

18. THE SCHEDULE

1. Why a schedule should be prepared

The use of a schedule to list and describe the records, identified as being within the ambit of the access application, is required by the Department.

A schedule should be used both for the initial decision and at internal review.

Its purpose is to assist decision makers to discharge their duties under the FOI Act by:

- providing a means of ordering the records under consideration;
- setting out clearly the considerations attaching to each; and
- providing an essential reference source for an internal reviewer or the Information Commissioner.

A version of the schedule – minus any information that is considered exempt and where there is no duty to confirm or deny the existence of this exempt information (exemptions 22-24 and 26-44) - should be attached to the decision letter (Standard Letters 12-15) issuing to the applicant. It will assist him/her by giving a clear overview of the records considered and the decision made in relation to each one.

2. What a schedule should contain

The level of detail contained in a schedule will depend to a large extent on the nature of the FOI request under consideration. It is recommended however, that every schedule lists each record sequentially by number and contains the following information:

- (a) the date of the record;
- (b) the author of the record and **either** the person or persons to whom it is addressed **or** the title of the record if it is a report or a submission of some kind;
- (c) a brief but sufficient description of the record or its contents;
- (d) **if appropriate and a complete record**, the specific exemption claimed;
- (e) **if appropriate and part(s) of a record**, a clear indication of the parts(s) relevant to the request, e.g. “paragraph 5 or lines 2 – 14 on page 3” and
- (f) **if appropriate**, any public interest considerations.

There may be rare occasions when records can be grouped rather than listed individually. This should only be used as a last resort where the number of records is particularly voluminous. This approach **must** not deprive the

applicant of any specific information that he/she might need to make an informed decision about seeking a review.

3. When a schedule is not required

The FOI Act allows public bodies to respond to requests on the basis of refusing to confirm or deny the existence of such records. These provisions are necessary because in some instances merely confirming the existence of information will directly or implicitly disclose **withheld** information.

The use of the refusal to confirm or deny provision will be justified **only in certain situations**. Section 11 of this manual contains further guidance on this.

A sample schedule can be found at Appendix E of this Handbook.

