

Freedom of Information

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Headlines

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- FOI Director discusses access to information in turbulent times, p.19
- Government retreat on Environment Bill secrecy, p.20

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Commissioner: “Bring appeals to us — we can handle it”

The UK Information Commissioner has said her office deals with some 6,500 appeals a year relating to failed freedom of information requests — but could handle more.

Giving a recent speech to the Society of Editors, Ms Denham encouraged journalists to “bring appeals to our office” if bodies subject to the FOI Act fail to respond to requests within the 20 working day limit.

She also repeated her calls for the FOI Act to be extended to include

private government contractors.

“So [many] government services are delivered by outsourced companies that are not subject to freedom of information,” said Ms Denham. “I think that is a significant issue and we have called for the law to be extended to outsourced and contracted providers who are delivering our ordinary everyday public services,” she added.

Ms Denham described 2018 as the “year that data protection went mainstream” following

the reports exposing large-scale Facebook data harvesting by Cambridge Analytica. Addressing concerns about the use of data protection laws to silence reporting, the Commissioner said these had not broken out from the news industry itself. “It’s something that I have heard from all of you,” she said, “but the volumes of case law don’t actually bear that out. So I’m thinking it’s more of a fear than an actuality that data protection is the new libel or defamation... but

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Election contract information ‘clearly held’ by council

The Court of Session in Scotland has allowed an appeal against the refusal of an FOI request after ruling election contract information ‘clearly held’ by a Scottish council.

The appeal was against a decision of the Scottish Information Commissioner who previously upheld the Aberdeenshire Council’s decision to refuse part of an FOI request.

In August 2013, the Council issued an invitation to tender for the purpose of

procuring a number of suppliers to be appointed to a framework agreement to provide electoral services for the Returning Officers of the City Council and Aberdeenshire Council. The services would be divided into lots, such as printing and issuing poll cards, postal vote management, electronic voting and electronic counting, and each council would enter into separate ‘call-off contracts’ with the successful suppliers as and when any services were required.

In January 2018, the appellant, Dr Ian Graham, made an FOI request to Aberdeenshire Council to see a list of the contracts called off by the council from this framework agreement. For each of these contracts, Mr Graham also wanted a copy of the order and a copy of the invoice, confirmation whether the council paid the invoice and if so, whether the Council reclaimed the input VAT on the invoice.

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