

# Freedom of Information

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## Headlines

- ICO issues practice recommendation, p.17
- ICO addresses common FOI and EIRs misconceptions, p.18
- Police have no need to declare IMSI use, Tribunal rules, p.19

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## Regulator updates FOI regulation policy for the Covid era

The Information Commissioner's Office has adapted its regulatory approach to reflect the recent shift in phases of the pandemic recovery.

The regulator says it intends to maintain its pragmatic and empathetic stance, but now also wants to see public authorities putting clear plans in place to get back on track with their freedom of information work.

In terms of complaints that the ICO has received, it again stated it will take a pragmatic approach to resolving them,

"keeping engagement with the public authority to a minimum and being guided by them as to whether they are able to respond to our requests or require more time to do so".

The updated policy makes it clear that whilst the ICO expects that the reduction in resources will have affected their ability to comply with aspects of FOI law, records of decision making should still have been made so that information is available at the conclusion of the emergency. The ICO identifies this as being especially important given

that "this unique crisis has required quick decision making and innovative uses of data, including geolocation and geospatial information. There has been, and will continue to be, intense public interest in understanding how and why decisions were taken and how information was used."

The document encourages organisations to "recognise the public interest in transparency and seek as far as possible to continue to comply with their obligations for particularly high-risk or

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## New FOI self-assessment toolkit

The Information Commissioner's Office has launched an online toolkit to assist public authorities in responding to Freedom of Information requests as they prepare to recover from the COVID-19 pandemic.

The toolkit is designed to help authorities self-assess their performance in responding to FOI requests by generating a bespoke report which helps to identify areas for improvement and where action needs to be taken.

Deborah Clark, Manager for Insight and Compliance at the ICO, said: "Whilst we remain pragmatic in our regulatory approach, we also now expect organisations to start putting clear plans in place such that they can be back on track with their Freedom of Information-focused work. The Freedom of Information toolkit will support public authorities to do just that."

This is the first phase of the toolkit, and the

focus is on timeliness. It's split into five modules covering response rates, handling requests, training and awareness, compliance and assurance and governance structure. Further toolkit developments will see other issues addressed, such as where the cost of compliance exceeds the appropriate limit.

The toolkit, which can be completed either in stages or in full, works by ask-

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