

ATIA FAQ- Information Commission

1. Who can make a request under the Access to Information Act?

Every person has a right to access to information from a public body.

2. How long does the Information Officer have to respond?

The Information Officer whom a request as soon as reasonable possible, but in any event within 21 days after the request is submitted will determine whether to grant the request or not. However, this period may be extended for 14 days and specific reasons identified in the Acts. For instance, extensions may be taken if:

1. The request is for a large number of records or necessitates a search through a large number of records;
2. Consultations are necessary to comply with the request that cannot be completed within the original time limit; or
3. Additional time is necessary for translation purposes or for converting personal information into an alternative format.

Where a request relates to information, which reasonably appears to be necessary to safeguard the life or liberty of a person the Information Officer shall within 48 hours after the request is submitted will determine whether to grant the request or not.

3. The timeframe is calendar days or working days?

The timeframe is calendar days, which include weekend and public holidays.

4. Can I obtain personal information on individuals other than myself?

The Information Officer will inform the third party in writing of the request as soon as reasonably possible, but in any event within eight days after the request is received.

5. Who qualifies as third parties?

A Person other than a public body or the requestor.

6. How long does a third party have to consent to the release of an information after being notified of a request?

The third Party will have within 10 days of being informed of a request inform the information officer in writing that he or she consents to the release of the information or write to the information officer stating why the request for access to the information should not be granted.

7. What happens if a third party does not provide a response within 10 days?

Where a third Party does not provide a response within 10 days of receipt of the information or cannot be located after reasonable steps taken, the information officer may assume that the third party does not object to the information being granted to the requestor.

8. Should an Information Officer notify the third party of his/her decision to provide the information? If yes, within what timeframe should this be done?

Yes. The Information officer shall notify the third party in writing of the decision as soon as possible, but in any event within eight days after the decision.

9. Can a third party apply for a review where the third party objected to grant access but the IO granted the request?

Yes. The third party may apply for a review of the decision with the Head of Information Holder within 10 days of receipt of the notice.

10. The Information Officer has not replied to my ATI request and has exceeded the timeframe to provide a response.

A review of response could be made to the Head of that public body. The Head will have 15 days to review the application. A review must be made within 60 days from the date that you received a response to your request or date you submitted your request in the event where no response was received.

11. My request has been refused, what should I do?

An information officer may refuse to grant access to information if the information requested for falls within an exemption stated under Part 3 of the Access to Information Act, 2018. You can make a review with the Head of Information Holder.

12. The Head of Information Holder has refused to provide an information without any reasonable grounds. What can I do?

A requestor or a third party may appeal to the Information Commission but in any event, 15 days after the request has been made with the Head of Information Holder.

13. How do I make an appeal at the Information Commission?

A requestor or a third party may appeal against the decision received from a Head in writing to the Information Commission.

14. What qualifies as personal information?

Information or opinion including information forming part of a database, whether true or not, about an individual whose identity is apparent or can reasonably be ascertained from the information

15. Can I appeal related to the *Access to Information Act*?

Yes, you may lodge an appeal with the Office of the Information Commission about any matter related to your Access to Information Act request. For example, your appeal may involve exemptions applied, delays in providing a response, etc. There is no cost to you for the investigation of an appeal. Appeals must be submitted in writing to:

Office of the Information Commission
KLA Residence, 3rd Floor
Mont-Fleuri
enquiries@infocom.sc

16. Where would I find the list of contact for Information Officers?

The list is available on the information Website www.infocom.sc