

## **Access to information policy**

### **Introduction**

The Legislative Council ("LegCo") is the legislature of the Hong Kong Special Administrative Region. The Legislative Council Commission ("the Commission") provides administrative support and services for LegCo through the LegCo Secretariat ("the Secretariat").

2. The Commission recognizes the importance of informing the public about the work of LegCo and promoting openness and public confidence in its decisions and activities. Such information is released to the public through the Secretariat according to the established procedures given in this Access to Information Policy ("this Policy").

3. This Policy defines the scope of information which is made available to the public and sets out how the information will be disclosed either by routine publication or in response to request. It authorizes the Secretariat to provide wide information access for members of the public unless the requested information falls under the exempted categories of information and records specified in paragraph 14 below. Where circumstances warrant, information under the exempted categories may be made available if public interest outweighs the harm and prejudice that could result unless the disclosure is prohibited by law.

4. The procedures for making a request for information are kept as simple as practicable and all requests received will be handled promptly.

5. This Policy also provides the procedures for review and appeal if any applicant is not satisfied with the decision of the Secretariat and considers that the provisions of this Policy have not been applied properly to his or her request for information.

### **Scope of application**

6. This Policy applies to the information or records in existence and kept by the Secretariat. This Policy does not oblige the Secretariat to acquire information not in its custody or create a document or a record not in existence. Vexatious requests will not be entertained.

7. This Policy does not affect any legal rights of access to information, nor does it affect any legal restrictions on access to information whether they are prohibitions or obligations arising from statute law or under common law.

### **Information and records available routinely for public access**

8. A list of information and records available routinely for public access is published on the LegCo Website. The list will be updated periodically. Such information and records are also available at the LegCo Library or the LegCo Archives. Some of the official publications of LegCo are available for sale at the LegCo's Souvenir Shop in the LegCo Complex. Video footages of open meetings and official media briefings of LegCo and its committees are also available for reproduction at a dubbing fee.

### **Information and records which may be provided on request**

9. Unclassified or classified information and records relating to LegCo and its committees held by the Secretariat may be provided on request. A list of such information and records is published on the LegCo Website. The list is also updated periodically.

10. Anyone who wishes to request access to the unclassified or classified information and records may contact the Access to Information Officer in person or by:

- (a) phone at 3919 3627;
- (b) mail to Public Information Division, Legislative Council Secretariat, Legislative Council Complex, 1 Legislative Council Road, Central, Hong Kong;
- (c) fax at 2537 1851; or
- (d) email at [infoaccess@legco.gov.hk](mailto:infoaccess@legco.gov.hk).

11. An Application Form for Access to Information can be downloaded from the LegCo Website and may be used to make an access request. In processing an access request, consideration will be given to the purpose of the request, the age of the requested information or records in affecting the possible impact of their disclosure and the relevant donor agreement or contract if the information or records are donated or acquired from private sources.

## **Response time to request for access to information**

12. Upon receipt of a request for access to information:
- (a) an interim reply will be sent to the applicant within seven working days;
  - (b) a detailed reply will normally be provided within 21 working days; and
  - (c) where the information or record requested cannot be provided within 21 working days because it is not readily available or further details need to be obtained from the applicant to facilitate the processing of his or her request, or for other reasons, the applicant will be so informed within 21 working days and be advised of the estimated time required for answering his or her request.
13. Where a request cannot be adequately met by an oral answer or published materials on the LegCo Website, the applicant may be invited to consult the requested records at the LegCo Library or the LegCo Archives or the Secretariat may provide a paid copy of the record if requested by the applicant. Details of the relevant charges are set out in paragraphs 18 to 20 below.

## **Information or records which may be refused**

14. The Secretariat may refuse to disclose information or records, or to confirm or deny the existence of information or records which fall under the exempted categories of information and records given below. References made to "harm" and "prejudice" include both actual harm and prejudice and the risk or reasonable expectation of harm and prejudice.
- (a) Information or records the disclosure of which is prohibited by statute law or common law that applies to Hong Kong;
  - (b) information or records relating to law enforcement, legal proceedings and legal professional privilege the disclosure of which would harm or prejudice the enforcement of law, the administration of justice, any legal proceedings being conducted or likely to be conducted or the parties concerned;

- (c) information or records held for or provided by any party under an explicit understanding that it would not be disclosed without the consent of that party;
- (d) information or records relating to individual complaint cases;
- (e) information or records relating to LegCo and its committees authorized by LegCo to exercise the powers under Section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and investigation committees that is subject to declassification the premature disclosure of which would cause harm or damage to the parties concerned or impede the operation of such committees or later committees;
- (f) information or records relating to the on-going work of LegCo and its committees, commercially sensitive information, research, statistics, data and planned publications the premature disclosure of which would be misleading, unfair or lead to improper gain or advantage;
- (g) information or records obtained or transferred in confidence between Members and the Secretariat;
- (h) information or records relating to the business and operation of the Commission and the Secretariat the disclosure of which would harm or prejudice such business and operation; and
- (i) information or records the access to which would be detrimental to their preservation.

15. If an access to information request is refused, the applicant will be informed in writing of the reasons for refusal within the time-frame set out in paragraph 12 above.

16. A full list of access refusal cases will be published on the LegCo Website and the list will be updated on a regular basis.

## Partial disclosure

17. Where disclosure of information in part of a record is refused if it falls under one or more of the exempted categories above, access may be granted to the remaining part of the record to which the exempted categories do not apply. Disclosure may take the form of extract, summary or redaction as practicable, provided it will not distort the meaning of the record as understood by the Access to Information Officer.

## Fees and charges

18. As processing requests for access to information involves resources, other than those publications issued free of charge or at a cost already specified, the fees and charges set out below are applicable to copies made of the information or records requested by the applicant and are subject to revision from time to time. The format of the copy will be determined by the Secretariat.

|   |                                     |
|---|-------------------------------------|
| Black and white photocopy on A4 size paper (single-sided) | \$1 per page                        |
| Black and white photocopy on A3 size paper (single-sided) | \$1.5 per page                      |
| Coloured photocopy on A4 size paper (single-sided)        | \$4 per page                        |
| Coloured photocopy on A3 size paper (single-sided)        | \$6 per page                        |
| Audio/video record (per meeting)                          | \$50 per CD-ROM<br>\$67 per DVD-ROM |

19. Postage will be added if the applicant requests to have the copy delivered by post. The applicant will be notified of the charges, and the copy will be provided after the requisite payment is made.

20. Where no suitable equipment or technology is available in the Secretariat to process, view or copy the requested records, applicants may be charged the expenses incurred in providing access to or copy of these records which are otherwise unavailable.

### **Review and complaints mechanism**

21. Any applicant who does not accept the decision to his or her request for access to information may write to the Secretary General of the Secretariat for a review.

22. Any applicant who is not satisfied with the review decision and believes that the provisions of this Policy have not been properly applied to his or her request for access to information may lodge a written appeal to the Commission.

### **Policy review**

23. This policy will be subject to review to ensure its usefulness and to meet new needs and requirements.

### **Enquiries**

24. Any enquiries on this Policy should be directed to the Access to Information Officer either by phone at 3919 3627, by fax at 2537 1851, or by email at <infoaccess@legco.gov.hk>.