hordern, Stewart James, Andrew Katz, Andy Lucas, Jennifer Pierce, Stuart Smith, Edited by Jeremy Holt and Jeremy Newton  
**Publisher:** BCS Publishing  
**Publication Date:** Dec 2020  
**ISBN:** 9781780174884

**Title:** Blackstone's Guide to the Freedom of Information Act 2000  
**Author:** John Wadham, Kelly Harris and Eric Metcalfe  
**Publisher:** Oxford University Press  
**Publication Date:** February 2014  
**ISBN:** 0199686378

## Using BCS Books

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