

Freedom of Information

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Headlines

- Cabinet Office rejects recommendations to improve transparency of its FOI handling, p.19
- New transparency law proposed in Scotland, p.19
- Reading Council delays with FOI requests, p.20

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ICO announces raft of FOI improvements

The Information Commissioner's Office has committed to several actions with the specific aim of speeding up its handling of FOI requests.

The developments have been set out in ICO25, (www.pdpjournals.com/docs/888277) the ICO's three-year strategic vision.

First, it will prioritise requests where it considers that there is a clear public interest in moving them to the top of the list. Second, the ICO will be taking a fresh look at how it resolves disputes.

Third, it will explore how it can clear its existing cases quicker than planned.

Alongside the commitments, the ICO published a FOI and Transparency Regulatory Manual (www.pdpjournals.com/docs/888276) ('the Manual'), an internal document setting out its approach for enforcement action in the future.

Though the document is for staff at the ICO, it is useful for public authorities, as it identifies how the ICO will take further action against authorities that continue to demonstrate poor FOI

performance in future.

Such performance includes demonstrating a willful or negligent attitude to FOI compliance, significantly or repeatedly failing to follow guidance, and failing to follow previous advice or comply with lower-level enforcement action. The ICO has already begun delivering on the approach, and plans to publish the action it is taking in line with it.

The Manual shows that the action that the ICO will take can be categorised into three levels.

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ICO proposes duty to document in new 'behind the screens' report

The Information Commissioner's Office has published a landmark report highlighting the problems that can occur when public authorities fail to make sure their information management policies and procedures reflect the way they are conducting official business in practice.

'Behind the screens — maintaining government transparency and data security in the age of messaging apps' ('the Report') was presented to Parlia-

ment pursuant to Section 139(3) of the Data Protection Act 2018, having been launched under the authority of FOIA, the UK DPA and the GDPR.

The Report came about after the ICO received complaints in July 2021 about the alleged use of private correspondence channels for official business by Ministers in the Department of Health and Social Care ('DHSC').

The concerns were that the practices would result in information being lost from the public record. After considering the complaints, the ICO decided to launch an investigation into the allegations.

The investigation found failings at DHSC in its transparency practices. The Report summarises the findings of the investigation and the actions

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