

## 1) How to identify Freedom of Information (FOI) requests:

- Any request for information held by a public authority (such as the MoJ) is a FOI request.
- A request does not need to quote the legislation to be a valid FOI enquiry
- “Held” information is that which is recorded by the public authority in any form: paper file, digital record, audio or video, email, “instant message”, or work text.
- Any individual or organisation can make an FOI request, (but not another public authority).
- MoJ held information does not include data we hold solely on behalf on someone else.

### **More information:**

- A request for an opinion, an interpretation of policy or for advice is not a valid FOI request; unless any such opinion or interpretation is itself held in any form.
- A public authority is not required to create information to answer an FOI.
- However, already held “building blocks” can be used to provide the information requested; for example, carrying out straightforward calculations, or filtering information from an existing data set, to provide the requested information.
- All FOI requests should be forwarded as soon as possible to the Disclosure Team for logging and assignment.- [data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)

## 2) How to identify subject access requests (SARs):

- Any individual (data subject) can request access to their own information held by an organisation (such as the MoJ).
- A data subject does not have to quote the legislation, as long it is clear s/he is asking for their personal data.
- A third party can make such a request on behalf of the individual providing there is explicit and specific written consent from the data subject.
- SARs only relate to living individuals.
- Appropriate proof of identification is required

### **Handling within Information Services Division**

- SARs from staff, family members, victims, witnesses or anyone else (not the offender or service user) mentioned in probation files, will be logged and monitored by the Disclosure Team, Information Services, London. Please send to – [data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)
- Any SAR from an offender or ex-offender for their prison and/or their probation records will be handled by the Branston SAR Team. Please send to – [data.access1@justice.gov](mailto:data.access1@justice.gov) **unless and importantly** the information is routine and can be disclosed as business as usual. See Annex A1 and A2 of the updated Notice to Staff (NTS) 13/ 2019 or contact: InformationmgmtSecurity@justice.gov.uk.

THE INFORMATION COMMISSIONER’S (ICO) FULL **FOI AND SAR** GUIDANCE NOTES FOR PUBLIC AUTHORITIES CAN BE FOUND HERE: - <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/> .  
<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/right-of-access/>