

A large, textured teal circle with the words "Information sheet" written in white, bold, sans-serif font in the center.

# Information sheet

## **How we treat your application – Freedom of Information**

### **Freedom of Information**

We are committed to openness and transparency and this includes being clear to applicants and the public about how we are spending public funds and how we make our decisions.

As a public authority we are subject to the Freedom of Information Act 2000. This means that by law we may have to provide your application documents and appraisal information to a member of the public if they ask for them under the Freedom of Information Act. However, we will generally not release any parts of the document that is covered by one or more of the exemptions under the Act. For information on the exemptions and freedom of information, please visit [www.ico.gov.uk](http://www.ico.gov.uk)

### **Information we publish or provide on request**

We publish details of applications that we award funding to on our website. This includes the name of the applicant and project, main artform of the activity, location (region that the applicant is based in) and the amount we awarded.

We may also share this information in our press releases, publications or websites of the Department for Culture, Media and Sport (DCMS) and any partner organisation who have funded the activity with us.

If you apply to us for a grant, we are happy to provide you with copies of the information we hold about you, including our appraisal of your application. You do not have to request this information formally through the Freedom of Information Act 2000.

### **Freedom of information and your application**

We will inform you if we are asked to release additional information about your application. This may include parts of the application form, supporting documents and details of our appraisal.

We will ask if you have any concerns about the disclosure of the requested information. We will do our best to take account of any concerns that you raise, but please note that we will only be able to withhold information where those concerns fit with the exemptions laid down in the legislation.

We will not release information about your application if it is unsuccessful.

## **2 Common questions**

### **What is a Freedom of Information request?**

The Freedom of Information Act 2000 provides public access to information. As a public authority, the Arts Council is subject to this Act.

### **What information is covered by the Freedom of Information Act?**

The Act covers all recorded information held by a public authority. It is not limited to official documents and it covers, for example, drafts, emails, notes, telephone conversation recordings and CCTV recordings.

### **Who can make a Freedom of Information request?**

Anyone can request information and there are no restrictions on age, nationality or where they live. We are not allowed to reveal the names of individuals making requests. Their information is classed as personal data and protected under the Data Protection Act 1998. We know this can seem unfair when the Freedom of Information Act requires us to release some of your organisation's information, but

there are different rules around releasing information relating to individuals in a private capacity.

### **Why can someone make a Freedom of Information request?**

The main principle behind freedom of information legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to (such as it not being in the public interest). Because the Act is 'purpose blind' we treat all requesters equally. A requester does not need to give us a reason for wanting the information. On the contrary, we must justify refusing to provide information.

### **Where will my information go?**

We disclose information under the Act in the same manner regardless of who has asked for it. In other words, we consider any information released under the Act as if it were being released to the world at large and cannot control where the information is passed or how it is accessed after it is released.

### **I'm worried about my personal information going out. Will my details be shared with anyone?**

Section 40(2) of the Freedom of Information Act provides an exemption from disclosing information where it is personal data and where releasing that information would breach the Data Protection Act 1998 and permission has not been granted. We will routinely check for and remove any information that is deemed to be personal information. Examples include personal phone numbers, signatures and personal addresses.

### **What stops people copying my ideas and then presenting them as their own?**

When giving access to information under the Act, we cannot place any conditions or restrictions on that access. For example, we cannot require the requester to sign any agreement before they are given access to the information. However, we do include a copyright notice with the information we disclose:

*Copyright notice*

*Please note that copyright in the information you have been given belongs to Arts*

*Council England or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published (including published on the Internet or an intranet), or otherwise made available in whole or in part without the prior written consent of the copyright holder.*

You can also make a claim in the courts if the requester or someone else uses the information in breach of copyright.

The Act does not affect copyright and intellectual property rights that give owners the right to protect their original work against commercial exploitation by others. If someone wishes to re-use public sector information for commercial purposes, they should make an application under the Re-use of Public Sector Information Regulations.

### **What about information that could damage or affect my commercial interests?**

In some cases, there may will be a good reason why we should not make public some or all of the information requested. Deciding whether or not a particular disclosure would be likely to cause harm or prejudice will often require the exercise of judgement. While prejudice need not be certain, there must be a significant risk rather than a remote possibility of prejudice.

For example, there may be ongoing negotiations with artists at the time of request, and to release certain information might affect those negotiations and in turn have a negative impact on plans for an upcoming exhibition or event, in this case an exemption of the FOI act may be applied to withhold certain information.

### **What about information I provided you in confidence?**

Just because a document or email is labeled 'confidential' it does not necessarily mean that we can apply the exemption of confidentiality within the terms of the FOI Act. To withhold information there must be at least a real possibility of negative consequences due to disclosure.

### **Whose decision is it as to whether information is released?**

Whilst we will take any concerns you have seriously and consult with you on the release of information under the FOI act, it is ultimately the decision of the Arts Council as to whether it is released. This is because the Arts Council as a public

body is subject to the act and is legally required to release information unless it is satisfied that relevant exemptions are engaged and justifiable.

All information is thoroughly examined and appropriate exemptions applied before considering whether to disclose information requested under the FOI act.

For a comprehensive list of exemptions to the FOI Act, please see [this website](#). Further information about the Freedom of Information Act 2000 can be found on the [Information Commissioner's website](#)

#### **4 Contact us**

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