

# Freedom of Information

Volume 17, Issue 4 March / April 2021

## Headlines

- Open Government Partnership puts UK under review, p.17
- Court of Justice gives guidance on the internal communications exception, p.18
- Tribunal rejects application for disclosure of leakers, p.19

## Contents

|   |    |
|---|----|
| <i>Expert comment</i>   | 2  |
| <i>From the stroke of midnight: EU judgments on access to environmental information — still relevant in a post-Brexit UK?</i> | 4  |
| <i>Recent decisions of the Information Commissioner and Tribunals</i>   | 8  |
| <i>FOI news</i>   | 16 |

## Defence research agency to be excluded from FOIA

A new bill has been introduced to Parliament establishing the UK’s Advanced Research and Invention Agency (‘ARIA’), an agency that will have the powers and freedoms to fund and develop scientific research, and will be exempted from FOI laws.

Announced in February 2021, ARIA is based on the US Advanced Research Projects Agency (ARPA), which is subject to US FOI law.

The new agency is supported by £800m in funding and will be “backing high-risk research that

offers the chance of high rewards in terms of their transformational impact on society”.

ARIA will look at how to avoid unnecessary bureaucracy, and will experiment with different funding models such as programme and seed grants, as well as prize incentives, to achieve its goals of backing pioneering research. It will also have greater tolerance to failure than what is normally accepted, as well as the ability to start and stop projects according to their success.

The justification given by the Department for Business, Energy & Industrial Strategy for exempting ARIA from FOI law is that not having to respond to FOI requests will reduce the administrative time required to process them. It will also protect “Britain’s competitive advantage”, while allowing ARIA to run in “an extremely lean and agile operating mode”, which the government understands to be “essential to its design and ultimate success”.

[\(Continued on page 16\)](#)

## ICO makes addition to toolkit

The Information Commissioner’s Office has added a new topic to its FOI toolkit.

The online toolkit was launched in July 2020 to assist public authorities in responding to freedom of information requests.

When it released the toolkit, the ICO said that it was designed to help organisations self-assess their performance, generating bespoke reports that help to identify areas for improvement and where

action needs to be taken.

The first phase of the toolkit focused on timeliness and split into five modules on response rates, handling requests, training and awareness, compliance and assurance and governance structure. The ICO said that other issues, such as where the cost of compliance exceeds the appropriate limit, would be addressed in future developments.

The toolkit, which was

tested by public authorities, works by asking the user to assess performance against a set of criteria. Each module generates a report with an overall rating, action plan and web links for guidance.

Deborah Clark, ICO Group Manager of Insight and Compliance, emphasised the role of the toolkit in helping authorities clear backlogs of FOI requests as they

[\(Continued on page 16\)](#)