



Freedom of Information

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- Freedom of Information guidance imminent, p.14
- First test for Scottish FOI, p.15
- Salaries to remain confidential, p.15

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FOI fees still uncertain

Whitehall officials seem unable to agree on how much should be charged for access to information under the Freedom of Information Act 2000 ('FOIA').

While reports in the press (see *The Guardian*, 24th August) scream about fees of up to £600 for "the right to know," the government is in urgent meetings to agree the fee structure. Without such a structure in place, the government may have difficulty getting regulations approved by Parliament in time to levy the charges.

The Treasury was accused of sabotaging the FOIA earlier this year by seeking to recover 90% of the cost of dealing with requests. This was in apparent contrast to a pledge to charge only 10%.

More than 100 MPs have signed a motion protesting higher fees.

According to papers released to a Liverpool University lecturer, Steve Wood, under the existing 'open government' code, the Treasury's proposal led to a revolt from another government department.

It seems that there are currently three proposals. One involves charging an hourly rate, which could mean that more complicated applications cost up to £600. Another involves a flat fee of £25 and the third a charge of up to 10% of the costs, with a maximum of £60. Fees obtained by Central Government Departments will be sent to the Treasury. Police authorities, local authorities, NHS Trusts,

fire brigades, schools and other public bodies should be able to retain the fees.

The Information Commissioner, Richard Thomas, has warned that thousands of bodies are ill-prepared to handle freedom of information requests. He said that, "I would be foolish to say they are all ready. Of course they are not."

While most government departments were making strides on freedom of information, local authorities offered more of a "mixed picture," with councils of all sizes failing to take the necessary steps to handle information requests, he said.

But he warned, "Given the long run-in time, I cannot accept any arguments that
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Companies' commercial secrets could be revealed under FOI

Not just public bodies will be affected by freedom of information law—previously confidential information about private sector companies' commercial activities is likely to be revealed, the Information Commissioner has warned.

Richard Thomas made it clear that private companies would be drawn into requests for information from public bodies when the Act comes into force in January, despite an exemption that protects commercially sensitive data. He told MPs, "[Companies] will often see [the Act] as a threat because public bodies

will hold information about private bodies."

From January, anyone can submit formal requests for information held by more than 100,000 public bodies. Unless the organisations can prove the information requested should be exempt from disclosure, they must respond to the request within 20 working days.

Such information requests might, for example, concern details of private finance initiative contracts or facts about companies providing outsourced services for government departments.

As a result many businesses will see the Act as an indirect, and unexpected, new regulatory burden.

At a hearing of the constitutional affairs committee to consider the Commissioner's role, Mr Thomas told MPs that the increasing use of private-sector organisations in the delivery of public services made it inevitable that the introduction of the freedom of information regime would not just affect government bodies.

Though public bodies will be
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