

Freedom of Information

Volume 13, Issue 1

September / October 2016

Headlines

- Scotland's Housing Associations must embrace FOI, says campaign group, p.17
- Lawyers representing Hillsborough families call for new transparency legislation, p.18

Contents

<i>Expert comment</i>	2
<i>Of interest? The public interest test under FOIA</i>	3
<i>ICO's new guidance on statutory bars</i>	7
<i>Recent decisions of the Commissioner and Tribunal</i>	11
<i>FOI news</i>	17

Denham: time to prise open public services providers

Companies which use public money to provide government services should be subject to public scrutiny, Elizabeth Denham has said.

The Information Commissioner backs expanding the Freedom of Information Act to private businesses which are paid to deliver public services.

Such a move would mean the private organisations are forced to disclose information such as pay scales below board level, and more data about how

services are delivered.

In her first interview, Ms Denham said: "Private contractors above a certain threshold for a contract or doing some specific types of work could be included under the FOI Act. The government could do more to include private bodies that are basically doing work on behalf of the public."

Ms Denham also said that there should be a new legal duty on public authorities to record all significant decisions, which would then allow the negotiations to be

subject to FOI.

Her comments were made amidst increasing fears that a 'chilling' effect of FOI in Whitehall means that civil servants are reticent to keep detailed notes about contentious decisions.

Ms Denham — who previously was Information Commissioner in British Columbia, Canada — said: "If you've got FOI and you want it to work, the right records have to be created in the first place."

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

ICO agrees with Department on changes to Transparency Code

The ICO has responded to the Department for Communities and Local Government consultation on changes to the Local Government Transparency Code, agreeing with the Department that various transparency provisions be strengthened.

In the consultation, the DCLG proposed to alter the way local authorities record details of their land and property assets, and how they publish infor-

mation about their procurement, contracts and the delivery of some of their services. The ICO's response indicates that it agrees with some of the proposals, but others were unnecessary.

On the question of whether authorities should record details of their land and property assets in a consistent way on ePIMS (the Electronic Property Information

Mapping Service), the ICO said that it didn't think that was necessary, although there were definite transparency benefits to doing so. Similarly it found that there was no requirement to publish procurement data to a central source, provided the requirements of FOIA and the EIRs are met.

However, the ICO did agree that authorities

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