



GUIDANCE NOTE NUMBER 5

THE PUBLIC INTEREST TEST

The public interest test needs to be considered only where a qualified exemption applies (refer to Guidance Notes 2 & 3). The authority must decide whether the interests of the public would be better served by withholding or disclosing the information requested.

The question of where the public interest lies has been considered by the Courts and they have often made a distinction between what is in the public interest and things that merely interest the public. This has been most notable in recent cases regarding personal privacy (e.g. *Campbell v MGN & A v B & C (No 2)*).

The FOI Act is designed to promote greater openness and the following public interest factors must be considered regarding disclosure:

- promoting public debate in current issues
- accountability in decision making by public authorities
- accountability in the spending of public money
- allowing the public to understand decisions which affect their lives
- allowing decisions to be challenged
- raising awareness of public safety issues and environmental issues

The Act itself favours disclosure, so information should be disclosed unless there is an overriding public interest in keeping certain information confidential.