FOI leaks could become a criminal offence

Disclosing documents obtained by FOI requests could soon be a criminal offence, because of Law Commission proposals that suggest lowering the threshold for prosecutions.

Currently, if a leak of information is ‘likely to damage’ a range of issues (from international relations to law enforcement), an individual can be prosecuted. However, the Law Commission has proposed reducing this to just ‘capable’ of causing harm.

The proposal has led to considerable backlash. Campaign group Article 19’s Executive Director, Thomas Hughes, said:

“The Law Commission’s proposals would move the clock backwards, undoing improvements in the UK’s 1989 official Secret Acts, and setting a dangerous example of eroding freedom of expression protections, which may be copied by oppressive regimes globally.”

Maurice Frankel, the Director of the Campaign for Freedom of Information, said that:

“These proposals are not only oppressive but unworkable. It is beyond common sense to make it an official secrets offence to leak information which anyone could obtain under FOI.”

Frankel added that the FOI changes were also a global threat.

In a joint response to the Law Commission proposals, Article 19 and the CFOI raised the following specific concerns:

- whistleblowers and

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