

Freedom of Information

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Headlines

- Government censored BAME COVID-risk review, p.18
- Matt Hancock faces legal claim over government decision not to publish findings of 2016 pandemic drill, p.19
- HMRC refuses to share information on overseas pension list, p.20

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ICO to take tougher approach to FOI time limits

The Information Commissioner's Office is poised to use enforcement notices against authorities caught repeatedly breach the Freedom of Information Act 2000.

The stronger enforcement stance hasn't been openly publicised, but has been revealed in response to an FOI request by the Campaign for Freedom of Information.

The group says it has for some time been calling on the ICO to use its power to issue enforcement notices against authorities

which repeatedly breach FOIA's time limits.

Unlike a decision notice, which can only deal with an individual request, an enforcement notice could require an authority to reply to all outstanding FOI requests by a specified deadline.

The ICO has only issued four enforcement notices since the Act came into force in 2005, and only two of those related to compliance with FOI time limits.

The information disclosed by the ICO to the group shows that in January

2020, the regulator proposed issuing an enforcement notice against the Metropolitan Police, requiring it to clear all requests over six months old by 31st March 2020. In the same month, an enforcement notice was drafted against another unidentified 'police and justice' sector body.

In November 2019, an enforcement notice was drafted against a third police force (believed to be Cumbria police), which had 900 outstanding requests three months earlier.

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New UK laws could criminalise journalism

The British government is proceeding with so called 'espionage legislation' that could criminalise the release of public information and impose stricter controls on the UK media as part of an 'epidemic of secrecy'.

The plans for the legislation were discussed in the Queen's Speech in December 2019. The speech stressed the need to combat 'hostile state activity' and make the UK 'a harder environment for adversaries to operate in',

which is understood to be an indirect reference to the poisoning in Salisbury of Russian double agent Sergei Skripal.

However, it also insisted that the Official Secrets Act, drawn up in 1989, must be 'updated' and confirmed that the Law Commission — the body responsible for reviewing the law in England and Wales — has been commissioned by the government to do this.

According to commentators, the proposals drawn up by the Law Commission to review the Official Secrets Act pose major dangers. Whistleblowers and journalists could be convicted for revealing information about defence, international relations or law enforcement, even if it was unlikely to cause harm. The changes would also make it easier to secure convictions by weakening the existing tests for proving an of-

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