

Freedom of Information

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Headlines

- Threat to journalists at highest level in 10 years, report says, p.18
- PSNI amasses backlog of nearly 300 unanswered FOI requests, p.19
- New transparency tool is available, p.20

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European Court ruling prompts calls to reform information laws

Campaigners are calling for legislation to enshrine the right to see information held by public authorities following a ruling in Strasbourg.

The judgment from the European Court of Human Rights ('ECHR') was delivered in a case brought by *The Times*. The 11 year case arose from a freedom of information request made in 2007 to the Charity Commission, seeking papers it had obtained in the course of its inquiry relating to former MP George Galloway's humanitarian fund.

Mr Galloway stood for Parliament three times during the time that the Commission had files from three statutory inquiries, showing he may have known that his fund had received money from Saddam Hussein's regime.

The newspaper fought through two tribunal hearings, the High Court, the Court of Appeal, twice, and the Supreme Court, where it lost on the law, but judges called on the Commission to release the documents.

The Supreme Court ruled that the newspaper was not entitled to see anything under the Freedom of Information Act, which includes blanket exemptions, but concluded that some papers might be released under English common law. Some papers were then released, but were heavily redacted.

The ECHR has agreed that the information requested was exempt from disclosure under the Freedom of Information Act. The Court declined to rule on the extent of journal-

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Police challenged over refusal to disclose files on WikiLeaks staff

The Metropolitan Police Service faces a legal challenge over its refusal to confirm or deny whether it holds correspondence with US law enforcement agencies about three prominent members of WikiLeaks staff, including two British citizens whose personal emails were secretly disclosed to US prosecutors.

Stefania Maurizi, an investigative journalist for *La Repubblica*, is using the Freedom of Information Act to seek

disclosure of information held by the Metropolitan Police on former investigations editor Sarah Harrison and two current staff, section editor Joseph Farrell, and editor-in-chief Kristinn Hrafnsson.

One of the key issues under dispute is whether Ms Maurizi had secured adequate consent from the three journalists for the Metropolitan Police to disclose their personal data to the wider public.

Ms Maurizi obtained letters, and later signed witness statements, from each journalist giving their permission for the police service to release their personal information to Ms Maurizi to use in her reporting on WikiLeaks.

The police service argued that it could not be certain that the journalists had "explicitly and freely given their materially informed consent to the disclosure

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