

Freedom of Information

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Headlines

- FOIA author says Commissioner should be able to fine for FOI breaches, p.18
- Guidance on sections 21 and 42 updated, p.19
- Cabinet Office “excludes” journalists from its FOI group, p.20

Contents

Expert comment 2

Lessons learned from recent ICO enforcement action 4

The requester and the requested — a constructive relationship 7

Recent decisions of the Commissioner and Tribunals 11

FOI news 17

ICO publishes results of FOI listening exercise

The Information Commissioner’s Office has [published](#) the results of a listening exercise it carried out among FOI practitioners and public bodies about the common issues they encounter and what kind of support they need from the ICO.

The research asked the authorities and practitioners to feed back on the tools that would help them in their day-to-day management of information requests and whether there is any particular areas where they need more guidance.

The ICO is still working through the feedback and considering the best way to address the topics raised. However, it has identified key themes that will guide its approach and help it to target support.

The key areas are: working with organisations to produce and pilot new tools, guidance and training for the regulated community to improve request handling; increasing engagement with the FOI community and promoting best practice to improve transparency; supporting those seeking information to make an FOI request

so requests are easier to handle for public authorities, while giving people the best chance of getting the information they want; and supporting compliance with proactive disclosure and building an evidence base of the benefits of proactive transparency while making requesters more aware of how they can access information already available, removing the need to make a request.

To achieve these objectives, the ICO has produced a [workplan](#) setting out some of the actions it

[\(Continued on page 17\)](#)

Latest enforcement activity

The Information Commissioner’s Office issued three practice recommendations, three Enforcement Notices and an Information Notice during July and August 2023.

The [Medicines and Healthcare Products Regulatory Agency](#) (‘MHPRA’) was served with a practice recommendation (‘PR’) over failures to conform to Parts 4 and 5 (to do with timeliness and internal reviews) of the Section 45 Code of Practice (‘the FOI Code’).

The MHPRA had manageable levels of information requests and sufficient systems in place prior to 2021. However, the increase to the volume and complexity of information requests from 2021/2022 onwards as a result of the introduction of covid vaccines meant that MHPRA’s systems and procedures were no longer fit for purpose. This led to the body’s declining performance.

In terms of Part 4 of the Code (time limits for

responding to requests), the PR recommends that the MHPRA should consider using the Commissioner’s [FOI self-assessment toolkit](#) to improve its timeliness compliance. This recommendation features in each of the practice recommendations from this period.

The PR also states that the MHPRA should request a consensual audit of its FOIA policies, practices and procedures from

[\(Continued on page 17\)](#)