

Freedom of Information

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Headlines

- Commissioner launches legal bid to have DfT publish vetoed report, p.18
- FOIA veto quashed in landmark decision, p.19
- Ministers ‘covering up secret meetings with GM food lobby’, p.20

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Private companies on public contracts to come under FOIA

Large private companies that win lucrative publicly funded contracts are to be encouraged to comply with FOI requests, a government minister has disclosed.

The Justice Minister, Simon Hughes, said the change would be written into the contracts of companies after the publication of a new Code of Practice, which should be in place by the end of 2014.

“We intend to publish a revised Code of Practice to make sure that those private companies that carry out public functions have freedom of infor-

mation requirements in their contracts, and go further than that, and we hope that will be in place by the end of this year,” he said.

The government hopes that the change will improve the transparency of suppliers, and address concerns that they are not open about the details of contracts.

Mr Hughes’ announcement swiftly followed recent verdicts reached by a Public Accounts Committee which looked into government procurement. The Committee reported that suppliers ‘were content that FOI

provisions should apply to public sector contracts with their companies.’

The Committee’s highly critical report found that the government is failing to manage private companies that provide outsourced services, and these contractors need to be more ethical when dealing with government.

The report was informed by hearings with major suppliers Atos, Capita, G4S and Serco, and also the Cabinet Office, Department of Health, Ministry of Defence and the Ministry of Justice.

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Supreme Court backs Charity Commission in long running dispute

The Supreme Court has given an important ruling in a long running legal dispute concerning section 32(2) of the Freedom of Information Act (‘FOIA’).

The significant ruling means that section 32(2) continues to apply to information obtained or created by a person conducting an inquiry, even after the termination of that inquiry.

The case concerned the Charity Commission and a journalist for *The Times*. Between 2003 and 2005, the Charity Commission conducted three inquiries in relation to the ‘Mariam Appeal’, an appeal launched by George Galloway MP in 1998 in response to sanctions imposed on Iraq following the first Gulf War.

Following two brief reports issued as a result

of these inquiries, Dominic Kennedy, the journalist, made a request to the Charity Commission seeking disclosure of connected documentation under FOIA.

The Charity Commission refused Mr Kennedy’s request on the basis of section 32(2), which sets out an absolute exemption for information held

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