

Freedom of Information Recording of Reasonable Search Efforts

This guidance is to assist Information Managers with the right of access specifically as it relates to evidencing search efforts at the appeal stage under the Freedom of Information (General) Regulations (2021 Revision) (FOI Regulations).

The Freedom of Information Act (2021 Revision) (FOIA) applies to all records that are held by public authorities. As such it is important to understand the scope of a record.

What is a record?

The FOIA defines a record as:

"record" means information held in any form including -

- (a) a record in writing;*
- (b) a map, plan, graph or drawing;*
- (c) a photograph*
- (d) a disc, tape, sound track or other device in which sounds or other data are embodied, whether electronically or otherwise, so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;*
- (e) any film (including microfilm), negative, tape or other device in which one or more visual images are embodied whether electronically or otherwise, so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom,*

held by a public authority in connection with its functions as such, whether or not it was created by that authority or before the commencement of this Act; and

Understanding the request

Requests for information can be varied, and recognising and understanding the request is important. If there is any doubt concerning a request, seek clarification.

The search approach

An information manager or decision maker should always use the best practice in undertaking a search, and it is paramount that the process is well documented to ensure sufficient evidence is available when an appeal is sought by an applicant.

Regulation 6 states:

Reasonable search

6. (1) *An information manager shall make reasonable efforts to locate a record that is the subject of an application for access.*
- (2) *Where an information manager has been unable to locate the record referred to in paragraph (1), the information manager shall make a record of the efforts that information manager made.*

A public authority's search efforts should answer the following questions:

1. Where did you search? And if the record(s) were not found, where else did you look for them?
2. Who did you speak with concerning the record(s)?
3. How much time did you spend searching?

Freedom of Information Recording of Reasonable Search Efforts Template

Purpose: This search effort template seeks to clarify the searches undertaken by the Information Manager (IM). It is to be completed by the IM and provided to the applicant and the Office of the Ombudsman in the case of an appeal to the Ombudsman where the responsive record was claimed ‘not held’ by a public authority.

Reference Number: FOI/ _____

Details of FOI request (including keywords and phrases)

PART 1 - INTERNAL AREAS SEARCHED

A search of the following locations for documents relevant to the FOI request:

| | DATE(S) DD MM YYYY | TIME SPENT |
|---|--------------------------|------------|
| E-mails, including individual and group or shared email accounts | <input type="checkbox"/> | |
| Physical filing cabinets, in which paper files are held | <input type="checkbox"/> | |
| Digital files, electronic documents on shared and personal drives, including USB, CDs and other devices | <input type="checkbox"/> | |
| Specialised databases | <input type="checkbox"/> | |
| Secured or restricted areas, e.g. physical file vault | <input type="checkbox"/> | |
| Personal folders, notebooks, calendars, diaries | <input type="checkbox"/> | |
| Other (please specify) _____ | <input type="checkbox"/> | |

PART 2 - INTERNAL PERSONS SPOKEN TO

Internal discussions were conducted with key individuals that may have information relevant to the FOI request:

☐ Yes ☐ No

| JOB TITLE | DATE DD MM YYYY | TIME SPENT | COMMENTS |
|-----------|--------------------|------------|----------|
| | | | |
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| | | | |

PART 3 - EXTERNAL CONSULTATIONS (OTHER PUBLIC AUTHORITIES, IF APPLICABLE)

External consultations were conducted with other public authorities that may have information relating to the FOI request:

☐ Yes ☐ No

| PUBLIC AUTHORITY | DATE <small>00/00/0000</small> | TIME SPENT | COMMENTS |
|------------------|-----------------------------------|------------|----------|
| | | | |
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PART 4 - DISPOSAL SCHEDULES & RETENTION POLICIES

Disposal schedules and/or retention policies provide instruction and guidance to manage records from creation to destruction. If a record that is applicable to this request has been destroyed, please attach a copy of the relevant disposal documentation.

☐ Yes (relevant document attached) ☐ No

PART 5 - SEARCH SUMMARY

Additional Comments

Printed Name & Job Title

Date 00/00/0000

Signature