

Making a request for Information under Fol

What is an Fol request?

Any written request for information held by Invest NI which is outside that of normal/routine business requests will be considered as a Freedom of Information request.

However, **environmental information and subject access requests** (the right of individuals to have access to data about themselves) are exempt under the Fol Act as these kinds of information have their own access regimes. If your request relates to environmental information it will be handled under the Environmental Information Regulations 2004. If you are seeking information about yourself that is held by Invest NI, you should make a subject access request under the Data Protection Act 1998.

What am I entitled to?

You are entitled to be told whether or not we hold the information you have requested. This is sometimes referred to as the duty to “confirm or deny”. If we do hold it you are entitled to have the information communicated to you. The Act is fully retrospective and gives you a right to request any recorded information held by Invest NI. However there are some exemptions to these rights.

Why is some information not available?

Whilst the Fol Act creates a right to request information it also creates a number of **Exemptions** from that right, in recognition that certain types of information may need to be protected from disclosure. This means that we may withhold some information requested. Exemptions fall into two categories, absolute and qualified.

Absolute and Qualified Exemptions

Some exemptions are **absolute**, which means that information falling within the terms of these exemptions does not have to be disclosed under the Fol request process. Where an exemption is **qualified**, Invest NI must also decide whether the public interest in maintaining the exemption outweighs the public interest in disclosure when considering whether or not to apply the exemption. This is known as the Public Interest Test.

Where information has been withheld we will inform you which exemptions have been applied and why, unless to give this information would in itself reveal the exempt information.

The following is a list of the exemptions:

- S21 Information accessible to the applicant by other means
- S22 Information intended for future publication
- S23 Information supplied by, or relating to, bodies dealing with security matters
- S24 National Security
- S26 Defence
- S27 International relations
- S28 Relations within the UK
- S29 The Economy
- S30 Investigations and proceedings conducted by public authorities
- S31 Law enforcement
- S32 Court Records
- S33 Audit functions
- S34 Parliamentary privilege
- S35 Formulation of government policy
- S36 Prejudice to the effective conduct of public affairs
- S37 Communications with Her Majesty etc and Honours
- S38 Health and Safety
- S39 Environmental information
- S40 Personal information
- S41 Information provided in confidence
- S42 Legal professional privilege
- S43 Commercial interests
- S44 Prohibitions on disclosure

For further information about the different categories of exemptions please see the guidance issued on the Department of Constitutional Affairs (DCA) website [Department of Constitutional Affairs](#).

How do I make a request?

To ask for information under the Freedom of Information Act your request must:

- Be in writing
- State your name and an address for correspondence
- Describe the information you require

To enable us to locate the information you require it will be helpful if you can define your request as clearly as possible, including for example any dates or timescales that may help identify relevant records. Please also include a daytime telephone number, if possible. This will help speed up the process should we need to contact you to clarify the details of your request.

For convenience you can complete the form at Annex 1 and send it to the following address:

The Information Manager
Strategic Management & Planning
Invest NI
Bedford Square
Belfast
BT2 7ES
Fax: 02890 436536
Email: foi@investni.com

What does it cost?

The FoI Act sets an “appropriate limit” below which public authorities are required to provide requested information free of charge. We will not charge where the cost of locating, retrieving and extracting the information is less than this limit, which is currently set at £450.

Where the estimated cost of providing information exceeds £450, Invest NI is not obliged to proceed with the request. However we may be able to provide some of the information requested if it can be supplied within the “appropriate limit” and in these circumstances we will contact you and assist you in redefining your request.

What happens when I make a request?

When we receive a request for information, we will respond as soon as possible and generally no later than 20 working days from the date of receipt. If we are unclear from your initial request what information you are asking for, we will contact you to clarify what you are seeking.

If your request is very wide and appears to be outside the “appropriate limit” for costs, we may contact you to see if you can be more specific about what you are seeking. This may enable us to answer your request within 20 working days.

If we need more time to weigh up public interest considerations relating to disclosure we will write to you within the 20 days to tell you when we estimate we will be able to provide a final response to your request.

What happens if the information I requested is not held?

Invest NI will contact you and advise you that the information requested may be held by another public authority and provide the necessary details to assist you in re-applying.

In some cases, Invest NI may automatically transfer the request on your behalf to the appropriate public authority, in these circumstances we will contact you to advise what has been done.

If we are unable to advise which public authority holds, or may hold the information requested, Invest NI will try to provide alternative assistance to facilitate you in pursuing your request.

Consultation with Third Parties

Where a request is received under the FOI Act for information concerning the details of a third party or a document that has been prepared by a third party including another public body, individual or business, Invest NI is required to take reasonable steps to contact and consult with the third party regarding the release of the information.

Although the third party will be consulted, the decision as to whether or not to release the information will be taken by Invest NI alone on a case by case basis.

What happens if my request is refused or I am unhappy with the response?

You are entitled to ask for an internal review of Invest NI's decision.

If your request is refused or information is excluded from the release, we will reply explaining why, identifying which exemption(s) has been applied, where appropriate. This letter will also give details of how to ask for an **internal review** of the decision.

If you remain dissatisfied after the internal review, you can appeal to the **Information Commissioner** and ask for a review of the decision.

How many requests am I permitted?

The Act does not specifically limit the number of requests you can make, however it does allow a public authority the right to refuse any vexatious or repeated requests. Invest NI may also take into account the number of requests received from an individual for the same or similar information when considering whether the "appropriate limit" has been reached.

Environmental Information

Some information held by Invest NI may be subject to Environmental Information Regulations (EIR'S). Environmental Information covers a wide range of topics which relate to or affect the environment. Applications for information can be made by anyone, anywhere in the world.

New EIR's (**Environmental Information Regulations 2004**) came into force on 1st January 2005. If you make a request which includes information falling within the EIR's definition of environmental information we are obliged to consider this part of your request under these regulations rather than the FOI requirements. Unlike Freedom of Information requests, which need to be made in writing, EIR's can be made orally. Subject to the exceptions provided for in the regulations we will seek to provide the information within 20 working days of receiving the request.

Personal Data

Under the **Data Protection Act 1998** individuals have a right of access to information held about them by Invest NI (although this is subject to some exemptions). These requests are known as subject access requests. If you are seeking personal information about yourself you should make a subject access request under the Data Protection Act 1998 as this information is exempt from disclosure under the FOI regime.

If you want to make a subject access request, please apply in writing to:

The Information Manager
Strategic Management & Planning
Invest NI
Bedford Square
Belfast
BT2 7ES

and include the following information and documentation:

- proof of identity, such as a photocopy of your drivers license/passport or copies of two recent utility bills.
- Any information that will enable us to locate the data that you are seeking.

Your request will be dealt with within 40 days of Invest NI accepting the request.

Annex 1

REQUEST FOR INFORMATION

NAME
ADDRESS
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POSTCODE
DAYTIME TELEPHONE*
DATE

Details of information request (please be as specific as possible giving details of the subject matter, any relevant dates if known, or other references which will help us process your request faster):

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Invest NI has a right to refuse a request if the cost of locating and retrieving the information exceeds £450. We are also entitled to charge for disbursement costs (photocopying, postage etc). In all cases we will notify you of any estimated costs before proceeding with the request.

Please submit either by post or fax to:

The Information Manager
Strategic Management & Planning
Invest NI
Bedford Square
Belfast
BT2 7ES
Fax: 02890 436536

Alternatively you can complete and submit the form online.

*Optional but may speed up the application process.