

# Freedom of Information

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## Headlines

- Freedom of Information set to be expanded by Scottish government, p.18
- Cabinet Office in two FOI disputes, p.19
- Key Upper Tribunal ruling on application of personal data exemption, p.20

## Contents

<i>Expert comment</i>	2
<i>Let's talk Records Management: the Information Audit</i>	6
<i>Recent decisions of the Information Commissioner and Tribunals</i>	10
<i>FOI news</i>	17

## Opportunity to comment on how the ICO uses its FOI powers

The Information Commissioner's Office has launched a consultation to gather the views on how it regulates the various laws it is responsible for overseeing, including the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The regulator is consulting on three documents, one of which deals with FOI — its Regulatory Action Policy ('RAP', [www.pdpjournals.com/docs/888210](http://www.pdpjournals.com/docs/888210)), which updates the ICO's 2018 policy.

The RAP reinforces the ICO's commitment to a proportionate and risk-based approach to enforcement, and it explains the factors taken into consideration before taking regulatory action such as FOI enforcement notices. It also sets out how the ICO promotes best practice and ensures compliance and how it works with other regulators.

The RAP reminds public authorities of the ICO's general responsibilities with regard to FOIA listed at Section 47.

These, which also apply to the Environmental Information Regulations 2004, include: promoting good practice by public authorities and performing obligations so as to encourage public authorities to follow FOIA requirements and the associated codes of practice; sharing information with the public about how FOIA works, what good practice looks like and what the ICO's role is in relation to FOIA; giving advice to the public and public authorities about FOIA; and assessing whether a public authority

*(Continued on page 17)*

## John Edwards: "I have always been a strong advocate for FOI and that will continue"

John Edwards started his new role as UK Information Commissioner on Tuesday 4th January 2022, commencing a five year term.

Mr Edwards, who succeeds Elizabeth Denham, has been New Zealand Privacy Commissioner for eight years, and prior to that worked as a barrister.

He said: "I welcome the opportunity to oversee the crucial Freedom of Information Act. Transpar-

ency that helps people understand and trust decisions made on their behalf has perhaps never been as relevant as across the past two years. I look forward to ensuring the law continues to be relevant in our changing world."

The Commissioner caused a bit of a stir last year when making some comments to a Committee that seemingly showed an unfavourable stance to FOI.

FOI journalist Matin Rosenbaum recently wrote about the "surprising and disconcerting" remarks. In a response to Mr Rosenbaum's article, John Edwards said: "I think any trepidation of the sort you mention, based as it is on a single off the cuff response at Select Committee, informed, as you say, by my New Zealand experience, is misplaced.

*(Continued on page 17)*