

Freedom of Information

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Headlines

- Denham to audit Northern Ireland Civil Service, p.19
- FOI law being used to 'break the system' in Scotland, say advisors p.19
- Embarrassment not grounds for rejecting FOI requests in States of Jersey, p.20

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New Code encourages authorities to use section 14

The Cabinet Office has published the new Section 45 Code of Practice, which has not been changed since 2004.

The Code was updated upon the recommendations of the FOI Commission established to review the functioning of FOI law. The government consulted on a draft version of the Code in November 2017, asking seven questions including whether the envisaged Code contained enough guidance about the publication of FOI compliance statistics and vexatious requests.

Feedback was gathered from a range of national bodies including the Financial Conduct Authority, the Information Commissioner's Office and the Northern Ireland Executive, as well as various local government authorities.

Experts say the updated Code contains much new and valuable guidance for authorities (see the expert comment on pages 2-3 and the article on pages 8-11).

One area of the Code with new guidance is the section on vexatious

requests, which has been updated significantly since the previous Code. In line with comments made previously by the Information Commissioner, the Code encourages public authorities to make more use of the exemption, saying "section 14(1) should not be considered as something to be applied as a last resort or in exceptional circumstances."

The Code advises public authorities to ask themselves the following questions to help them to determine whether a

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ICO criticised for allowing Whitehall delays

Major government departments are continuing to demonstrate persistent delays and unhelpfulness in their responses to information requests, according to research conducted by the BBC.

In June 2017, the broadcaster reported on how the Home Office, Ministry of Justice and Cabinet Office were frequently criticised by the Information Commissioner for their inadequate handling of FOI applications.

The BBC's analysis of decisions issued since then by the Commissioner shows that the poor performance of these three departments has continued.

The Home Office has a particularly extreme record, and has been rebuked by the Information Commissioner's Office in several dozen cases over the past 12 months.

The ICO has described

delays faced by requesters to the Home Office in various cases as "unacceptable", "extremely lengthy", "particularly severe" and "inexplicable and unjustifiable". In some instances, the Home Office took several months to reach a decision and reply. In numerous other cases it failed to respond at all.

The Commissioner also reprimanded the Home Office over responses

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