

Freedom of Information

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- High Court backs government use of veto, p.17
- The ICO launches Annual Report for 2013, p.18
- Latest hearing in paper's five-year battle to obtain Nestle takeover documents, p.19

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ICO warns of risk of revealing too much

The Information Commissioner's Office has issued guidance on its experience with inadvertent disclosures of personal data in datasets.

The problem of inadvertent disclosures, specifically where pivot tables are involved, came to the ICO's attention from freedom of information disclosures made via the WhatDoTheyKnow website.

The issue relates to responses to FOI requests provided in spreadsheets. According to the ICO, public authorities will often respond to requests by supplying the information

requested in spreadsheet format. Sometimes that will be in the form of a 'pivot table', which can neatly summarise the information, without revealing the underlying personal information the summary is based on.

However, public authorities are not always properly removing the underlying data before disclosing. Pivot tables, both in Microsoft Excel and other spreadsheet programmes, retain a copy of the source data used. "This information is hidden from view, but is easily accessible", says the ICO.

WhatDoTheyKnow published their own suggestions for overcoming the issue.

The ICO's suggestions (which are similar to the WhatDoTheyKnow advice) are that public authorities should: avoid using pivot tables for any disclosures or data sharing involving personal data, and consider using CSV files; check the file sizes before disclosure – larger than expected file sizes should be a trigger for further checks; ensure that their organisation has the right procedures and checklists in place for staff

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FOIA datasets provisions in force from 1st September 2013

Changes introduced to FOIA by the Protection of Freedoms Act will enter into force on 1st September 2013, meaning that public authorities will face a new requirement to make datasets available for re-use in a re-usable format.

The Code of Practice on datasets, issued by the Ministry of Justice under section 45 FOIA, was published on 17th July 2013. The Code

provides guidance for public authorities on good practice, for example on deciding whether it would be practicable to provide the dataset. Public authorities can take into account all the relevant circumstances, for example, the time and the cost involved in converting the dataset to a re-usable format, and the resources available to the public authority.

However, if the public

authority decides that it would not be reasonably practicable to provide the dataset in a re-usable format, the authority must still provide the dataset in another format.

The ICO will publish its guidance on the Code shortly and an article on the Code will feature in the next edition of this journal.

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