

Freedom of Information

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Headlines

- Council’s handling of FOI request ‘inappropriate’, according to self-commissioned report, p.18
- Scottish government questions role of unofficial platforms in FOI, p.19
- Campaign urges peers to amend National Security Bill, p.20

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ICO to change the way it prioritises FOI complaints

On 8th November 2022, the Information Commissioner’s Office launched a six week consultation on how it prioritises the complaints it receives about public bodies’ handling of Freedom of Information requests.

The consultation exercise was driven by the fact that limited funding, an increase in FOI cases brought to the ICO and an increased need to support stretched public authorities have created what the ICO called ‘a perfect storm’. This has prompted the ICO to consider ways to improve its FOI casework services to

make information rights work more effective.

In the consultation, the ICO proposed to prioritise complaints where there is a clear public interest in the information that has been asked for. “Public interest covers a wide range of values and principles relating to the public good, or what is in the best interests of society”, says the ICO.

The criteria for such prioritisation, in the form of questions, were set out in the consultation document as follows:

- is there a high public

interest in the information requested;

- does the request raise a novel or clearly high-profile issue that the ICO should look at quickly;
- is the requester a person or group who is raising information rights awareness, supporting vulnerable groups or raising awareness of potentially significant public interest issues;
- are vulnerable groups or people potentially significantly affected

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Government launches consultation into widening scope of FOI laws

The Scottish government has launched a consultation on whether Freedom of Information legislation should be expanded to include third sector and private organisations.

Currently, the legislation only applies to public bodies, but the review is seeking views on whether it should be expanded to include organisations that carry out work for the public sector or receive public funds.

The government is also seeking people’s opinions on what information it should proactively publish on public services and whether guidance on the use of different technology platforms should be introduced.

“Scotland has the most robust FOI laws in the UK,” said Minister for Parliamentary Business George Adam. He added: “We want to build on this further by engaging with people and organisations

on the development of information rights. We want to understand how existing legislation affects the work of civil society groups and public bodies. The responses to the consultation will inform our work to improve FOI rules and deliver on the Scottish government’s commitment to openness and transparency. I would urge those with experience of FOI, whether as requesters, public authori-

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