

## Best Practice Guidance on Disclosure Logs

December 2005

### 1. Introduction

#### 1.1 General

Under the Freedom of Information Act 2000, anybody may request information from a public authority in England, Wales, Northern Ireland and from public authorities in Scotland which have UK-wide functions. The Act confers two statutory rights on applicants:

- to be told whether or not the public authority holds that information; and if so,
- to have that information communicated to them.

The Environmental Information Regulations 2004 (EIRs) confer comparable rights of access to information about the environment.

Many public authorities have collated the information they have released in response to Freedom of Information (FOI) requests into a **disclosure log**. Disclosure logs provide online access (usually via the public authority's website) to information released under FOI, grouped chronologically or thematically. Disclosure logs can be a useful way of making requested information available more widely, although there will be some circumstances in which it is not lawful to publish such information (see section 2.4).

#### 1.2 Scope of this guidance

This guidance is intended for officials in all public authorities which are subject to the Act. Some of the recommendations made will be most easily achieved by larger public authorities such as central government departments. However, even small public authorities should be able to put the basic principles into practice.

The purpose of this guidance is to provide all public authorities with either a starting point for developing a new disclosure log, or to provide new ideas for enhancing existing disclosure logs.

You should not treat this guidance as a detailed implementation plan. It is recognised that each public authority is different, and that each has its own particular organisational structure and needs. It is intended neither to be prescriptive nor exhaustive. However, this guidance sets out the key features

of best practice that you should bear in mind when developing or enhancing a disclosure log.

## **2. Concept and design of disclosure logs**

### **2.1 Benefits of a disclosure log**

The purpose of a disclosure log is to make individual releases of information under the FOI Act available to the widest possible public audience. The benefits of a disclosure log include:

- Providing the public with a user-friendly source of information disclosed under FOI/EIRs by a public authority;
- Allowing information disclosed to one requester to be made available to a wider public audience;
- Allowing information released to be accompanied with supporting information, explaining issues of public interest in greater depth;
- Giving the public greater understanding of what information the public authority holds, thus enabling the public to make better informed information requests in the future.

Disclosure logs provide easy, instant access to information released by public authorities. User-friendly, organised and extensive disclosure logs have benefits for both the public and for the public authority. Information on a disclosure log is available to any applicant with access to the Internet and so will often be exempt from disclosure under s.21 of the FOI Act or reg.12(4)(b) of the EIRs<sup>1</sup>.

### **2.2 Scope of disclosure log**

There are a number of issues to consider in determining what type of disclosure log to implement. For example, a basic disclosure log might only contain the most interesting and high profile information that has been released under FOI, EIRs or other information access regimes. A more sophisticated disclosure log might include information which has been disclosed pro-actively, as well as all or most of the information released by the authority in response to requests.

In the design of a disclosure log, you should consider the following options in terms of the extent of information disclosures that you include in your disclosure log.

#### **Selective or full disclosure log**

The principle decision in determining the scope of your disclosure log is the extent to which all information releases are published, or only a selection of the most high profile or interesting information releases.

This decision is likely to depend on the resources and request volumes of your public authority. If you only receive a small number of requests it may be

---

<sup>1</sup> Section 21 of the FOI Act applies to information that is already reasonably accessible to the applicant. Regulation 12(4)(b) of the EIRs provides that a public authority may refuse to disclose information to the extent that a request is manifestly unreasonable.

desirable, for sake of completeness, to publish all information released in response to requests, subject to the section on caveats at paragraph 2.4 below. However, if you receive a large volume of requests, it may be more practicable for you to publish only those requests that are of wider public interest: that is to say, those that are judged to be of most interest to your customers and the public at large.

As a minimum, you should include a selection of the most high profile information disclosures, and the information likely to be of most interest or relevance to your customers. Repeated requests for similar information might be one way of judging this.

### **Full request log**

If your public authority has the resources to do so, you may wish to consider publishing a full list of information requests dealt with under the FOI Act or EIRs. A request log of this kind would include all responses to information requests that have been received by the public authority, including where information was withheld in full or in part, and also responses to applicants detailing the outcome of internal reviews. A systematic approach of this kind may reduce the burden in the event of a formal request for such information.

A request log of this kind will require careful management to ensure that the information disclosures are presented in the most logical and user-friendly way. The request log will also need to pay careful attention to the caveats outlined in section 2.4.

Guidance on the publication of the personal data of individual applicants is provided at section 2.4 ("Personal data").

## **2.3 Content of disclosure logs**

The natural starting point for a disclosure log is to include information released in response to requests made under FOI or the EIRs. However, there are a number of other means by which information may be identified for release and publication via a disclosure log. The best disclosure logs will combine a mixture of pro-active releases and simultaneous releases, and will actively influence the public authority's Publication Scheme.

### **Pro-active releases**

Successful implementation of FOI depends both on complying with information requests and in seeking ways of achieving greater openness through pro-active disclosure. Similarly, a disclosure log will often benefit from the inclusion of pro-active information disclosures, alongside routine releases made in response to requests.

Securing a steady flow of pro-active releases of information depends on a high level of awareness within a public authority. As a part of internal FOI training and awareness, you should encourage officials within your public authority to identify material for pro-active release.

You should also review the information your authority holds regularly to identify material of wider public interest that would contribute positively to public debate through pro-active publication. In some cases, a disclosure log

would be an appropriate place to publish such releases. In others, publication elsewhere on your website or Publication Scheme may be more appropriate.

### **Simultaneous releases**

Normally, information will not be added to the disclosure log until after it has been conveyed to the applicant. However, in certain cases, you should consider whether information that has been identified for release in response to a particular request is of significant public interest and should be made available simultaneously to the applicant and to the public via the disclosure log. In these cases in particular, you may consider publishing additional background information to explain the context and other relevant issues more clearly.

This practice ensures that information released to a single applicant becomes more widely available and benefits the public generally. You should identify information suitable for simultaneous release as early as possible in the processing of the request, to enable your website managers to publish information on the disclosure log at the same time that you release the information to the applicant.

You should not publish via a disclosure log before you have issued a response to the original requester.

### **Relationship with Publication Schemes**

The FOI Act requires all public authorities to make information available proactively by virtue of the Publication Scheme provisions set out in [section 19](#) of the Act. An effective disclosure log should act in harmony with your Publication Scheme.

Where appropriate, you should use your disclosure log as a driver for reviewing the information that your authority publishes as a matter of routine. For example, your disclosure log may include statistics released for one financial year that could be published pro-actively in successive years by way of a new class of information added to the Publication Scheme. Information published through a public authority's disclosure log may actively influence the expansion of the public authority's Publication Scheme.

#### **2.4 Restrictions to publication**

Some information is not suitable to be put on a disclosure log and you may not be legally entitled to publish more widely all information released to individual applicants under access to information legislation. These problems are most likely to arise in relation to information that was received from a third party, or which contains personal data. It is generally easiest for public authorities to publish information that the authority itself has produced for its own use.

### **Powers**

You must make sure that your public authority has the necessary powers to publish information on a discretionary basis. Whilst FOI and the EIRs provide public authorities with both a duty and a power to release information that is not exempt, access to information legislation does not itself give public

authorities a separate power to disclose information to the public other than in response to a request. Central government departments have the power to publish information on a discretionary basis by virtue of their Ram Doctrine powers<sup>2</sup>. Statutory bodies often have the power to publish information where publication would support their exercise of their statutory functions or is in the public interest. However, you must ensure that your public authority has the power to publish information before posting it on a disclosure log.

### **Defamation**

Section 79 of the FOI Act expressly protects public authorities from actions for defamation in relation to information which was supplied to the public authority by a third party and is then provided to the applicant. The EIRs arguably implicitly provide comparable protection. However, there is no such express protection for disclosure made to the public more generally, rather than to an individual applicant.

### **Personal data**

Any release of the personal data of a third party to an applicant under FOI must also be in accordance with the Data Protection Act 1998 (DPA). This is because s.40(3) of the FOI Act and reg.13(2)(a) of the EIRs require public authorities to ensure that disclosure “to a member of the public” would not breach the DPA. If the release of third party personal data to an applicant under FOI is in accordance with the DPA then, in principle, all personal data in the requested information should also be releasable to the public through a disclosure log.

Disclosure of personal data about individual applicants, however, might, in some circumstances, be “unfair” and thereby breach the first Data Protection Principle. As a general rule, it should not be necessary to publish the identities of individual applicants, and you should only do so in exceptional circumstances. In such circumstances, you should take care to inform the data subject about the use to which their personal data will be put before publishing it on a disclosure log, and ensure that the publication is in accordance with the DPA.

### **Confidentiality**

In some cases, information is disclosed which is actually exempt under FOI or the EIRs, but which is nonetheless provided on a discretionary basis. Information released on a discretionary basis will not be suitable for publication and is likely to be confidential to the applicant.

### **Statutory Prohibitions on Disclosure**

It is possible that a statutory prohibition will prevent disclosure to the public but not to a particular applicant. Such information may not be published in a disclosure log.

---

<sup>2</sup> The principle that the Crown has ordinary common law powers to do whatever a natural person may do, unless that power has been taken away by statute.

## Copyright

Public authorities complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act to release information *to an applicant* are not breaching the Copyright, Designs and Patents Act 1988 (CDPA). The FOI Act authorises release of the information to an applicant, even if it is in such a form as would otherwise breach the copyright interests of a third party.

(The Copyright Designs and Patents Act 1988 will continue to protect the rights of the copyright holder once the applicant receives the information.)

However, if you publish information which is subject to a third party's copyright on a website at the same time or soon after it is supplied to a requestor, you may be in breach of copyright. This is because the statutory duty in FOI (which permits disclosure to an applicant even if disclosure would normally breach the CDPA) does not cover publication to a wider audience on a website. Before publishing such information you must take steps to ensure that you do not infringe third party copyright.

### **3. Content of disclosure logs**

3.1 Having decided the scope of information to be included routinely within the disclosure log, you should consider how to organise and present the information published. As a guiding principle, information within a disclosure log should be easily accessible by members of the public and navigable without requiring knowledge of technical terms or jargon.

#### 3.2 Accessibility of documents published

A disclosure log should provide users with means to view and/or download documents that have been referred to on the disclosure log. A disclosure log should not merely provide a list or summary of information disclosed but should provide direct access to the information itself.

The best disclosure logs provide access via links to true copies of the documents which may be viewed and downloaded by a user without recourse to additional assistance from the public authority. If some information is withheld, this should be stated so users can see this when they download a document.

Documents may be published as PDF files, as RTF (Rich Text Format) files, or in plain HTML. If PDF is used, the website should provide links to the Adobe website at and <http://www.adobe.com/enterprise/accessibility/main.html>. Whatever format is chosen, web managers should ensure that:

- Files are created in an accessible format for customers using assistive technologies;
- PDF files are compatible with earlier versions of PDF readers;
- File size is kept as small as possible without compromising quality – users with a dial-up connection may have difficulty downloading large files.

If you choose to publish documents in formats other than PDF, you should consider whether your customers will have access to the software necessary

to read the file formats provided. Wherever possible, files should be provided in the format which enables the widest possible audience to access the content, regardless of the age or operating system of their computer. In many cases, Adobe PDF will be the best choice.

Where documents are not held electronically, you may consider publishing scanned images. However, you should consider carefully whether the images are of sufficient quality to satisfy your public authorities' obligations under the Disability Discrimination Act 2005. (For example, bear in mind that customers using assistive technologies such as screen-readers will not be able to access the content of scanned images, and you may need to offer an alternative format). If good quality scanned images are not available, it may be more appropriate to include a description of the document and a "mailto" link which identifies the document and prompts the user to insert their contact details into an email to request a hard copy.

### 3.3 Prominence of disclosure log

The principle of a disclosure log is to increase public access to information disclosures. Consequently, a disclosure log should therefore be linked from a prominent page of your public authority's website.

You should consider providing a link to the disclosure log from your homepage. The heading "Freedom of Information disclosures" is recommended as a standard phrase to ensure consistency across public sector disclosure logs. As a minimum, the disclosure log should be linked from your public authority's Freedom of Information pages.

You should also consider accompanying such links with the Freedom of Information logo (see Figure 3 below). The Freedom of Information logo has been registered with the Patent Office in the name of the Department for Constitutional Affairs for use by all public authorities that are subject to the Freedom of Information Act 2000. The logo may be downloaded from <http://www.foi.gov.uk/logos/foiologo.htm>.



Fig 1 – A public authority's homepage should, wherever possible, provide a direct link to the Freedom of Information pages. This screenshot shows a link to Freedom of Information from the Bath and North East Somerset Council website [www.bathnes.gov.uk](http://www.bathnes.gov.uk)<sup>3</sup>.

<sup>3</sup> [www.bathnes.gov.uk](http://www.bathnes.gov.uk)

### 3.4 Structure of disclosure log

In designing and maintaining a disclosure log, you should consider carefully how the information is organised and presented. In considering the following options, you may find that some are more appropriate than others depending on the volume of requests your public authority receives and the nature of its business.

#### **Chronological order**

If your authority only receives a small volume of requests across a diverse range of subjects, you may wish to consider presenting the disclosures in simple, chronological order. However, this is probably only appropriate where the subject matter of each information release is so diverse that grouping disclosures in themes or categories would be impractical. If possible, keep chronological disclosure logs to a single web page – users may not know when they information they want was released, and it is not user-friendly to expect them to load and scroll through several separate pages.

#### **Categories or themes of information released**

If your authority receives a large volume of requests, or the disclosures you make are clearly attributable to a small number of themes or categories, you should consider ordering information disclosures thematically.

The advantage of this approach is that members of the public may search for information released under a particular topic of interest. You should therefore choose categories that do not require knowledge of internal organisational structures, technicalities or jargon, but that present information according to well-known topics or business areas.

### 3.5 Search facility

If your public authority has published a large number of disclosures, you should consider providing a search facility to enable users to search through all releases. Such a facility should allow users to search the disclosure log by reference to particular words, categories or themes. You should locate this search facility in a prominent position on the FOI disclosure log page.



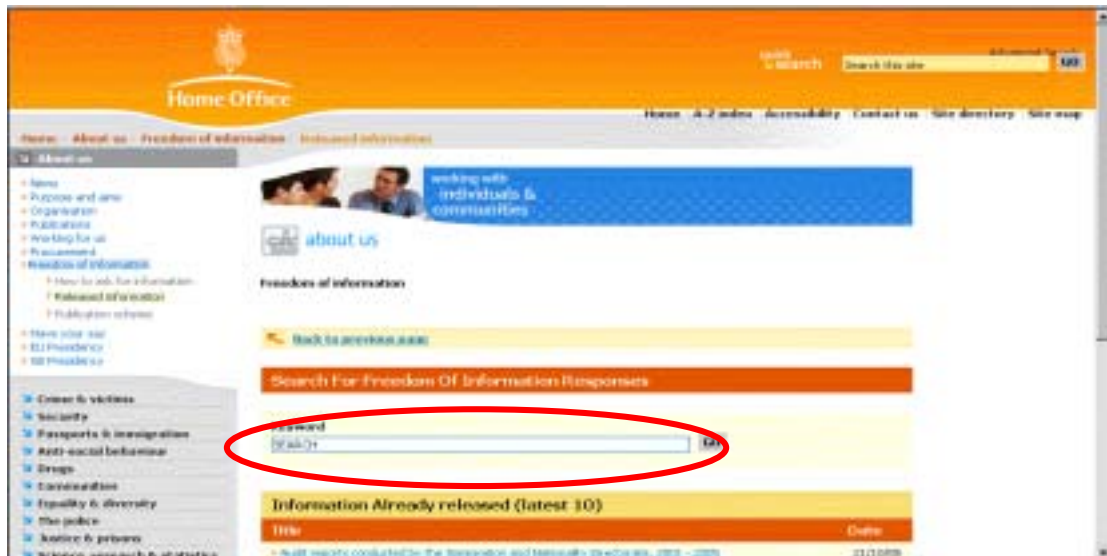


Fig 2 – A screenshot from the [Home Office website](http://www.homeoffice.gov.uk/about-us/freedom-of-information/released-information/)<sup>4</sup>, showing an example of a search facility to enable users to search Freedom of Information disclosures by keyword.

### 3.6 Background information for disclosures

Wherever possible, you should consider providing additional information to give further background to individual disclosures. As a minimum, this could take the form of one or two sentences that summarise the main contents of the disclosure. If possible, a short description of the information should accompany the link to the document itself to enable members of the public to gain a brief overview of the content before proceeding further.



<sup>4</sup> <http://www.homeoffice.gov.uk/about-us/freedom-of-information/released-information/?view=Standard>

*Fig 3 – Screenshot from the [Ministry of Defence disclosure log](#)<sup>5</sup>, showing how the disclosure log provides a short description of the original information request and a summary of the information disclosed. The FOI logo is also prominently displayed.*

In some cases, you may wish to consider providing more extensive background information to accompany information disclosures. In particular, you should consider whether the disclosure of one piece of requested information might prompt the pro-active disclosure of other relevant information.

As a guiding principle, you should consider the potential for publishing further information to provide additional clarity.

### 3.7 Plain language

Disclosure logs should be in plain language. In particular, principal links should avoid jargon or acronyms.

It is recommended that the link from your homepage to the FOI page should be named 'Freedom of Information'. 'FOI' should be avoided, as this will not necessarily be familiar to users.

## 4. Implementation and maintenance

### 4.1 Review of disclosure logs

Once a disclosure log has been created, it is essential that it be regarded as a live product. The best disclosure logs are updated as each new disclosure is made. If this is not possible, you should review your disclosure log regularly to ensure that a steady flow of new information disclosures is published. As a minimum, a disclosure log should be reviewed and updated monthly. A disclosure log that has not been updated for a considerable amount of time is unlikely to attract new or returning visitors.

### 4.2 Responsible member of staff

In order to ensure that your disclosure log is maintained and updated regularly, it is recommended that one member of staff has responsibility for its upkeep. This member of staff might be either a part of a team dealing with FOI requests (if you have one), or someone with responsibility for your public authority's website. Ideally, the person in charge of your publication scheme should also be responsible for the disclosure log to ensure the two resources work together.

The responsibilities of this person might include:

- Raising awareness of the disclosure log across the whole of the public authority, ensuring that staff consider whether information they hold and create could be pro-actively published on the disclosure log;
- Monitoring information requests being processed within the public authority and identifying whether information could be pro-actively published on the disclosure log;

---

<sup>5</sup> <http://www.mod.uk/publications/foi/rr/rrsep05.htm>

- Managing and organising the content of the disclosure log, identifying new categories of information to ensure that disclosure logs are organised in a user-friendly format;
- Updating the disclosure log regularly with new information releases;
- Removing and archiving, where appropriate, older information disclosures to save server space. Information archived in this way should still be accessible on request.

Where appropriate, it is also recommended that a senior official has oversight of the disclosure log to ensure that an appropriate standard is being maintained. This might be the same senior official who oversees the public authority's wider compliance with the FOI Act and other information access regimes.

#### 4.3 Editorial committee

If your authority receives significant volumes of requests, and therefore makes a large number of information disclosures with potential for publication, you should consider establishing an editorial committee to assess which information disclosures are to be published on the disclosure log.

An editorial committee would have additional benefits in reviewing the overall content of the disclosure log, identifying additional information suitable for pro-active release or where information disclosures would benefit from additional background information. The same committee could also manage the relationship between the disclosure log and the publication scheme.

#### 4.4 Removing and archiving information disclosures

Over time, it may be necessary to remove information disclosures from the disclosure log. For example, if a particular disclosure is no longer of significant public interest or has been superseded by new information (particularly if the continued availability of the outdated information might be misleading), consideration should be given as to its removal. How often this exercise is conducted and the length of time that information is retained on your disclosure log will depend on the volume of information that you publish.

Where information is removed from the disclosure log, it is recommended that the disclosure log provide an index of information previously published. The index should then provide contact details within your public authority, should customers wish to access that information.

## 5. **Conclusion**

- 5.1 When developing your disclosure log, you should keep in mind that disclosure logs are designed to increase the accessibility of information to the wider public. At every stage, you should consider the ease of access to information that a disclosure log provides. You should regard your disclosure log as a live resource that will require frequent maintenance once implemented, in order to ensure the continual publication of new and interesting material.

## Annex A: Summary of key features of a model disclosure log

SCOPE OF DISCLOSURES TO BE INCLUDED (subject to the restrictions at paragraph 2.4 above)	
<ul style="list-style-type: none"> <li>• <b>Selective disclosure log</b></li> </ul>	Includes a selection of information releases of considerable public interest or special relevance to customers.
<ul style="list-style-type: none"> <li>• <b>Full request log</b></li> </ul>	Includes details of all information requests received by a public authority, including those where information is withheld in full or in part.
<ul style="list-style-type: none"> <li>• <b>Pro-active releases</b></li> </ul>	Information identified for pro-active release in advance of a specific request.
<ul style="list-style-type: none"> <li>• <b>Publication Scheme</b></li> </ul>	Disclosure log acts as a driver for including new classes of information in Publication Scheme, as appropriate.
<ul style="list-style-type: none"> <li>• <b>Simultaneous releases</b></li> </ul>	Information of significant public interest released to applicant and via disclosure log simultaneously.
CONTENT AND PRESENTATION	
<ul style="list-style-type: none"> <li>• <b>Disclosure log prominently linked</b></li> </ul>	Prominent link from public authority's homepage and Freedom of Information pages.
<ul style="list-style-type: none"> <li>• <b>Links to real documents</b></li> </ul>	Disclosure log provides links to documents which can be viewed online or downloaded, rather than just a list of releases.
<ul style="list-style-type: none"> <li>• <b>Information organised logically</b></li> </ul>	Information disclosures grouped thematically or chronologically according to public authority's request volumes and business areas.
<ul style="list-style-type: none"> <li>• <b>Plain language</b></li> </ul>	Information is accessible without requiring prior knowledge of technical language or internal jargon.
<ul style="list-style-type: none"> <li>• <b>Search facility</b></li> </ul>	Disclosure log provides means for users to search for information under keywords or themes.
<ul style="list-style-type: none"> <li>• <b>Background information</b></li> </ul>	Disclosure log provides brief summary of information released and, in some cases, further background material to give additional relevant information.
IMPLEMENTATION AND MAINTENANCE	
<ul style="list-style-type: none"> <li>• <b>Responsible official</b></li> </ul>	Designated official responsible for maintaining and reviewing the disclosure log monthly (as a minimum). A senior responsible official has oversight to ensure disclosure log is of an appropriate standard.
<ul style="list-style-type: none"> <li>• <b>Editorial committee</b></li> </ul>	Where appropriate, an editorial

	committee identifies information suitable for publication.
<ul style="list-style-type: none"><li>• <b>Removal and archiving of older requests</b></li></ul>	Older information disclosures are archived and indexed via the disclosure log, available on request.

## **Annex B: Examples of disclosure logs**

The following websites are provided as a means of identifying, at the time of writing, good practice in disclosure logs.

### **Bank of England**

<http://www.bankofengland.co.uk/publications/foi/disclosurelog.htm>

### **Bath and North East Somerset Council**

<http://www.bathnes.gov.uk/BathNES/councilinformation/accesstoinformation/freedomofinformationact/disclosurelog.htm>

### **British Library**

<http://www.bl.uk/about/policies/freedomdisclosurelog.html>

### **English Nature**

[http://www.english-nature.org.uk/about/access/disclosure\\_log.htm](http://www.english-nature.org.uk/about/access/disclosure_log.htm)

### **Foreign and Commonwealth Office**

<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1109171436759>

### **Department of Health**

<http://www.dh.gov.uk/PublicationsAndStatistics/FreedomOfInformation/EreadingRoom/fs/en>

### **Human Fertilisation and Embryology Authority**

<http://www.hfea.gov.uk/HFEAPublications/FOIHFEAPublicationScheme/FOIDisclosureLog>

### **North East London Strategic Health Authority**

[http://www.nelondon.nhs.uk/foi\\_responses.htm](http://www.nelondon.nhs.uk/foi_responses.htm)

### **Office of Water Services (OFWAT)**

[http://www.ofwat.gov.uk/aptrix/ofwat/publish.nsf/Content/navigation-foi\\_disclosure\\_log](http://www.ofwat.gov.uk/aptrix/ofwat/publish.nsf/Content/navigation-foi_disclosure_log)

### **West Berkshire Council**

<http://www.westberks.gov.uk/index.aspx?articleid=5802>