



Freedom of Information

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- Brighton and Hove bath trouble, p.18
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Police to reveal whether sex offenders teaching in schools

Devon and Cornwall Constabulary has been ordered by the Information Commissioner's Office ('ICO') to reveal whether there are teaching staff from Torbay who have been investigated for sex offences.

The public authority initially refused to confirm or deny whether the information existed citing the exemptions in sections 30 ('investigations and proceedings conducted by public authorities'), 38 ('health and safety'), and 40 ('personal information') of the Freedom of Information Act.

The Information Commissioner found that the public authority failed to comply with the FOIA on a number of procedural grounds. The Commissioner also found that the exemptions were all incorrectly applied (though the analysis of the exemptions is set out in a confidential annex to the Decision Notice).

The Constabulary must now confirm or deny whether the information is held, and then either disclose the information or provide a valid Refusal Notice.

According to Patricia Barratt, Senior Associate at Clifford Chance LLP, "It is difficult not to sympathise with the public authority which would appear to have been following guidance issued by the Association of Chief Police Officers.

"There are good reasons why it might not be in the public interest to confirm or deny whether there have been investigations into sex offences by teaching staff at schools. If the public authority confirms it holds information of this kind, then parents of children

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Public interest prevails in case of police Chief's report into deaths

The Information Commissioner's Office has ordered Surrey Police to release documents that relate to the potential mishandling of its investigation into four controversial deaths at Deepcut Army Barracks.

The requested information included a letter from the Chief Constable of Durham Constabulary, who had written to Surrey Police in his capacity as member of the Association of Chief Police Officers regarding

the approach adopted by the public authority when investigating the deaths. The police had claimed the exemptions in sections 30 ('investigations'), 36 ('prejudice to public affairs'), and 40 ('personal information') of the Freedom of Information Act in withholding the information.

The ICO found that section 36 was engaged because the Chief Constable gave an opinion on the citing of this exemption, and that

this opinion was both reasonably arrived at and reasonable in substance. However, on applying the public interest test, the Assistant Commissioner at the ICO, Ann Jones, decided that there was very considerable public interest in full disclosure of information relating to the deaths at Deepcut.

The Decision Notice states "whilst the Commissioner has recognised that

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