

# Recognising a request made under the Freedom of Information Act (Section 8)

## Freedom of Information Act

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## Introduction

1. The Freedom of Information Act 2000 (FOIA) gives rights of public access to information held by public authorities.
2. An overview of the main provisions of FOIA can be found in [The Guide to Freedom of Information](#).
3. This is part of a series of guidance, which goes into more detail than the Guide, to help public authorities to fully understand their obligations and promote good practice.
4. This guidance provides advice on how to recognise a valid FOI request.

## Overview

- To be valid under Section 8 a request must:
  - be in writing;
  - include the requester's name and an address for correspondence; and,
  - describe the information being requested.
- The requester can be an individual, a company or an organisation but in each case they must provide their real name. A request made under a pseudonym will be invalid.
- There is a low threshold for meeting the requirement to describe the information. A description will be valid if it contains sufficient detail for the requested information to be distinguished from other information held by the authority.
- If the description of the information is unclear or ambiguous, the authority must ask the requester for further clarification in accordance with Section 1(3) of the Act.
- A request defined solely by keywords will be valid. If the keywords are so common that the scope of the request is unreasonably broad, then the authority should consider whether Section 12 (cost limits) or Section 14 (vexatious requests) apply.

- A request that is conditional on circumstances remaining the same (for example, *'Unless x happens, please give me information on y ...'*) should be treated as valid.
- However, a request that is conditional on a change in circumstances (for example, *'In the event of x, please send me information on y...'*) will be invalid.
- FOIA requests made via online forums and social media will be valid provided they meet the criteria in Section 8(1). If it is not reasonably practicable for the authority to provide a response through the website concerned, it should ask the requester for an alternative address for correspondence.
- If the request does not meet the requirements of Section 8(1), then the authority should issue the requester with a timely response explaining why their request is not valid, and provide advice and assistance to help them submit a new request.

## What FOIA says

5. To be valid under the FOIA, a request must fulfil the criteria set out in Section 8 of the Act.

**8.—(1)** In this Act any reference to a “request for information” is a reference to such a request which—

- (a) is in writing,
- (b) states the name of the applicant and an address for correspondence, and
- (c) describes the information requested.

(2) For the purposes of subsection (1)(a), a request is to be treated as made in writing where the text of the request—

- (a) is transmitted by electronic means,
- (b) is received in legible form, and
- (c) is capable of being used for subsequent reference.

6. Section 8 stipulates that a request for information must:
  - be in writing;

- state the name of the requester and provide an address for correspondence; and
  - describe the information being requested.
7. Each of the above criteria is considered in more detail later in this guidance, but public authorities should note that this is not a hard test to satisfy; the vast majority of written requests for information will be valid. The Act contains other provisions to deal with requests which are too broad, unclear or unreasonable.
  8. However, there are some circumstances where, despite the validity of a request, it may be more appropriate to deal with it outside of the Act.
    - If the requested information can be quickly and easily sent to the requester then it may be better dealt with in 'the normal course of business'; for example, a request for a current leaflet.
    - If the request is for the requester's own personal data then it should be dealt with as a subject access request under the Data Protection Act (see our [Guide to Data Protection](#)).
    - If the request is for environmental information then it should be dealt with under the Environmental Information Regulations (see our [Guide to the Environmental Information Regulations](#) for further details), although the guidance provided here on pseudonyms and describing information may still be helpful.

## Requirement to submit requests in writing

9. The term 'in writing' covers requests submitted by letter and electronic form, including those sent via the internet through *WhatDoTheyKnow.com* and social networking sites such as Twitter and Facebook.
10. The request does not have to make any direct reference to the Act, or be the sole or main theme of the requester's correspondence. In fact, a request buried within the text of a long piece of correspondence will be as valid as a stand-alone request, so long as it also fulfils the other criteria outlined in Section 8.
11. The tone and language of the request are not relevant factors in determining whether a request is valid under Section 8,

although where the authority objects to these, it can take this into account as evidence the request is vexatious. Advice on how to identify and respond to vexatious requests can be found in our guidance [Dealing with vexatious requests](#).

12. If the request is illegible then it will be invalid. However, we would expect the authority to offer the requester help in submitting a legible version in accordance with its duty to provide reasonable advice and assistance under Section 16 of the Act to those seeking to make a request.
13. Further information about the provision of advice and assistance can be found later in this guidance.

## Name of the applicant

14. A requester can be an individual, a company or an organisation, but in each case Section 8(1)(b) requires that a request for information must include the name of the requester.
15. In our view, the intention of the legislation is for the requester to provide their real name so their request could be processed in accordance with the requirements of the FOIA.
16. This is supported by the fact that there are circumstances under the FOIA where a requester's true identity can be relevant, for example, where an authority is considering aggregating the cost of requests or refusing a request as vexatious or repeated.
17. However, if the public authority is not considering one of the above issues, and there is no obvious indication that the requester has not used their real name, then we don't suggest that the authority takes steps to check the requester's identity. In most cases it will be appropriate to accept the name that has been provided at face value and respond to the request in the normal way.
18. Even if a public authority suspects that the requester isn't using their real name, this doesn't mean that it can't answer the request.
19. However, where an authority does elect to comply with an invalid request, the requester will have no recourse to make a complaint to the Commissioner if they are dissatisfied with the

response. This is because the Commissioner's powers only extend to requests for information as defined under Section 8 of the Act.

20. We would therefore recommend any authority complying with a request that it suspects is invalid to inform the requester of this and advise them to provide their full real name when submitting requests in future.

### **The definition of a 'real name'**

21. For a request to be valid, the requester must provide enough of their real name to give *anyone* reading that request a reasonable indication of their identity.
22. This means that if the staff processing the request cannot identify the requester from the name provided, that request will be invalid.
23. Authorities do not have to take into account the possibility that there may be staff elsewhere within the organisation who have dealt with the requester before and might be capable of working out their identity from the contents of their request alone.
24. Even if this were the case, the authority could still refuse the request, as the absence of a real name would make it technically invalid under Section 8(1)(b).
25. Any variation of the requester's title or first name combined with their surname (e.g. Mr Smith or John Smith) will be sufficient to meet this requirement. However, a first name or surname provided in isolation, or a set of initials, will not.

#### **Example**

A requester named Robert Jones could call themselves 'Rob Jones', 'Bobby Jones', 'R Jones', 'Bob Jones' or 'Mr Jones'.

However, they could not just use 'Robert', 'Bob', 'Bobby' or 'R.J'.

26. A combination of the requester's middle names and surname will also be acceptable as this is simply another way of expressing their real name.

### **Example**

A requester called Sarah Anne Elizabeth Spencer could make a request in the name of 'Anne Spencer' or 'Liz Spencer'.

27. If the requester has a name they sometimes reverse or write in several different ways, then the authority should accept all of the possible variations.

### **Example**

A requester called Mohammed Ali could use 'Mr Ali', 'Mr Mohammed', 'Muhammed Ali', or 'Ali Muhammad'.

However, 'A.M', 'M.A', 'Ali' or 'Mohammad' would not be acceptable.

### **Pseudonyms**

28. If the requester has used a pseudonym then their request will be invalid.
29. In some cases it will be immediately obvious that a pseudonym is being used, for example where the request has been signed in the name of a famous fictional character, such as '*Mickey Mouse*', an inanimate object, like '*Mirrorball*', or by location, for instance as '*disgruntled of Stockport*'. Pun names such as *Sue D Nym* may also fall into this category.
30. However, if the name provided is not an obvious pseudonym and the public authority has no reason to believe that a pseudonym is being used, the authority should just accept the name provided at face value.
31. Whilst this may mean that some pseudonymous requests will slip through the net, we would not want to see a situation where authorities routinely carry out checks on requesters' identities. The Act provides a public right to information, not a right limited to certain individuals.



### **Requesters who are commonly known by another name**

32. If the requester is commonly known by another name then the authority should accept this as valid for the purposes of Section 8(1)(b). Examples might be:
- a married woman who uses her maiden name for professional reasons but is known by her married name outside work;
  - an individual child who has assumed the surname of a step parent without formally changing their name, and has gone by that title for a number of years; or
  - an author who publishes work under a pen name.
33. The examples given above are not exhaustive and we recognise that in some instances it may difficult for the requester to provide the authority with evidence that they are commonly known by a particular name.
34. In any case where this is an issue, the authority should aim to use a relatively informal means of confirming the requester's identity rather than seeking formal evidence of identification.

### **Requests submitted by organisations**

35. If the request is from a company, then the authority should accept either its full registered name or a name that exists as a legal entity (such as a trading name) as valid.
36. Where the request is from a sole trader, the authority should accept either the proprietor's name or the company name.
37. Again, companies' names should generally be accepted at face value, but in any case where the authority has reason to verify the authenticity of the company, it should check Companies House or the Charity Commission Register to clarify whether it is a genuine organisation.
38. Requests from unincorporated bodies such as campaign groups or clubs are also valid and in most cases should be accepted at face value. However, if the authority has reason to check whether the organisation is authentic, it may need to take a more pragmatic approach to validating its identity because these bodies are often relatively informal associations of people with no 'official' status.

39. We therefore recommend that authorities adopt a lower and more informal test for determining whether a name provided by an unincorporated body is genuine.

### **Requests made 'on behalf of' another person**

40. These are requests submitted by an 'agent' acting on behalf of another party. Examples of this would be:
- a private individual making a request on behalf of a friend;
  - an employee making a request on behalf of a company/employer;
  - a journalist making a request on behalf of a newspaper; or
  - a professional (such as a solicitor or accountant) making a request on behalf of a client.
41. For the purposes of this type of request, authorities should interpret 'the requester' to mean the party on whose behalf the request has been made (in these examples, the friend, company, newspaper and client) *not* the person or organisation acting as their agent (the private individual, employee, journalist or professional in the above examples).
42. This means that to be valid under Section 8(1)(b), the request must state the real name of the party on whose behalf the agent is acting.
43. A request which only includes the real name of the agent will be invalid.

#### **Example**

A journalist called Jane Davies wants to make a request for information about the cost of a new housing project on behalf of her newspaper, The Morning Herald.

In this scenario, the following request would be valid under Section 8(1)(b):

*'On behalf of "The Morning Herald" I would like a detailed breakdown of the cost estimate for the new housing project.'*

*Signed*

*Jane Davies'*

This is because it includes the real name of the party on

whose behalf a request is being made (The Morning Herald).

However, if the journalist was to submit a request which made no reference to The Morning Herald, as in the example below, then it would be invalid;

*'On behalf of my newspaper, I would like a detailed breakdown of the cost estimate for the new housing project.'*

*Signed*

*Jane Davies'*

This is because the request only states the identity of the agent; it does not name the party on whose behalf she is acting.

44. It also follows that when someone who is acting as an agent for an organisation leaves its employment, the request doesn't go with them but instead stays with that organisation.

### **Example**

Returning to the previous example when the request was made as follows

*'On behalf of "The Morning Herald" I would like a detailed breakdown of the cost estimate for the new housing project.'*

*Signed*

*Jane Davies'*

If Jane Davies left the employment of the Morning Herald then it would be The Morning Herald who would remain entitled to a response to this request under FOIA, and not the former employee Jane Davies.

## **Valid Address for correspondence**

45. Section 8(1)(b) also requires the requester to provide a valid address for correspondence.

46. This can be *any* address where the requester may be contacted (including postal or email addresses) and does not have to be their normal residential or business address.
47. It follows that a requester can use a “care of” or PO Box address, or even provide another individual’s email account as their contact address.
48. If the request has been posted on a social media website such as Twitter, then as long as that site offers a means for the authority to respond, such as a hyperlink to the requester’s email address or a ‘reply’ button, that request will fulfil the requirement to provide a valid address.
49. However, we recognise that in some cases it may be technically difficult for an authority to provide an FOIA response via a social media site, especially if a large volume of material is involved. This issue is addressed later in the guidance in the section entitled ‘Requests made through What Do They Know.com or Social Media’.

## Description of the information

50. Section 8(1)(c) provides that a request can only be valid if it *‘describes the information requested’*.
51. It is important to recognise that most requesters are unlikely to know what exact information is held by the authority, or have an appreciation of how its records are stored.
52. This means that they cannot always reasonably be expected to be specific about details such as the titles, contents and location of documents.
53. It also follows that they will not always provide enough detail to enable the authority to identify the information from the description provided.
54. For these reasons, we are of the view that there has to be a low test for a description to meet the requirements of Section 8(1)(c).
55. Authorities should therefore treat any description that allows the requested information to be distinguished from other information held by the authority as valid under Section 8(1)(c).

56. There are many distinguishing characteristics that can help to set the information apart from any other material held by the authority when referenced in a request.
57. One of the most obvious of these is the subject matter of the information, as illustrated in the example below.

**Example**

A police authority launches an initiative to crackdown on anti-social behaviour in town centres. Once the crackdown has concluded the authority receives the following request;

*'Please provide me with all the information you hold concerning the effectiveness of your recent initiative to reduce anti-social behaviour'.*

Although this request does not reference any particular documents, the subject matter tells the authority that the information:

- is on the subject anti-social behaviour;
- relates specifically to the recent police crackdown; and
- concerns any assessment of the impact of that crackdown.

These distinguishing characteristics will be sufficient to differentiate the requested information from the other information the authority holds on record.

58. Other potentially distinguishing characteristics could be the date of publication, the name of the author, the origins of the information, the recipients of documents or types of documents - although this should by no means be considered an exhaustive list.

**Example**

On 12 July 2013 a Council published a report on its local care homes entitled *'Providing residential care in the 21st Century'*. The report's author was John Smith. The Council distributed copies of the report to every residential home in the borough.

The following descriptions of this report would all be valid as each reveals something about the distinguishing characteristics of the information.

*'I would like a copy of the report that you sent out to local care homes'*

The distinguishing characteristics described here are the type of document and its recipients.

*'Please send me a copy of John's Smith's report'*

The characteristics described in this request are the type of document and author.

*'Please provide me with a copy of the report you published on 12 July 2013'*

The distinguishing characteristics in this request are the date of publication and type of document.

59. The example above also illustrates that it is possible to describe the distinguishing characteristics of information without reference to its subject matter or content.

### **Requests framed by physical location**

60. Requests that define the information solely by its physical location, such as,

*'Please provide me with a copy of all the information on your desk'*

are not valid because they reveal nothing about the recorded characteristics of the information. They simply define its physical whereabouts at a particular point in time.

61. However, if the request links that location to a recorded characteristic of the information then the description may still be valid.

62. For example, a request phrased, *'I would like a copy of the contents of your private secretary's notebook for September 8 2009'* describes the location (a notebook) but also ties this to recorded characteristics such as the date and author, so that it is still possible to differentiate that information from other information held by the authority.

### **Requests framed by electronic locations**

63. There will often be a direct link between an electronic location (such as an email inbox) and the nature of the information recorded there.
64. This means that it is sometimes possible to infer the recorded characteristics of electronically held information from its location alone.
65. It follows, therefore, that there will be instances where a request defined solely by an electronic location will reveal enough about the distinguishing characteristics of the information to be valid.

#### **Example**

A public authority receives a request for:

*'all the information in your chief executive's email account'*.

By nature, an email account contains copies of electronic correspondence sent and received by the account holder, which effectively makes this a request for all email correspondence sent and received by the chief executive.

The request does, therefore, reveal distinguishing characteristics about the information, such as the identity of the sender of the correspondence and the type of communication, despite only being defined in terms of an electronic location.

66. By their nature, requests based on an electronic location can often be very broad in scope. If an authority is concerned that a request is unreasonably broad then it should consider refusing the request under Section 12 of the Act (cost limits) and offer the requester advice and assistance to help them

refine their request. More details about the cost limits can be found in our guidance [Requests where the cost of compliance with a request exceeds the appropriate limit.](#)

### **Requests defined by the cost limit**

67. These are characterised by requests such as;

*'Beginning this year and going back each previous year until the cost limit is reached, I would like copies of all expenses claims submitted by the chief executive'*

**OR**

*'I would like as much information about the new retail development as you can provide within the cost limits'.*

68. Requests defined by the Section 12 cost limits are invalid under Section 8(1)(c) because their scope is determined by the extent of the record search the authority can carry out within those limits, rather than the distinguishing characteristics of the information itself.

69. Nonetheless, although authorities are not obliged to process such requests, we consider they still have a Section 16 duty to provide the requester with reasonable advice and assistance to allow them to submit a properly defined request.

70. This advice might take the form of advising the requester what information could be provided within the cost limits and asking if they would like to make a request for that information. Alternatively the authority could offer to help the requester to define their description so it focuses more narrowly on the distinguishing characteristics of the information rather than the parameters of the search.

### **Requests which are valid but not clear enough to enable the authority to locate and identify the information**

71. Section 1(3) states:

**1.—(3)** Where a public authority—

(a) reasonably requires further information in order to identify



and locate the information requested, and

(b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.

72. Section 8(1)(c) is only concerned with the validity of the description; it cannot be used to refuse requests that are unclear.
73. If a request is not sufficiently clear to enable the authority to locate or identify the information without further details, then the Section 16 duty to provide advice and assistance will be triggered, and the authority must ask the requester to provide further clarification in accordance with Section 1(3) of the Act.

### **Example**

A requester asks a parish council for;

*'A copy of the minutes of the parish meeting chaired by Councillor Jones.'*

The authority accepts that the request is valid under Section 8(1)(c) because it describes distinguishing characteristics of the information, such as the type of document and the name of the chairman of the meeting.

However, Councillor Jones has chaired several council meetings and the authority is unclear which meeting the requester is referring to.

As the authority cannot locate and identify the minutes without further information, its duty to provide advice and assistance will be engaged, and it must contact the requester to ask them to clarify which meeting minutes they would like.

74. Once an authority asks for further details under Section 1(3) it will not be obliged to progress the request further until it receives the required clarification from the requester, at which point the time for compliance with the request will reset to 20 working days.

## Requests framed as questions

75. A request in the form of a question will be valid under Section 8(1)(c), provided it still describes distinguishing characteristics of the information, as in the examples below where the information is differentiated by its subject matter. (sickness absence policy, overseas aid spending, and measures to tackle vandalism respectively);

*'Why has the Council changed its policy on sickness absence?'*

*'How much money did the department spend on overseas aid last year?'*

*'What is being done to tackle vandalism in the local park?'*

78. If the question fulfils the above criteria but is ambiguous or unclear then it will still be a valid request under 8(1)(c), although the authority will have to go back to the requester to ask them for clarification in accordance with its duty to provide advice and assistance under Section 16.

## Requests which are unreasonably broad

79. If the authority can identify and locate the information but regards the request as unreasonably broad, then it should consider refusing it under Section 12 (cost limits) and offering advice and assistance to help the requester narrow down the scope of their request.
80. In some circumstances it may be appropriate to refuse an unreasonably broad request under section 14(1) (vexatious requests). However we recommend that public authorities consider if section 12 is appropriate first.
81. For further information on the Section 12 cost limits and handling of vexatious requests please see our guidance;

[Requests where the cost of compliance with a request exceeds the appropriate limit](#)

[Dealing with vexatious requests \(section 14\)](#)

## Requests made using keywords

82. Sometimes a request may describe the information using one or more keywords, as in the example below;

*'I would like copies of all the documents you hold containing the words 'inquiry' or 'investigation''*

83. These types of requests will be valid under Section 8(1)(c) because they make a distinction between information that does and does not contain those keywords.
84. However, we recognise that there is a possibility a requester may cite a keyword so common that it makes the scope of the request unreasonably broad. Where this is the case the authority should consider refusing the request under Section 12 of the Act and contact the requester to ask them to narrow down their request (see our guidance [Requests where the cost of compliance with a request exceeds the appropriate limit](#)).
85. There might also be circumstances where the framing of a request using a very common keyword may be an indication that the request is vexatious. (see our guidance [Dealing with vexatious requests](#))

## Conditional requests

86. These are requests that can be objectively read as only becoming active when certain conditions are met. These fall into two categories;

### Requests that are conditional on a change in the status quo

87. These are requests that only become active when circumstances change, for example:

*'If you do decide to close the local hospital, please provide me with the reasons for your decision.'*

*'Should you amend your admissions policy, I would like information about why you have changed it.'*

90. A request that is conditional on a change in the status quo will not be valid. This is because the requester does not want any information 'as things stand'. They are only expressing an intention to ask for information in the future, which is not a 'request for information' in the ordinary meaning of those words as they appear in Section 8.
91. Nevertheless, the authority's duty to provide assistance to a requester who wishes to make a request is likely to be triggered.
92. The authority should therefore go back to the requester to advise them to resubmit the request once the change in circumstances they are anticipating has occurred.
93. For instance, when applied to the example given above this would mean advising the requester to wait for a decision to close the hospital to be made before making their request.

**Requests which are conditional on the continuation of the status quo**

94. These are requests that are dependent upon circumstances remaining the same, for example:

*'Unless the decision to impose parking restrictions in the town centre is reversed, I would like a copy of the minutes of the meeting at which this policy was approved'.*

*'Assuming my appeal fails, please provide me with a copy of the school's anti-bullying policy'.*

97. A request that depends on the continuation of the status quo will be valid because it is a clear statement that the requester wants the information 'as things stand', rather than at some future time. Authorities should therefore deal with these types of requests upon receipt in the usual manner.
98. Because the request is valid, the duty to respond under Section 1(1) will continue to apply even if the circumstances do change or the requester's assumptions prove to be incorrect.
99. In that event, the authority would still be free to contact the requester to ask if they wanted to withdraw the request.

However, unless the requester does withdraw their request, the authority remains under an obligation to provide a response.

## Round robin requests

100. Provided the request is in writing, states the name and address of the applicant and describes the information, it should be treated as valid under Section 8, even if that same request has been sent to a number of authorities at the same time.

## Questionnaires

101. A questionnaire will qualify as an FOIA request provided the requester has supplied their real name and an address, and at least one of the questions provides a valid description of the information.

102. However, authorities will need to treat each individual question on its merits which means adopting the following approach:

- Respond to any questions that provide a valid description of the information.
- For questions that are unclear, ask the requester for further clarification under Section 1(3).
- If any of the questions fail to meet the criteria for a valid description, issue the requester with a timely response advising that they are invalid under Section 8(1)(c) and explaining why.

## Requests for information in publications schemes

103. A request for information included in a publication scheme will be valid provided it is in writing, states the name and address of the applicant and describes the information. However, the authority could, if it wished, refuse such a request under Section 21 of the Act on the grounds that the information is reasonably accessible to the requester by other means.

104. If an authority does choose to apply Section 21, then we would expect it to provide the requester with details on how to obtain the information through its publication scheme.

105. For further information please read our guidance [Information reasonably accessible to the applicant by other means](#) (Section 21).

## Requests made through What Do They Know.com or Social Media

### **WhatDoTheyKnow.com**

106. Requests made through the *whatdotheyknow.com* website will be valid, provided the requester supplies their real name and describes the information concerned.
107. With respect to the address for correspondence, we consider the *@whatdotheyknow.com* email address provided to authorities when requests are made through the site to be a valid contact address for the purposes of Section 8(1)(b).
108. In any case where it is not reasonably practicable for the authority to provide the information in the electronic format required by the *whatdotheyknow.com* site, it should ask the requester to provide an alternative postal address where it can send its full response.

### **Social media websites**

109. If the authority subscribes to a social media site such as Twitter or Facebook, then any request it receives through that site will be valid, provided it fulfils the criteria set out in Section 8.

With specific regard to Twitter, requests that refer to the authority in the context of an '@mention' context, for example, '@[ICO news](#)', should be treated as having been directed at and received by that authority for the purposes of the FOIA.

110. Where the requester's username is an obvious pseudonym, or only includes a part of their real name (for example @john3453 or @smith6474) then the request will only be valid if their real name is visible elsewhere on their user profile.

111. However we would urge authorities to remain mindful of the applicant and motive blind principles behind the Act in any case where they are not satisfied as to the requester's identity but would still be content to disclose the information.
112. Where an authority does refuse the request on the grounds that the name is invalid, we would expect it to fulfil its Section 16 duty to provide advice and assistance to those wishing to make a request by advising the requester to resubmit the request using their real name.

### **Responding to a request made via a social networking site or online forum**

113. If the requester has effectively made the request public by publishing it on a website, as opposed to sending a private message to the authority's account, then we will consider it within the requester's reasonable expectations that the authority will also publish its response on the site.
114. However, if the authority has any particular reason to believe that it would be inappropriate to publish the information online, then it may wish to respond via a private message to the requester's account instead. If this facility is not available then it should obtain an alternative contact address from the requester.
115. Issues may also arise if technical constraints make it impractical for the authority to provide a response through the site in question.
116. For example, where a request is submitted through Twitter, the limitations on the length of a 'tweet' may prevent the authority from providing its full response via that site.
117. Where this is an issue the authority should address the problem by asking the requester to provide an alternative email or postal address where it can send its response.
118. Another possible solution would be for the authority to post the information on its own website and post a link to this from the site.

## Provision of advice and assistance where the request is invalid

119. If the request does not include a valid name, address or description then it will be invalid; it also follows that the authority will have no obligation to confirm or deny whether the information is held under Section 1(1), or issue a formal refusal notice under Section 17.
120. However, Section 16 of the Act does state that a public authority has a duty to provide advice and assistance, *'...so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it'*.
121. We consider this duty to extend to requesters who have made invalid requests. This being the case we will expect the authority to issue a prompt response to the requester explaining why their request was invalid under Section 8.
122. Further information on the duty to provide advice and assistance can be found in our guidance on the [duty to provide advice and assistance \(section 16\)](#).

## More information

123. This guidance has been developed drawing on ICO experience. Because of this it may provide more detail on issues that are often referred to the Information Commissioner than on those we rarely see. The guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunals and courts.
124. It is a guide to our general recommended approach, although individual cases will always be decided on the basis of their particular circumstances.
125. If you need any more information about this or any other aspect of freedom of information, please [contact us](#): see our website [www.ico.org.uk](http://www.ico.org.uk).