

Freedom of Information

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Headlines

- Netpol wins FOI case for police information on anti-fracking campaigners, p.17
- ICO launches rare criminal investigation into MOJ after the body “makes mockery” of FOIA, p.18
- BBC ignored FOI requests for “pampered” celebrities’ pay, p.20

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FOI habits are offensive to spirit of FOI, SIC concludes

The Scottish government has been condemned by the country’s Information Commissioner for breaking the law by delaying and blocking requests from journalists, MSPs and political researchers.

Detailed evidence gathered and presented in SIC Daren Fitzhenry’s 44 page intervention report—the result of his 12 month investigation — showed that requests from the media were more likely to be delayed, and less likely to be answered, than other requests. Mr Fitzhenry said that journal-

ists’ requests are almost invariably subjected to an additional layer of clearance.

The SIC described the habit as offensive to the spirit of FOI legislation. “It is inherently wrong that a class of requesters is treated differently when processing requests for information solely because of who or what they are”, he said. “Trust between those groups mentioned in the policy and the Scottish government may also be damaged,” he added.

Despite the “observed unjustifiable, significant delays and disregard for the statutory timescales,” the Commissioner said there was no evidence of “deliberate delay, except in one case where the response was postponed until publication and a handling plan were finalised.”

Delays weren’t the only problem: the SIC identified “several areas of poor practice” including “inadequate records management”, “inadequate recording”, “lack of clarity”

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Extension Bill filibustered by MPs

A private member’s Freedom of Information (Extension) Bill due to go before the House of Commons for its second reading has been blocked by the Conservative MPs, Philip Davies and Sir Christopher Chope.

Andy Slaughter’s Bill, which was being supported by the Campaign for FOI, proposes that contractors carrying out public works and housing associations be made subject to freedom of in-

formation requests. He has been arguing for the Bill since the Grenfell fire tragedy happened. The proposals would also place firms such as Carillion, G4S and Serco under greater public scrutiny.

Mr Slaughter argues that the Bill is needed to rectify the absence of transparency around the use of over £250bn — a third of all public spending — being channelled to private compa-

nies or charities for services contracted out by local councils, central government and other official agencies. “There have been significant changes to the way public services are procured over the 18 years since FOIA came into effect, with more public services than ever being provided through private companies,” said Mr Slaughter.

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