

Freedom of Information

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Headlines

- Australia’s FOI regime heading for disaster, says Senator, p.18
- Important victory for FOI in Albania, p.19
- Event supplier makes FOI request to government, p.20

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Journalists’ FOI bids stayed as Tribunal adopts ‘untenable’ stance

The First-Tier Tribunal has raised questions over people’s eligibility to use the Freedom of Information Act when they are non-UK citizens or UK citizens living outside of the country, and is to consider the issue and related issues in a two day preliminary hearing in January 2021.

The case challenges one of the fundamental principles of the FOIA: that it can be used by anyone, regardless of who they are or where they live.

The FTT began asking whether it had the jurisdiction to hear FOI ap-

peals in the wake of the first Covid-19 lockdown in March 2020.

Tribunal Registrar Rebecca Worth cited two legal textbooks in support of the Tribunal’s jurisdiction queries.

One of them, *Tribunal Practice and Procedure* written by Upper Tribunal judge Edward Jacobs, argues that “every legal system requires parties to have some form of connection with the country before they are allowed access to the courts and tribunals”.

The other, *Information Rights Law and Practice* by Philip Coppel (a review of the new edition is on page 14) argues that there is a presumption that UK law, including FOIA limits legal rights to “those persons within the country at the time at which the right is sought to be exercised”.

The FTT has stayed 16 appeals since it started questioning these issues. In its January hearing, it will decide the questions for five lead appeals, and its outcome will be binding on a further 11 cases.

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Scottish government accused of coordinating FOI responses with council

Emails between the Scottish government and councils show that the two are working together to block the release of information on billions of pounds worth of Covid-19 grants, according to *The Ferret*.

The publication requested information from every Scottish local authority, as well as business support agencies, on the grants and other subsidies paid out to help mitigate the impact of the coronavirus

pandemic. It said that the responses revealed the “staggering extent” of the funding provided to organisations throughout the country.

“Already, we have found that hundreds of businesses and voluntary groups that have received cash, including orange lodges, scout groups, bowling clubs, churches, and even luxury golf courses owned by Lords”, said the publication.

However, many of the contacted Scottish authorities refused to publish information on the recipients of grants, acting on advice from the Scottish government.

Emails obtained by *The Ferret* show that the government advised council officers on the precise legal exemptions they should quote when sending FOI refusal notices. The advice is understood

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