Other Reasons for Withholding Official Documents

The Freedom of Information Act (FOIA) provides exemptions that relate to circumstances around certain official documents. The following are some of these reasons:

Publicly available

Any document that is already publicly available or will be published within three months does not fall within the scope of the FOIA. Such requests are not accepted, and applicants are guided accordingly.

Diversion of the resources of the public authority

In some instances, the public authority may refuse a request which would substantially and unreasonably divert its resources from other operations. This would mean that the public authority would have to set aside its duties to tend to the FOI request. The public authority is dutybound to advise the applicant to redefine the request in such a manner as to make it more easily addressed by the authority.

Not held

A document may not be held by the public authority and the request is refused only after ascertaining that the document is not held by, or connected more closely with the functions of another public authority.

Frivolous or vexatious requests

If a request is considered as frivolous, vexatious or that the information requested is trivial, the public authority may also refuse such request.

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FREEDOM OF INFORMATION