

ผนวก ข

Freedom of Information Act 2000 (อังกฤษ)

**Section 1 (1) General Right of access to information held by public authorities**

- (1) Any person making a request for information to a public authority is entitled-
- (a) to be inform in writing by the public authority whether it holds information of the description specified in the request, and
  - (b) if that is the case, to have that information communicated to him

**Section 2 (2) and (3) Effect of the exemption in Part II**

- (1) .....

(2) In respect of any information which is exempt information by virtue of any provision of Part II, section 1(1)(b) does not apply if or to the extent that -

- (a) the information is exempt information by virtue of a provision conferring absolute exemption, or
- (b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(3) For the purposes of this section, the following provisions of Part II (and no others) are to be regarded as conferring absolute exemption-.....

**Section 3 Public authorities**

- (1) In this Act "public authority" means

(a) subject to section 4(4) , any body which, any other person who, or the holder of any office which-

- (i) is listed in Schedule 1, or
- (ii) is designated by order under section 5, or
- (b) a publicly-owned company as defined by section 6.

- (2) For the purposes of this Act, information is held by a public authority if-

(a) it is held by the authority, otherwise than on behalf of another person, or

(b) it is held by another person on behalf of the authority.

#### **Section 8 (1) Request for information**

(1) In this Act any reference to a "request for information" is a reference to such a request which-

(a) is in writing,

(b) states the name of the applicant and an address for correspondence, and

(c) describes the information requested.

#### **Section 10 (1) and (4) Time for compliance with request**

(1) ....., a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.

(2) .....

(3) .....

(4) The Secretary of State may by regulations provide that subsection (1) and (2) are to have effect as if any reference to the twentieth working day following the date of receipt were a reference to such other day, not later than the sixtieth working day following the date of receipt, as may be specified in, or determined in accordance with, the regulations.

#### **Section 11 Means by which communication to be made**

(1) Where, on making his request for information, the applicant expresses a preference for communication by any one or more of the following means, namely-

(a) the provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant,

(b) the provision to the applicant of a reasonable opportunity to inspect a record containing the information, and

(c) the provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant, the public authority shall so far as reasonably practicable give effect to that preference.

(2).....

(3).....

(4) Subject to subsection (1), a public authority may comply with a request by communicating information by any means which are reasonable in the circumstances.

**Section 12 Exemption where cost of compliance exceeds appropriate limit**

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Section 1(1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsection (1) and (2) "the appropriate limit" means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

**16: Section 84 Interpretation**

"Information" means information recorded in any form.

Section 50 (1) – (6) Application for decision by Commissioner

(1) Any person (in this section referred to as "the complainant") may apply to the Commissioner for a decision whether, in any specified respect, a request for information made by the complainant to a public authority has been dealt with in accordance with the requirements of Part I.

(2) On receiving an application under this section, the Commissioner shall make a decision unless it appears to him-

(a) that the complainant has not exhausted any complaints procedure which is provided by the public authority in conformity with the code of practice under section 45

(b) that there has been undue delay in making the application,

(c) that the application is frivolous or vexatious, or

(d) that the application has been withdrawn or abandoned.

(3) Where the Commissioner has received an application under this section, he shall either-

(a) notify the complainant that he has not made any decision under this section as a result of the application and of his grounds for not doing so, or

(b) serve notice of his decision (in this Act referred to as a "decision notice") on the complainant and the public authority.

(4) Where the Commissioner decides that a public authority-

(a) has failed to communicate information, or to provide confirmation or denial, in a case where it is required to do so by section 1(1), or

(b) has failed to comply with any of the requirements of section 11 and 17, the decision notice must specify the steps which must be taken by the authority for complying with that requirement and the period within which they must be taken.

(5) A decision notice must contain particulars of the right of appeal conferred by section 57.

(6) Where a decision notice requires steps to be taken by the public authority within a specified period, the time specified in the notice must not expire before the end of

the period within which an appeal can be brought against the notice and, if such an appeal is brought, no step which is affected by the appeal need be taken pending the determination or withdrawal of the appeal.

#### **Section 51 (2) and (3) Information notices**

(1) .....

(2) An information notice must contain-

(a) in a case falling within subsection (1) (a), a statement that the Commissioner has received an application under section 50, or

(b) in a case falling within subsection (1) (b), a statement-

(i) that the Commissioner regards the specified information as relevant for either of the purposes referred to in subsection (1) (b), and

(ii) of his reasons for regarding that information as relevant for that purposes.

(3) An information notice must also contain particulars of the right of appeal conferred by section 57.

#### **Section 52 (1) and (2) Enforcement notices**

(1) If the Commissioner is satisfied that a public authority has failed to comply with any of the requirements of Part I, the Commissioner may serve the authority with a notice (in this Act referred to as "an enforcement notice") requiring the authority to take, within such time as may be specified in the notice, such steps as may be so specified for complying with those requirements.

(2) An enforcement notice must contain-

(a) a statement of the requirement or requirements of Part I with which the Commissioner is satisfied that the public authority has failed to comply and his reasons for reaching that conclusion, and

(b) particulars of the right of appeal conferred by section 57.

**Section 54 (1) and (3) Failure to comply with notice**

(1) If a public authority has failed to comply with –

- (a) so much of a decision notice as requires steps to be taken,
- (b) an information notice, or
- (c) an enforcement notice,

the Commissioner may certify in writing to the court that the public authority has failed to comply with that notice.

(3) Where a failure to comply is certified under subsection (1), the court may inquire into the matter and, after hearing any witness who may be produced against or on behalf of the public authority, and after hearing any statement that may be offered in defence, deal with the authority as if it had committed a contempt of court.

**Section 57 Appeal against notices served under Part IV**

(1) Where a decision notice has been served, the complainant or the public authority may appeal to the Tribunal against the notice.

(2) A public authority on which an information notice or an enforcement notice has been served by the Commissioner may appeal to the Tribunal against the notice.

**Section 58 (2) Determination of appeals**

(1) .....

(2) On such an appeal, the Tribunal may review any finding of fact on which the notice in question was based.

**Section 59** Any party to an appeal to the Tribunal under Section 57 may appeal from the decision of the Tribunal on point of law to the appropriate court ; and the court shall be....

**Section 60 (1) Appeals against national security certificate**

(1) Where a certificate under section 23 (2) or 24(3) has been issued –

(a) the Commissioner, or

(b) any applicant whose request for information is affected by the issue of the certificate, may appeal to the Tribunal against the certificate.