



Freedom of Information

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- Council pay rates on 'rich list', p.15
- JISC survey reveals FOI figures increasing, p.16
- ICO guidance for handling FOI and EIR, p.16

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Deputy gives annual FOI conference candid presentation

Speaking at the 4th Freedom of Information Conference in London this spring, the UK Deputy Information Commissioner, Graham Smith, highlighted many of the difficulties faced by public authorities and the ICO when ensuring compliance with the Freedom of Information Act.

Graham Smith said "over time we would like to be able to get some exemplars of good practice rather than just exemplars of bad practice. We have what is fast becoming an FOI regime where everybody's got their eye on the appeal

process and the litigation which might follow, and there is a worry that there is a focus on the bad things and where things go wrong. Instead, the ICO would like to shift the emphasis onto what and where things go right."

He added, "we have got three years of experience that we can build upon to put right some of the things that appear to be going wrong, and also to praise and recognise where public authorities are doing very well and where the FOI regime is delivering particular results."

At the conference, Mr Smith said, "we have seen a very high number of requests and many public authorities were a little taken aback, not only by the volume in terms of the numbers but also by the complexity and the demands that they placed on the organisation, when seeking out the information and to turn it around to the requestor."

Graham Smith commented that the ICO also saw a higher number of complaints than they were anticipating. The biggest surprise for the

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First government department to be issued a formal practice recommendation by ICO

Following a lengthy investigation into FOI handling practices at the Department of Health, the Commissioner has publicly criticised the poor management of information requests at the Department. As such, the Department of Health is the first government department to be issued with a formal practice recommendation after breaching the FOI Act.

The investigation, which was originally prompted by a complaint concerning a request for information

about the Department's electronic recruitment service, found that FOI requests were taking far longer than recommended in the Commissioner's guidance and in many cases were not being handled at all.

The Decision Notice states, "the department has failed to offer appropriate advice and assistance to applicants, has failed to transfer requests appropriately, and is delaying the internal review process beyond a reasonable

timescale." Public authorities must conduct internal reviews within 20 working days, or 40 days in exceptional circumstances, but the department took 90 days in one case and 80 days in two other cases.

The report also stated, "The Information Commissioner is concerned that the Department's current levels of resource may not support the volume of FOI requests," It recommended that the

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