



Freedom of Information

Volume 1, Issue 4

March / April 2005

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- Local authorities— powers delegated to Chief Executives, p.13
- Government refutes Select Committee Report, p.14
- Commissioner establishes Iraq team, p.14

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FOI to be extended to private companies after election

The government is likely to wait until after the general election to extend the provisions of the Freedom of Information Act 2000 to private sector bodies.

Currently the obligations imposed by the Freedom of Information Act apply only to the public sector, although private companies should be aware that they may already be 'public' for the purposes of the Act if they are wholly-owned by a public authority.

The rationale behind the extension of FOI to private sector companies is to ensure that public authori-

ties do not abdicate from their FOI responsibilities by outsourcing to the private sector.

According to Sally Jones, solicitor with law firm Hammonds, "soon it is likely that orders will be made extending the provisions of the Act to more businesses in the private sector." Any business that performs a function with which a public sector body is charged is likely to be caught.

"Those in the firing line," says Ms Jones, "are those private businesses providing services to public authorities which the public authority has a duty to

provide, e.g. collection and provision of waste services and other outsourced services, and those provided under contract which the authority is required to provide, e.g. healthcare."

Those involved in PFI projects have already been named as targets for the exercise of the power granted to the Secretary of State to designate private companies as public."

The Department of Constitutional Affairs Annual Report on FOIA (November 2004) proposed that consultation will take place early in 2005 on

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Requests top 8,000 in first two months of new law

The number of requests that have been made under the Freedom of Information Act 2000 has exceeded many people's expectations. In the first two months of the coming into force of the new law, there have been over 8,000 FOI requests. Many—reputedly over 4000—have been made of Central Government departments.

Other significant recipients include non-departmental public bodies, local authorities, NHS Trusts, police authorities, probation services, universities and fire departments.

Some public authorities, particularly local councils, are reporting having received requests from members of their staff.

Lawyers have been startled at the number of requests that have been made. Chris Rees, partner at city firm Herbert Smith, said, "We have been surprised at the number and nature of requests that have been made of our clients on which we have been asked to advise."

Many organisations are reporting significantly more FOI requests being made of their organisation in

February than in January—in some cases the number is more than double.

Some public authorities—including many local councils—are taking the step of publishing the requests that they receive on their websites. Many are also publishing the information sought by the requestor, thus thwarting any intention by the requestor of gaining a 'scoop.'

Although many of the initial requests have been from the media, there has been a

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