

How to make effective use of the Freedom of Information Act/ The role of the Information Commissioner

Steve Wood

Assistant Commissioner/ Head of FOI Policy

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The Freedom of Information Act

- “The Right to Know”
- 115,000 public authorities
- Over 300,000 requests since 2005
- 1000 ICO decisions



Effective FOI requests

- Check the publication scheme first
- Label the request
- Direct the request to the right place
- Describe the information you require
- Means of communication
- Your right to advice and assistance



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Complaints under FOI

- Internal review by the public authority
- Complaint to the ICO
- Appeal to the Information Tribunal
- Appeals to the High Court, Court of Appeal and House of Lords

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The role of the Information Commissioner

- Promoting good practice – educator / policy advisor / legislator / negotiator
- Adjudicating complaints – ombudsman
- Regulating – securing compliance / auditor / enforcer / prosecutor

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The role of the Information Commissioner- FOI complaints

- Any person may apply to the Commissioner for a decision under Section 50 of the FOIA
- Section 50 sets scope of complaints that the Commissioner can consider
- Commissioner can use Section 51 Information Notice powers in relation to section 50 complaints
- Failure to comply can lead to Contempt of Court proceedings

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Some relevant ICO decisions

Requests for datasets:

- FER0072933 Ofcom – Sitefinder database (IT decision EA/2006/078)
- FS50166599 Home Office – work permits database (IT decision EA/2008/027)
- FS50122432 Dept of Health – abortion statistics

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Some relevant ICO decisions

Understanding the workings of Government:

- FS50126011 Cabinet Office - Asylum and Migration Working Group papers
- FS50165372 Cabinet Office – Cabinet minutes related to Iraq

Environmental policy

- FER0088851 Dept for Transport - second runway at Stansted
- FS50156849 Dept for Transport - first draft of the Sir Rod Eddington Transport Study

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What do the public know more about?

- Public policy making
 - Background, factual information
 - Feasibility
 - Assessment of options, risks
 - Development of existing policy
- How public bodies make decisions
 - Records of meetings, deliberations
- Interaction of third party organisations with public bodies
- How public money is spent
 - How much?
 - On what terms?
 - To what effect?
- Impact of public bodies and third parties on the environment

FOI: the future

- Maintaining the profile of FOI
- Tackling delay
- Evolution of Open Government culture
- Proactive release
- Extended coverage
- Review of 30 year rule
- Increased focus on environmental information



Information Commissioner's Office

www.ico.gov.uk