

Freedom of Information

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Headlines

- Shadow Justice Secretary — ‘we will end the FOI anomaly’, p.18
- Potential merger of transparency bodies in Cayman Islands, p.19
- Irish Commissioner refuses request for liquidation records, p.20

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Proactive disclosure not enough, says Commissioner

The Information Commissioner Christopher Graham has delivered a lecture on his role and broader information rights issues, as the Freedom of Information Act recently turned ten years of age.

Speaking at John Moores University’s 125th Roscoe lecture, the Commissioner said: “What ten years of FOI in operation has taught us is that even where publication is at first fiercely resisted, a decision of the Information Commissioner can lead to perfectly routine proactive publication of the same data series subsequently.”

The Commissioner acknowledged that responding effectively to FOI obligations can be ‘burdensome’, but that ‘it has to be done’.

“Some authorities are better at doing FOI than others. And you can tell a good deal about how an authority is managed by how well they cope with their FOI obligations.

“Public authorities who make a mess of FOI often won’t be much good at meeting their obligations under the Data Protection Act either. Which at least begs the question about what other statutory responsibilities they might

be having difficulties with.”

On the critics that have complained that FOI costs too much, the Commissioner had the following to say:

“That it’s a luxury we cannot afford in lean times. I am strongly of the opinion that the net impact of FOI is to reduce costs to the public purse.”

The Commissioner added that this was because “shining a light into the darker corners of the public service cuts waste and promotes efficiencies that must

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SIC warns Parliament that action is needed to protect FOI

Scottish Information Commissioner Rosemary Agnew has warned the Scottish Parliament that immediate steps must be taken to protect freedom of information rights from the damage caused by the outsourcing of important public services.

The Commissioner made the warning in a Special Report to Parliament. The Report explains that the provision to extend FOI to non-public sector

organisations delivering public functions has been ‘woefully underused’ in the ten years since FOI law came into effect, with the consequence that some public functions are no longer open to full public scrutiny.

The Commissioner’s report reflects growing concern about the impact of changes in public sector delivery on information rights. Since 2005, over 15,000 Scottish house-

holds have lost FOI rights following the transfer of local authority housing stock to housing associations. The Scottish Parliament’s Public Petitions Committee is currently considering a call for FOI rights to apply to all housing associations.

Whilst the Scottish government has the power to extend FOI to third parties that provide public ser-

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