

Freedom of Information

Volume 3, Issue 2

November / December 2006

Headlines:

- FOI media coverage expanding, p.15
- 3rd Annual FOI Conference, p.15
- ICO adopts service level agreements, p.16

Inside this issue:

Editorial	2
FOI exemptions—Part VII	3
FOI requests—can contractual provisions adequately protect 3rd parties?	6
FOI in practice—Hertfordshire Constabulary	9
FOI News	14

FOI has led to greater trust in public authorities

The general public's confidence in public authorities has increased from 55% last year, to 72% this year, as a result of the advent of the new freedom of information laws.

The Information Commissioner, Richard Thomas, has presented a Freedom of Information progress report to the Department for Constitutional Affairs. The report attributes the significant improvement in public trust to the advent of FOI.

The report essentially

documents the contribution of the Information Commissioner's Office over the 18 months since the Act came fully into force.

Mr Thomas said, "It has been a challenging time, but we are proud of our achievements. We experienced problems over the first 12 months, which we have tackled with great vigour."

Some of the criticisms that have been levelled at the Information Commissioner's Office were based on allegations that it was not

ready for the implementation of the new FOI laws on 1st January last year—the day when over 100,000 public authorities immediately became subject to freedom of information law.

During the last months of 2005, it became clear that the Office's performance was unsatisfactory and that changes were needed to the way freedom of information complaints were being handled.

Volumes were 18% higher than had been
(Continued on page 14)

Exemption for 'politically embarrassing material'

The government has announced plans to change the way that charges apply to freedom of information requests, so that less requests will be exempt from fees.

"This will have a potentially significant impact on requests, particularly the most sensitive requests," said Patricia Barratt, lawyer at Clifford Chance LLP. "In effect, it introduces an exemption for politically embarrassing material."

The changes would mean that public authorities would be able to include reading time, consideration time and consultation time in the calculation of the limit (£600 for central government departments) above which requests could be refused on costs grounds, and to aggregate different requests made by the same legal person (or persons apparently acting in concert) made to each public authority for the purposes of calculating the limit.

A government commissioned report published at the same time on the financial impact of the FOI regime on public authorities made a number of other recommendations, including:

- changing the exemption for vexatious requests to an exemption for vexatious requesters
- using a cost per hour figure that reflected

(Continued on page 14)