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Freedom of Information

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New ICO guidance clarifies FOI disclosure boundaries in the cyber era

The Information Commissioner's Office has published newly finalised guidance ('Guidance') on Freedom of Information and cyber security, recognising the increasingly difficult decisions that FOI Officers face about disclosing information that touches on digital systems and IT infrastructure.

The Guidance was developed as part of the ICO's previously stated intention to produce new and updated guidance on complex issues that routinely confront FOI practitioners. It comes in the context of an evolving landscape of information risk and security within public bodies. As digital services and data holdings grow, organisations are being called to balance transparent disclosure with protecting sensitive systems and personal data.

The Guidance reminds public authorities that openness remains the default under the Freedom of Information Act 2000 ('FOIA') and the Environmental Information Regulations 2004 ('EIRs'), but that there are specific circumstances where exemptions under FOIA or exceptions under the EIRs may legitimately be applied to protect sensitive cyber security information.

The Guidance offers practical advice on identifying what types of information might pose a security risk if released, for example, details of network architecture, security controls, or known vulnerabilities. It explains how to apply the relevant exemptions such as section 24 (national security), section 31 (law enforcement) and section 36 (prejudice to effective conduct of public affairs) in context.

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Missed deadlines and patchy reporting: ICO urges councils to raise FOI standards

The Information Commissioner's Office has published refreshed guidance ('Guidance') aimed at helping authorities improve their FOI compliance and strengthen transparency for local communities.

The Guidance is intended to help councils embed good practice and reduce the risk of complaints and enforcement action over time. Based on an in-depth review of FOI performance across mid-sized local authorities, the Guidance sets out clear, practical steps that councils can take to build resilience in their processes, communicate more effectively with requesters, and uphold public trust in information rights.

The ICO's review drew on data from 26 borough councils in the North West of England, supplemented by insight interviews with frontline officers. While many councils demonstrated strong performance and commitment to openness, the analysis found that on average, nearly one in five responses missed the statutory 20-working-day deadline and that compliance reporting was patchy across the sector.

The findings have informed a set of 'top tips' designed to support councils in managing growing caseloads and complexity in request handling.

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