

The Freedom of Information Act

A Guide for court and
tribunal users



This guide is designed to explain how the Freedom of Information Act (FOI) applies to those public authorities that run courts and tribunals.

What is the Freedom of Information Act (FOI)?

The FOI Act gives the public a right to information from public authorities.

If the public authority holds the information requested then it will provide it unless there is good reason not to do so, or the cost of doing so would be excessive.

The FOI Act complements the Data Protection Act, which gives an individual a right to access their personal data.

How do I make a request?

For information about:

- how we spend public money
- the internal guidance we use
- statistics and
- the services we provide.

you should write to the relevant court or tribunal describing the information you are looking for. If they do not have it, they will tell you.

Will I have to pay a fee?

In most cases, no. Most information will be free of charge, but we will tell you in advance if a charge will apply.

Can I obtain court or tribunal records under the FOI Act?

No. Information contained in certain litigation documents and court and tribunal records does not have to be provided under the FOI Act, regardless of the content of the information. FOI does not change the existing arrangements for access to court and tribunal records.

How do I obtain access to court or tribunal records?

Access to court and tribunal records is usually set out in court rules. For example, the civil procedure rules set out what information is available in the county court. Ask the relevant court or tribunal and they will tell you if they can give you the records you want.

Generally, a party to proceedings will have a right of access to information under normal litigation disclosure rules. Third parties, including the press, will have access to information which is made public in open court but no access to information which is subject to proceedings held in private.

How do I get hold of a copy of a judgment?

If a hearing has been held in public you can obtain a copy of the judgment but may have to pay a fee. If the hearing was held in private a person who was not a party to the proceedings has to ask the court or tribunal which gave judgment.

How do I get hold of a transcript of a case?

Some courts and tribunals do not have transcripts. Where they do, they will only be provided with the approval of the court or tribunal. You need to contact the relevant court

or tribunal who will tell you what to do. Unless an order is granted that the transcript be provided at public expense you would need to pay the prescribed transcriber's fees.

What can I do if I have been refused information under the FOI Act?

You can write to the public authority to ask it to reconsider its decision (known as 'internal review'). If, after the internal review, you are not satisfied with the decision you can complain to the Information Commissioner.

Further information

For further information on the Freedom of Information Act, visit:

www.informationcommissioner.org.uk
www.foi.gov.uk

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