

# Freedom of Information

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## Headlines:

- Ryanair deal must be disclosed, p.14
- Liverpool to release prostitution information, p.15
- Excessive expenses claims to be released, p.16

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## The MPs exemption— Falconer warns off Ministers

The Lord Chancellor has warned ministers that exempting MPs from freedom of information inquiries will damage public confidence in the principles of open government.

Apparently the cabinet is split on whether to back a private member's Bill to exempt Parliament and MPs' correspondence from Freedom of Information Act requests. Jack Straw, Margaret Beckett and Peter Hain want to back the Bill so it can be debated in Parliament.

Mr Straw's support is

crucial because, as the leader of the house, he can control the Parliamentary timetable.

Lord Falconer has expressed concern that the measure would add to the perception "of being an increasingly secretive government."

The measure, The Freedom of Information (Amendment) Bill, was tabled by the Conservative party's former chief whip, David Maclean. He wants to exempt Parliament and MPs' letters from disclosure because he says new government

guidance to 100,000 public authorities on releasing MPs' letters is complex and unclear. If brought in, the new law would also exempt the Commons and the Lords from FOI requests, limiting wider disclosure of MPs' expenses and allowances.

The Bill itself is fairly simple—it just deletes the House of Commons and the House of Lords from the Schedule to the Freedom of Information Act which sets out which public bodies are covered. It also inserts an addi-

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## Council ordered to disclose property addresses

The Information Commissioner has ordered Brintree District Council to release the addresses of council properties owned by the authority.

Following a freedom of information request, the Council refused to release the list of addresses on the grounds that the information constituted personal information and disclosure would breach data protection rules. The Council also cited health and safety as a reason for refusing the request.

The Information Commissioner ruled that although the address could amount to 'personal data' under the Data Protection Act (particularly where that the complainant is able to link addresses of council houses to other records they either already hold or could obtain), the exemption for personal data in section 40 of the Freedom of Information Act did not apply. This is because that section provides that the exemption only applies if disclo-

sure would contravene any of the principles defined in Schedule 1 of the Data Protection Act 1998 or section 10 of that Act (the Right to prevent processing likely to cause damage or distress).

The argument of the Council that disclosure would breach the Second Data Protection Principle (effectively that disclosing the data would amount to a 'different purpose' for processing than that for which the data had been

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