

# Freedom of Information

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## Headlines

- EIRs charges — CJEU judgment delivered, p.18
- Government suggests excluding HEs from FOIA, p.19
- FOI law uncovers decision reports, p.20

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## Committee to take oral evidence sessions in January 2016

The FOIA review Commissioner has announced that it received over 30,000 written submissions to its call for evidence, and will now begin taking oral evidence, with sessions to begin in January 2016.

The announcement was made on 23rd November, three days after the call for written submissions closed. The Committee is analysing the effectiveness of six areas of FOIA's functioning: the space for internal deliberation; collective Cabinet discussion; protection of risk assessments; the Cabinet veto; enforcement and appeals; and

whether the burden on public authorities is justified by the public's right to know.

The Information Commissioner released the details of his written submission on 17th November. The Commissioner was largely against increasing the limits in FOIA, although his comments were tempered by some key acknowledgments.

On the issue of the burden and costs of FOIA, the Commissioner said he recognised that the issue was a reasonable one to raise and 'difficult to resolve with reference to the quantitative data

alone'. However, he highlighted that "more confident application of section 14 (vexatious requests) would prevent significant abuse of FOIA rights and excessive burdens from particular requests."

The Commissioner added that he would be willing to strengthen the guidance on section 14 by putting it on a statutory basis in a special code of practice issued under section 45.

On the issue of introducing a flat fee for requests, the Commissioner said it would be a disproportion-

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## Important case on FOI requests made via Twitter

The First-Tier Tribunal has rejected the ICO's view that a Twitter username constitutes a valid 'address for correspondence' under section 8(1)(b) FOIA.

In *Bilal Ghafoor v ICO*, EA/2015/0140, the Tribunal said that an address for correspondence must be one which is suitable for correspondence between a public authority and a requester — and that a limit of 140 charac-

ters was not suitable for such correspondence.

The ruling partially contradicts the guidance of the ICO that a request on a social media website is valid, provided that it offers a means for the authority to respond ('Recognising a request made under the FOIA Section 8', paragraphs 48 and 109).

The Tribunal also ruled that a request made by

a tweet should include the real name of the requester in the username. In other words, it is insufficient for a name to appear somewhere in a user's profile, since public authorities are not required to look elsewhere than the request to discover a requester's identity.

This conclusion is also contrary to the ICO's

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