

Freedom of Information

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Headlines

- 'Urgent need' to extend FOI Act to private contractors working for public bodies, says Peer, p.17
- CJEU rules that FOI cannot trump copyright protections, p.18
- SIC refuses to name staff in non-disclosure agreements, p.19

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ICO unveils new 'Openness by Design' Strategy

The Information Commissioner's Office is to focus its efforts on reforming data-access law and raising public awareness of such legislation, according to its newly published strategy.

'Openness by Design' ('the Strategy') is a plan that sets out the ICO's five major goals for the coming three years.

The first of these is to ensure that citizens' rights to access information are 'upheld in a timely and consistent manner'. To achieve this, the regulator will take a

number of actions, including increased 'targeting of non-compliance and taking enforcement action'. A self-assessment kit allowing public bodies to monitor their compliance will be piloted, and the ICO will also examine the possible introduction of an online portal providing information on authorities' performance in responding to public requests for information. Departments that lag behind on FOI responses could be named and shamed.

The second goal in the Strategy is for the

ICO to 'lead by example'. This, it said, can be achieved by ensuring excellent customer service in its own handling of information requests, and exemplary performance of its regulatory functions.

The third objective is 'raising awareness of access to information rights and making it easier for the public to exercise their rights'. In support of this goal, the ICO will consider what resources it could provide to schools to help deliver 'citizenship

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Supreme Court rules non-parties can have access to documents used in court proceedings

A landmark judgment by the Supreme Court has ruled that the Asbestos Victims Support Groups Forum UK can access court documents used in a legal case against the asbestos manufacturer Cape Intermediate Holdings Limited, despite not being a party to proceedings.

This decision concerned whether written material placed before the court in a civil action should be accessible to people who are not parties to the

proceedings, and how it should be made accessible to them. The lawyer representing the support groups, Harminder Bains of Leigh Day, described the issues in the case as the "extent and operation of the principle of 'open justice'".

During court proceedings, it is standard practice to collect all the written material which is likely to be relevant in a hearing into a bundle, which may range from a single ring binder to many, many

volumes of lever arch files. Increasingly, these bundles may be digitised and presented electronically, either instead of or as well as in hard copy.

Graham Dring, on behalf of the Asbestos Victims Support Groups Forum UK, applied in 2017 to access documents from a legal case against asbestos manufacturer Cape Intermediate Holdings Limited, which were due to be destroyed. He

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