



BCS Practitioner Certificate in Freedom of Information

Sample Paper

Record your surname / last / family name and initials on the answer sheet.

Sample paper consisting of:

Section A: 4 multiple choice questions – 1 mark awarded to each question. Mark only one answer to each question. A number of possible answers are given for each question, indicated by either **A B C or D**.

Section B: 6 multiple response questions – 2 marks awarded to each question. The number of responses for each question may vary between 1, 2 or 3 responses. There will never be more than three responses required to answer a question.

Section C: 1 Scenario with 8 multiple response questions - 2 marks awarded to each question. The number of responses for each question may vary between 1, 2 or 3 responses. There will never be more than three responses required to answer a question.

Your answers should be clearly indicated on the answer sheet. There are no trick questions.

Pass mark is: **21/32**

Time allowed: **45 minutes**

NOTE: All of the organisations and individuals mentioned in questions on this paper are entirely fictional and no reference to any real organisation or person is intended or implied.

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Section A

Multiple choice answer - 1 mark each

NOTE: Choose only one answer pre question.

- 1 Which one of the following statements is true with respect to the FOIA Codes of Practice?
- A They do not have statutory force.
 - B They do have statutory force.
 - C They only have statutory force in respect of local government departments.
 - D They have statutory force unless specifically exempted by the Information Commissioner.
- 2 A disgruntled resident asks for a copy of the planning register for all new developments since 2010. Which access regime applies?
- A The Re-use of Public Sector Information Regulations 2005.
 - B Freedom of Information Act 2000.
 - C Environmental Information Regulations 2004.
 - D Data Protection Act 2018.
- 3 What is the penalty following conviction for deliberately destroying information to prevent disclosure under FOIA?
- A A term of imprisonment.
 - B A fine.
 - C Disqualified from holding public office.
 - D Reported to the Standards Commission.
- 4 To which of the following may a public authority appeal against a decision or enforcement notice from the Information Commissioner under the FOIA?
- A The Courts.
 - B The Secretary of State.
 - C The First Tier Tribunal.
 - D The Ombudsman.

Section B

Multiple response answer - 2 marks each

NOTE: The number of responses for each question may vary between 1, 2 or 3 responses. There will never be more than three responses required to answer a question.

- 5** Gabrielle is an Information Officer working for a large public sector organisation. What are her duties under FOIA as defined by the Codes of Practice?
- A** To choose with whom she shares information based on the individual making the request.
 - B** To respond to requests for information even when they do not mention the act.
 - C** To only disclose personal information to the data subject.
 - D** To refuse requests where an absolute exemption applies.
 - E** To follow good practice as defined by s21 of the FOIA.
- 6** Jakub runs a small business that provide catering services for public and private sector organisations.
- What should he consider when undertaking services on behalf of a public authority?
- A** Any information he shares in confidence with a public authority is subject to being disclosed under the FOIA.
 - B** Contract details may be exempt from disclosure.
 - C** Financial records are not exempt from disclosure.
 - D** He does not need to worry about the FOIA as it does not affect him.
 - E** Information relating to his organisation's activities may be subject to an FOI request.
- 7** Which of the following types of information would NOT be covered for disclosure under the FOIA when requested?
- A** Information that is available through the authority's website.
 - B** Information that relates to the applicant themselves.
 - C** Information that relates to the names and job roles of Senior Members of the authority.
 - D** Information included within a letter from a member of the public.
 - E** Information that is requested in a vexatious manner.

- 8** Under the Environmental Information Regulations 2004, which of the following would mean that a public body may refuse to release environmental information when requested?
- A** Nothing. They must release any environmental information when requested.
 - B** The request has not been made in writing.
 - C** The request seems to be aimed at disrupting the public authority's performance.
 - D** The request is for material which is not yet completed.
 - E** The request has been made by a member of the press who plans to use it within a news article.
- 9** Where a draft environmental report has been superseded by a final version of the report, which of the following circumstances applies to the exception for draft information under Regulation 12(4)(d)?
- A** No exception applies for draft information.
 - B** The exception can no longer be applied to either the final or draft report.
 - C** The exception for the draft report still applies even though the final report has been completed.
 - D** The exception still applies to both reports as the final version was based on the draft.
 - E** The exception applies for as long as the draft information is held by the public authority
- 10** A patient in the medical practice where you work has submitted an FOI request to see his medical records and those of his father who was also a patient in your practice but died recently. What factors should you take into account in responding?
- A** The patient is not entitled to request his father's medical records.
 - B** A Subject Access Request will be required.
 - C** Requests for his father's medical information may be exempt under s.40 even though he is deceased.
 - D** An optional fee may be charged.
 - E** The patient will need to provide evidence of his relationship with his father.

Section C

Scenario with multiple response answer - 2 marks each

NOTE: The number of responses for each question may vary between 1, 2 or 3 responses. There will never be more than three responses required to answer a question.

Case Study: A Fiery Situation

You are the Station Commander of Midshire County Fire Brigade. Your fire station has been criticised recently in the press over response times and the letters are beginning to get quite heated. You receive a letter from the local paper asking you about a recent incident in which a fire truck hit a wall causing extensive damage to an end terrace house while it was racing to attend an emergency. This is the second of such incidents involving a fire truck to occur in the last year.

In the letter, the journalist asks for:

- the maintenance log of the fire truck
- a copy of any internal accident report that exists relating to the incident
- the training records of all the fire brigade's drivers
- the policy on driving in response to an incident
- a log of all incidents where damage has occurred to a brigade vehicle or any other vehicle
- video footage shot from the cab where the truck hit a wall, but went on to attend the emergency. This footage also includes a record of how the emergency was dealt with and shows youngsters watching the fire crew in action.
- a copy of the latest financial report for the fire brigade

As Station Commander, you have some small concerns about this request due to the focus the Fire Station has already been receiving from the press and the public. Consider how you would respond to this request.

11 Under which Information Rights legislation SHOULD you consider dealing with this request?

- A** Freedom of Information Act.
- B** Environmental Information Regulations.
- C** Data Protection Act.
- D** None.

12 What exemptions for disclosure, if any, may apply to the requested information?

- A** One or more absolute exemptions apply.
- B** One or more qualified exemptions apply.
- C** No exemptions apply.
- D** You do not hold the information.

- 13** What tests, if any, should be carried out?
- A** A prejudice test should be carried out.
 - B** A public interest test should be carried out.
 - C** A legitimate interest test should be carried out.
 - D** No tests are required.
- 14** Which of the following items of information, if any, are MOST LIKELY to be exempt from disclosure under section 21 of the FOIA?
- A** Maintenance Log of the vehicle.
 - B** Internal accident report.
 - C** Training records of all staff.
 - D** Video footage from the cab.
 - E** Financial report.
 - F** No items are exempt under s21.
- 15** Which of the following items of information, if any, are MOST LIKELY to be exempt from disclosure under section 40 of the FOIA?
- A** Maintenance Log of the vehicle.
 - B** Internal accident report.
 - C** Training records of all staff.
 - D** Video footage from the cab.
 - E** Financial report.
 - F** No items are exempt under s40.
- 16** How would you proceed?
- A** Communicate all the information requested no later than 20 working days.
 - B** Communicate a proportion of the information no later than 20 working days following public interest test.
 - C** Communicate a proportion of the information within 40 working days following public interest test.
 - D** Refer the applicant to the publication scheme.
 - E** Refuse the request on the grounds that there is no legitimate interest.

- 17** The journalist later visits the Fire Brigade's website for further information. Which of the following items of information would they MOST LIKELY be able to access?
- A** Senior staff expenses.
 - B** A schedule of meetings open to the public.
 - C** A draft public consultation report.
 - D** All archived reports on incidents attended.
 - E** A copy of the procurement strategy.
- 18** What should the Station Commander be aware of in order to follow good practice in terms of information management?
- A** All information should be deleted once it has been used.
 - B** A standard naming convention should be used when creating files.
 - C** The format in which particular information is stored will be defined by the Information Commissioner.
 - D** Staff access to the information should be limited.
 - E** Consent should be given by the data subject before personal data is deleted.

End of Paper

BCS Practitioner Certificate in Freedom of Information Answer Key and Rationale

Question	Answer	Explanation / Rationale	Syllabus Section
1	A	The Codes of Practice have been designed to provide a standard towards handling requests for information and to define good practice for records management, which can form part of an organisation's internal governance. The Codes themselves are not a statutory requirement.	1.2
2	C	Any information relating to planned land developments is classed as environmental information and therefore covered by the Environmental Information Regulations 2004.	1.3
3	B	Under Section 77 of the FOIA, any person guilty of altering defacing, blocking, erasing, destroying or concealing any record held by the public authority, with the intention of preventing the disclosure of all or part of the information, is liable to a fine.	6.2
4	C	There are seven chambers within the First Tier Tribunal, one of which being Information Rights which hears appeals against decisions made by the Information Commissioner.	6.3
5	B and D	Good practice is defined within s45 Discharge of Functions Code of Practice and s46 Records Management Code of Practice of the FOIA.	2.1
6	B and E	Private organisations are not in scope for FOIA, however the activities they undertake on behalf of a public authority under contract are.	2.4
7	A, B and E	Information that is reasonably accessible to the applicant is not covered by the act, for example, if it is already publicly available. Requests for personal data are exempt under s40 of FOIA and must be treated as Data Protection and a Subject Access Request. An authority has the right to refuse a request if it is deemed as being vexatious i.e. the request has been made to purposefully disrupt the public authority's performance, where it threatens to undermine the credibility of the freedom of information system, or divert resources away from more deserving requests and other public business.	2.5
8	C and D	A public authority may refuse a request if it is deemed 'manifestly unreasonable' i.e. it may be aimed at disrupting the public authority's performance. Under regulation 12(4)(d) a request may be refused if it is for material that is still to be complete, unfinished documents or incomplete data. Under EIR, requests for information can be made verbally so do not need to be in writing, unlike FOI requests.	5.1
9	C and E	Under EIR, draft documents and incomplete information are exempt even after publication of the final draft.	5.1
10	B, C, D	This request would be covered by the Data Protection Act and the Access to Health Records Act (1990). A subject	5.2

Question	Answer	Explanation / Rationale	Syllabus Section
		access request would be required for the applicant to access their own data.	
11	A and C	The information requested is scope for FOI. Certain items are likely to contain personal information such as the video footage as such, is subject to the provisions of data protection legislation. The staff training and incident log.	3.3
12	A and B	An absolute exemption applies to the request for the latest financial report as this should already be publicly available as part of the publication scheme and therefore accessible through other means (s21 of FOIA). There are a number of items of information which may include personal data of individuals (not the applicant) so other exemptions will apply.	4.1
13	B and C	A public interest test should be carried out due to the current criticisms of the fire station in the media and the reputational damage disclosure of the information may have on the service and its officers re the previous accidents. The public interest should therefore be weighed before disclosure. As the request includes access to personal information (staff training records, video footage featuring members of the public) the lawful basis needs to be established to ensure lawful processing of the information is carried out as per Article 6 of GDPR, which may lead to a legitimate interest test to be carried out.	4.1
14	E	Financial reports are most likely to be publicly available as part of the Fire Brigade's publication scheme and therefore reasonably accessible to the applicant by other means i.e. the Fire Brigade's website, and therefore absolutely exempt under section 21 of FOIA.	4.1
15	B, C and D	Section 40 of FOIA relates to personal data which means there are exemptions. The incident report is likely to contain names of the individual firemen and the details of the owner of the house, including name and address which is personal data. Similarly the log of all incidents may contain names and other personal data. The training records of staff can also be considered as personal data and should be processed with consideration towards GDPR. As the video footage includes members of the public, this is classed as personal data and subject to section 40 of FOI and article 6 of GDPR, and is dependent on the quality of the images in the video and whether the	4.1

Question	Answer	Explanation / Rationale	Syllabus Section
		individuals can be recognised and identified positively from the footage.	
16	C and D	<p>An authority must respond to an FOI request within 20 working days as per s10 of FOIA. If a public interest test is required the authority can claim a reasonable extension to this limit, up to an additional 20 working days, where it needs more time to consider the public interest test.</p> <p>As some of the information requested should already be publicly available, the applicant may be referred to the publication scheme to where this information can be accessed (e.g. the Fire Brigade's website).</p>	3.5
17	A, B and D	<p>Any public authority is required under FOIA to keep a publication scheme. Under the model publication scheme, a public authority should regularly publish information that relates to:</p> <ul style="list-style-type: none"> • Who we are and what we do. • What we spend and how we spend it • What our priorities are and how we are doing. • How we make decisions. • Our policies and procedures. • Lists and registers. • The services we offer. <p>Draft reports or incomplete information would be exempt under the FOIA. Information that has been archived is also exempt.</p>	3.2
18	B and D	<p>The Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000 provides guidance to public authorities in ensuring good practice is followed in terms of information management. Standard naming conventions should be used to ensure the subject of information can be clearly identified, and that it can be easily stored and retrieved.</p> <p>Access to information should be limited and guidance provided to staff to ensure information is kept secure. A public authority should implement and maintain policies and procedures that define the conditions in which information should be stored, the formats that are used, how information should be disposed of, and how long it should be kept for based on the guidance set out in the Codes of Practice and legislative requirements i.e. DPA and UK GDPR.</p>	3.1