

Freedom of Information

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- Prime Minister accused of “culture of concealment”, p.17
- FOI data breaches prompt investigation into Cabinet Office in Isle of Man, p.19
- ICO takes action against Croydon Council for failing to respond to FOI requests, p.20

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ICO takes further enforcement action

The Information Commissioner’s Office has given Shropshire Council an [enforcement notice](#) for its poor handling of requests made under the Freedom of Information Act 2000. The enforcement notice is the second that the regulator has issued this year (the first was given to the London Borough of Lewisham in March 2023 — see page 1 of Volume 19, Issue 5 of *Freedom of Information*).

The council was found to have a weak FOI request handling system, with individual departments responsible for recording

and collating their own FOI requests.

Although it had plans to clear its backlog of FOI requests by the end of March 2023, the council still had 143 unanswered requests towards the end of April. The oldest unanswered request dated back to April 2021, with remaining requests dating from January 2022 and each subsequent month.

The enforcement notice requires the council to respond to all outstanding requests over 20 working days old, no later than six months from the date of the notice.

The public authority is also required to devise and publish an action plan to mitigate any future delays to FOI requests within 35 days from the date of the notice.

Phillip Angell, Head of FOI Casework at the ICO, said: “People have a legal right to be able to ask their council about its actions and receive an answer promptly. In its poor handling of FOI requests Shropshire Council has been failing to be transparent and accountable. We’ve demanded it does better.”

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Commissioner warns against ‘unnecessary’ government FOI exemptions

The Information Commissioner John Edwards has warned the government against exempting organisations from Freedom of Information requests.

Discussing the government’s refusal to reverse its decision in February 2021 to exempt the Advanced Research and Invention Agency from answering FOIs on the basis that it would add “inappropriate bureaucracy”, Mr Edwards told the Public Administration and

Constitutional Affairs Committee: “I would not like to see that trend continue, I think that’s unhealthy... unnecessary and ultimately that would be counterproductive. We need to be vigilant in maintaining direction of travel towards increased transparency and avoid any temptation to slide back.”

Mr Edwards also highlighted his concerns about the use of FOI exemptions by government

departments, calling for greater transparency. “While I’m eager to present a positive picture to the committee, I am not Pollyanna and there is still work to do,” he said.

“I am disappointed that we don’t have greater clarity and consistency around the application of exemptions, for example in relation to policy advice,” the Commissioner added.

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