

Freedom of Information

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Headlines

- Code of Practice on the Management of Records issued, p.18
- Police accused of being ‘allergic to scrutiny’, p.19
- Project to gauge ‘true’ cost of FOI in Ireland, p.20

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Incoming Commissioner’s remarks are indicative of wider problem, says group

The government’s approved candidate for next Information Commissioner, New Zealand Privacy Commissioner John Edwards, has made some remarks about FOI that have caused alarm among FOI campaigners.

Speaking recently to the Select Committee on Digital, Culture, Media and Sport, Mr Edwards suggested that some people were ‘abusing’ FOIA and that for some FOI requests, it is ‘legitimate’ to ask requesters to meet the cost of digging out the relevant information.

Mr Edwards told MPs that the ‘new electronic way of working’ has led to a ‘proliferation of information’. He said: “The challenge that this represents when a member of the public exercises their right to ask for information about a particular topic — and they do so in a way which requires a department to, in effect, empty their pockets — it creates an extraordinary administrative burden.”

Mr Edwards had not been fully briefed on FOI issues before making the comments. He had, for instance, not read a recent key FOI ruling

during which government’s use of an FOI ‘Clearing House’ was strongly criticised for a ‘profound lack of transparency’. When asked about the matter, Mr Edwards said “I don’t see anything objectionable to the concept of a Clearing House in principle” although he went on to say: “if I see conduct which is attempting to subvert Parliament’s intentions in enacting the Freedom of Information Act, I will certainly act.”

The concept of making FOI requesters pay for

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Police body issued with Practice Recommendation

Sussex Police has been issued with a Practice Recommendation by the Information Commissioner’s Office in relation to the handling of FOI requests.

Practice Recommendations, which may be served where the Commissioner reaches the view that the handling of requests by a public authority does not conform to the FOI Code of Practice, are relatively infrequent (the last one

was in October 2020).

The Practice Recommendation notes that Sussex Police did not conform with the sections of the Code on providing advice and assistance (clarifying requests); time limits for responding to requests; internal reviews; and communicating with requesters.

Since August 2019, the Commissioner said that she received a disproportionately high number of

complaints about Sussex Police for the size of the force. A high number of the complaints resulted in decision notices recording a breach of section 10 of FOIA for non-response to a request.

In addition to the high number’ of timeliness complaints, the Commissioner said it has ‘seen a pattern’ of Sussex Police failing to complete internal reviews, both when

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