



Reasons for not disclosing Official Documents

When a Freedom of Information Officer (FOIO) processes an FOI request, the public authority must then decide, in accordance with the Freedom of Information Act (FOIA), if the document requested will be disclosed or not. If the document is withheld, a reason needs to be given to the person making the request.

Here are some reasons, as stipulated in article 14 of the FOIA, that prohibit access certain official documents to the applicant:

Documents containing personal data

As a general rule, personal information is treated under the General Data Protection Regulation (EU) 2016/679. Personal data is in fact not available for disclosure under the FOIA. However, where possible, personal data should be deleted and the rest of document, if not otherwise exempt, is disclosed.

Prohibited by any other law

Official documents can be withheld if these documents contain information the disclosure of which is prohibited by any other law. However, the same principle applies as mentioned in the previous section, in so far as exempt matter can be removed, the rest of the document is disclosed.



Cabinet documents

All cabinet related documents are exempt from disclosure under the FOIA. However, the Prime Minister may identify certain cabinet documents that are 30 years old or more, which can be subject to disclosure. cabinet documents can also be provided to the applicant if they contain purely factual information on matters and decisions that have been published.

Internal working documents

A document is an exempt document if it would disclose information in the nature of, or related to, opinions, advice, recommendations, consultations, or deliberations that have taken place during processes involved in the functions of the government or another public authority. However, officers need to decide if public interest outweighs these considerations, particularly with regard to matters which are of widespread public concern. In such cases, documents may be disclosed.



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