

Freedom of Information Requests and Twitter

July 2011



Over the last ten years, social media and social networking have come to the forefront of our society. The latest craze to grip the world of social media and social networking is Twitter.

Twitter is a website which offers a social networking and micro-blogging service, enabling its users to send and read messages called *tweets*. *Tweets* are text-based posts of up to 140 characters displayed on the user's profile page. As at March 2011 there were approximately 200 million users of twitter with a staggering 350million *tweets* a day.

With such popularity it was only a matter of time before public authorities found their way onto Twitter allowing them to broadcast their own information. With this came the ability of the public to contact public services via twitter and particularly whether or not it is in fact possible to make a valid Freedom of Information request on this site.

The Information Commissioner's Office (ICO) have addressed this issue and have come to the conclusion that although Twitter is not the most effective channel for submitting and responding to requests it does not mean they are invalid. They can be valid and authorities using Twitter should be prepared to receive and respond to them.

Section 8 of the Freedom of Information Act 2000 (FOIA) states that for a valid request to be made it must include both the full name of the requester and also an address for correspondence.

Name

The ICO confirmed that the name must be the individuals real name and an account name will not suffice. It was noted that although it is still possible to see a persons real name through their linked profile the public authority need not reply and if they do the Information Commissioner will not deal with any subsequent complaint.

Address

Does a twitter name constitute an address? The difficulty facing the authority is that the length available for a *tweet* makes it hard for a full response, but the ICO have suggested ways that this can be dealt with. The ICO indicates that the authority could request an e-mail to provide a full response or alternatively provide a full response on-line and then simply post a link on their *tweet*.

Finally the last point the ICO make reference to is @mentions. This is when an individual does not directly contact the public authority's page but simply mentions them in his/her own tweet. The ICO believes that if a request is made by means of an @mention it is still directed to and received by that authority. Twitter allows a user to check for all @mentions of itself and therefore is deemed to be received by the public body.

It is important to note however that although it is possible to make a valid information request via twitter a requestor must do so responsibly as if they do not the authority may have the possibility of refusing the request under Article 14 of the FOIA allowing exemptions for vexatious and repeated requests.

For further information on Freedom of Information requests and social networking contact Maria O'Loan.

For further information on cloud computing and data protection, contact Maria O'Loan on 028 9027 1350 (m.oloan@cfrlaw.co.uk).

Please note: The content of this article is for information purposes only and further advice should be sought from a professional legal advisor before any action is taken.