

Freedom of Information

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Headlines

- International conference passes transparency resolution, p.17
- Michael Gove accused of withholding report into whether Brexit will cause food prices to rise, p.18
- FOI request rejected on basis it would 'distress' former council chief, p.19

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Automating transparency — challenges and opportunities

Elizabeth Denham has discussed the issues being presented by the digital world to do with transparency, and set out her view on the disclosure considerations for information held on cloud-based communication tools.

The Commissioner was giving a speech at the Archives and Records Association Conference, titled 'Challenge the Past. Set the agenda'. Mrs Denham begun her address nostalgically saying: "having started out my career as an archivist, I always love

being back with who I like to think of as my people. Standing here as Information Commissioner in front of fellow archivists, I also recall that I was 'this close' to becoming a lawyer. I studied history and political science as an undergraduate at the University of British Columbia in Vancouver Canada, and on graduation, applied and was accepted to law school where I planned to train in the protection of human rights. But ... it wasn't to be. Fate, that crafty old codger, devised other plans."

With regard to the agenda at the conference — to discuss the opportunities that the digital world creates for making transparency automatic — the Commissioner said "the increase in search and retrieval efficiency offered by technology is a real positive which we must embrace." She added "the truth is in the details. And if we can find those details more easily, then so much the better."

But the Commissioner pointed out how the constant evolution of

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Government gets around FOI problem in Data Protection Bill

The government has addressed the uncertainty left by the General Data Protection Regulation concerning the application of the personal data exemption of the Freedom of Information Act.

The GDPR seemed to remove the legitimate data processing condition for releasing third party's personal data pursuant to a request.

The government's Data Protection Bill in Schedule 18 gets around the issue by providing for an exception to the general disapplication of the condition for public authorities when they are disclosing personal data under FOI/EIRs requests.

Damien Welfare, Barrister at Cornerstone Chambers, said "It will be interesting to hear, perhaps in the Committee Stage of the Bill in the

House of Lords (where it is being taken first), how this outcome has been achieved, and made consistent with the GDPR. The position will not be finally confirmed, of course, until the Bill receives Royal Assent; possibly early next Spring."

See the expert comment on pages 2-3 of this edition for further commentary from Damien.