



Freedom of Information

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- Consultation on new Tribunal, p.14
- No disclosure for curiosity's sake, p.14
- 'Surprising' level of abuse at job centres, p.15
- Progressive resources for voluntary sector in Scotland, p.16

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First use of veto signals no confidence in two FOI bodies

In a landmark decision, the government has invoked a never-before-used clause in the Freedom of Information Act 2000, in a move which amounts to a vote of 'no confidence' in the two bodies responsible for overseeing the FOIA.

The veto was exercised to prevent the publication of Iraq war Cabinet minutes. Both the Information Commissioner and, most recently, the Information Tribunal, have ruled that the minutes should be released. Instead of complying with the ruling or appealing the Tribunal's decision

to the High Court (on a point of law), the Justice Secretary Jack Straw elected to issue a section 53 FOIA certificate explaining his decision to use a veto. In it, Mr Straw argues that it is fundamental to the public interest that Cabinet meetings should be a forum for confidential discussions.

In exercise of the power afforded to him by section 49(2) FOIA, the Information Commissioner Richard Thomas will lay a report before Parliament after considering the issue.

Ahead of his report, the Commissioner issued a statement saying "*my Decision to order disclosure of the Cabinet minutes was made [...] on public interest grounds. It was upheld by the Information Tribunal. It was made clear by the Tribunal and by me that this was an exceptional case.*"

"The government has chosen not to appeal the Tribunal's decision to the High Court, but instead has exercised its right of veto under the FOI Act. However, it is vital that this is also
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Department's management of records lacks consistency

The Information Commissioner's Office has issued a practice direction ordering the Department of Health to improve its consistency in handling records management. The practice direction follows a (consensual) audit of the Department's records management, which was carried out by the National Archives at the ICO's request.

The ICO wants to see 'significant improvements' in the way the Department manages

and retains its records. According to the results of the audit, there are good central policies and guidance in place. However, much of the responsibility for day-to-day management of records has been devolved to local staff, leading to the development of local practices.

Senior managers are instructed to do more to ensure that good behaviours and practices are reinforced, particularly in the face of organisational changes.

The Assistant Information Commissioner, Gerrard Tracey, said:

"Existing guidance states that good records management should be seen as a benefit, not a burden. All organisations, public and private, are advised to have good records management as part of achieving business efficiency, by making sure that information is easily retrieved and properly documented."

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