

# Freedom of Information Policy

## 1. Introduction

- 1.1 Under the Freedom of Information Act 2000 any person, anywhere in the world, may make a request for information to the British Library. After receiving such a request we have a legal duty to confirm whether we hold such information, and, if it is held, to communicate that information to the requestor unless an exemption applies (See Section 4 below).
- 1.2 The purpose of this policy is to set out the details of how the Library will discharge that duty.

## 2. Making a Request

- 2.1 A valid Freedom of Information request must be made in writing, and must provide the requestor's name and an address for correspondence (an email address is sufficient). It must also describe the information requested. If a request is not clear enough to enable us to identify the information in question we will contact you in order to clarify your request.
- 2.2 You may make a request for information to any valid British Library email or postal address. However, for the most efficient response, please direct your requests to:
  - Email: [foi-enquiries@bl.uk](mailto:foi-enquiries@bl.uk)
  - Post: Corporate Information Management Unit, The British Library, 96 Euston Road, London, NW1 2DB

## 3. Response

- 3.1 All Freedom of Information requests received by the British Library will be coordinated by our Corporate Information Management Unit, who will delegate the collection of information and the drafting of a response to the relevant members of staff.
- 3.2 We are required to comply promptly with any request for information, and in any event within 20 working days.
- 3.3 All requests received are notified the Library's Corporate Affairs Team so that we can coordinate our responses to questions of public interest with those received via other channels, such as media enquiries or parliamentary questions.
- 3.4 All requests received are also notified to the Library's Chief Officers for the same reason.

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### 4. Exemptions

- 4.1 The Freedom of Information Act 2000 sets out various exemptions from the right of access to information. These exemptions protect rights and interests that compete with the right of access to information, such as the right to personal privacy, or the commercial interests of our suppliers and customers.
- 4.2 Where an exemption applies to some or all of the information that you have requested, we will inform you in writing.
- 4.3 Some exemptions are 'qualified', meaning that they only apply if the balance of public interest favours protection of the right or interest that the exemption is designed to protect over your right to access information. Where this is the case, we will inform you of the relative factors that were considered during our consideration of the public interest.
- 4.4 One exemption (Section 36 – Prejudice to the Effective Conduct of Public Affairs) requires that a Qualified Person must give their qualified opinion that such prejudice would indeed arise from the disclosure of the requested information, before the exemption can be used to withhold information. The Qualified Person for the British Library is the Chair of the British Library Board.
- 4.5 The British Library reserves the right to seek legal advice in relation to your request for information, and particularly in relation to any exemptions that may apply.

### 5. Personal Data

- 5.1 Your own personal data (as defined by whatever data protection law may be in force at the time) is specifically exempt from disclosure the Freedom of Information Act. Any request that we receive that asks for the requestor's own personal data will instead be treated as a Subject Access Request under whatever data protection law may be in force at the time.
- 5.2 If the information that you have requested contains the personal data of a third party the information will be provided unless disclosure would breach any of the Data Protection Principles. The key factor (but not the only factor) in this regard is fairness to the person involved (including their reasonable expectations of privacy), and this will be fully considered before any disclosure of personal data is made.
- 5.3 In practice this means that the names, grades and positions of British Library staff who are members of our Strategic Leadership Team (SLT) will routinely be disclosed in response to requests for information, except where this would contravene their rights, or would otherwise be unlawful. The names, grades and positions of more junior members of staff will be disclosed only when it would be unreasonable or excessive to withhold such information (for example, where the employee is recording in passing as the recipient of a routine communication relevant to the scope of a request, and where the context is not sensitive or controversial).

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### 6. Third Party Information

- 6.1 If the information that you have requested contains information that is about or was provided by a third party organisation then we will consult with that third party promptly in order to establish whether or not an exemption applies. However, the final decision on disclosure will always be made by the Library.

### 7. Publication Scheme

- 7.1 The British Library maintains an online Publication Scheme that lists and provides access to information that we routinely publish. It can be found at: <https://www.bl.uk/about-us/freedom-of-information>.
- 7.2 Our publication scheme complies with the model publication scheme and appropriate definition document for Museums, Libraries, Archives, and Galleries, as defined by the Information Commissioner's Office. Additional information specified in the definition document for Non-Departmental Public Bodies is also included in our Publication Scheme.
- 7.3 It will be reviewed regularly, and updated in line with the periods specified for each type of information.
- 7.4 Hard copies of any of the information contained within the Publication Scheme will be provided on request.

### 8. Codes of Practice

- 8.1 The Library will comply with the requirements of the Codes of Practice issued under Sections 45 & 46 of the Freedom of Information Act 2000.

### 9. Fees & Disbursements

- 9.1 The Library will comply with the Freedom of Information & Data Protection (Appropriate Limit and Fees) Regulations 2004. Accordingly, all requests that cost less than £450 to process (the 'appropriate limit') will be complied with free of charge.
- 9.2 In calculating the cost of a request, the Library may only take into account the time taken to determine whether it holds the information, and to locate and retrieve it. It may not take into account the time taken to consider exemptions and to seek and obtain legal advice, to consider whether a request is vexatious, to obtain authorisation to provide the information or to calculate fees. Costs are calculated at an hourly rate of £25, meaning that the Library will spend up to 18 person-hours searching for information in response to a request.

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- 9.3 If the estimated cost of compliance exceeds £450, the duty to comply with a request does not arise. Such requests will not be processed, and we will provide you with a refusal notice explaining our decision and our cost calculations. However, we will attempt to advise and assist you in reframing the scope of your request in order to bring the cost below the appropriate limit if at all possible.
- 9.4 Disbursements (costs for postage, photocopying, printing, scanning etc.) costing less than £35 will not be charged to you, but will be charged in full at or above that level. Where this is the case you will be informed about such charges in a fees notice, and payment will be required before the information is provided to you.
- 9.5 The Library will not charge for information listed in our Publication Scheme except where specifically indicated in the Scheme.

### 10. Complaints

- 10.1 If you disagree with our decisions in relation to your request for information then you may request an internal review of our decision by writing to the addresses listed in Section 2.2 of this policy.
- 10.2 Any written response from a requestor expressing dissatisfaction with the Library's response to a request will be treated as a request for an internal review, whether or not you have expressly stated a wish to have the decision reviewed.
- 10.3 Any complaint about information published in our Publication Scheme will also be treated as a request for an internal review.
- 10.4 On receipt of a request for internal review an internal review panel will be convened by a Chief Officer of the Library in order to investigate your complaint. Wherever possible this panel will be chaired by a Chief Officer who has previously had no input into the initial response to your request.
- 10.5 Complaints received more than two months after the initial decision will not be considered.
- 10.6 If you are dissatisfied with the outcome of our internal review you may then appeal to the Information Commissioner, who has powers to either uphold or overturn our decision.
- 10.7 We will abide by the decisions of the Information Commissioner unless we consider that we have grounds for an appeal to the First Tier Information Tribunal.