

# Freedom of Information

Volume 17, Issue 6

July / August 2021

## Headlines

- ICO publishes its annual report, p.17
- Peers call for transparency on Environment Bill, p.18
- Future public inquiries at risk by ‘poor’ information management practices, says review, p.19

## Contents

<i>Expert comment</i>	2
<i>Enforcing Tribunal decisions: where there’s bark there’s bite?</i>	4
<i>FOI Regimes of Practice</i>	8
<i>Recent decisions of the Information Commissioner and Tribunals</i>	11
<i>FOI news</i>	16

## New investigation into government use of private correspondence channels

The Information Commissioner’s Office has launched a formal investigation into the use of private correspondence channels at the Department for Health and Social Care, and has served information notices on the department and others to preserve evidence relevant to the inquiry.

The investigation will establish firstly, whether private correspondence channels have been used, and secondly, if their use led to breaches of freedom of information law.

The ICO will later publish the results of the investigation.

The announcement of the investigation follows months of controversy surrounding the transparency with which the government has made decisions about public health and civil liberties, including where people can travel and who they can see, as well as decisions regarding vaccines and testing.

The investigation comes directly following calls from Labour MPs for an investigation after it emerged that former

Health Minister, Matt Hancock, had been routinely using private correspondence channels, including private email accounts, to conduct sensitive official business.

Commenting on these suggestions, the Commissioner said: “it concerns the public to feel there may be a loss of transparency about decisions affecting them and their loved ones. And as the regulator of data protection and freedom of information laws, it concerns me.”

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

## ICO publishes detailed research into perceptions of FOI

The ICO has published the results of its survey of over 2,000 individuals, monitoring changes in what they think about freedom of information, and how they utilise their information rights.

The ICO commissions annual track research to monitor such changes in public attitudes and perceptions and uses the insights to help inform the focus of its work.

Information Commissioner, Elizabeth Denham said: “This research is important to the ICO. By gaining insight into public perceptions, we can better appreciate the challenges organisations face. This in turn helps shape our focus and priorities”.

The results from the research show that the public’s perception of its awareness of rights to access information held by the government, public authorities and/or publicly

owned companies, has not shifted much since 2020.

The research shows that females (46%) are more likely to be aware of the right to see what public money is being spent on than males (42%).

Non-parents/carers are significantly more likely than parents/carers to be aware of ‘the right to request information held

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