HOW MP USES FREEDOM OF INFORMATION REQUESTS

Every day, both Houses of Parliament publish volumes of material – select committee reports, transcripts of debates and research papers. They also receive FOI requests from the public and journalists about what else goes on in Parliament. It was just such a request back in January 2005 by journalist Heather Brooke that would lead to the first resignation of the Speaker of the House of Commons in over 300 years…

Freedom of information is supposed to make institutions more accountable, transparent and trustworthy. It is also meant to encourage public participation and understanding.

January 2005: Heather Brooke and other journalists ask for detailed travel expenses breakdowns of several MPs

February 2005: Requests denied by Commons

2007: David Maclean’s bill to exempt Parliament from the FOI Act passes through the Commons, but fails in the Lords

2008: Requests go all the way to the High Court – rules that publication of details of expenses is in the public interest

May 2009: Daily Telegraph obtains a CD with detailed receipts and correspondence about MPs’ claims. Begins to publish claims day by day

June 2009: Commons publishes MPs’ receipts – heavily redacted - as ordered by the High Court

Putney MP Justine Greening has campaigned against the expansion of Heathrow Airport. She used FOI requests to access communication between the Department for Transport and BAA. It took 18 months for the information to be released. It is alleged the memos and emails obtained show how:

- DfT relied on research that they admitted would not stand up to scrutiny.
- Officials discussed taking out references to technical notes containing crucial evidence, so that opponents of expansion would not know they existed.
- Many local residents are against the plans to extend the airport, citing noise and congestion concerns. While the government is pressuring ahead with plans for a third runway at Heathrow, the Conservatives have said they will shelve the proposals if they win the next election.

Playing politics?

Lord Ashcroft is a Conservative Party donor, and has faced questions over his tax-status since he was first nominated for a peerage.

When Ashcroft took up his seat in the Lords in October 2000, the Commons was told, “Mr Michael Ashcroft has given his clear and unequivocal assurance that he will take up permanent residence in the United Kingdom again before the end of the calendar year.”

- Labour MP Gordon Prentice then submitted an FOI request asking “What form did Michael Ashcroft’s undertaking take and to whom was the assurance that he will take up permanent residence in the United Kingdom again before the end of the calendar year?”
- The Cabinet Office refused to reveal the information, citing exemptions in the FOI Act about confidentiality and personal information.
- But the Information Commissioner ruled that Prentice – and the public – had the right to know and ordered the Cabinet Office to give Prentice the information.

In anticipation of that, Ashcroft declared his position to the Commons. The Cabinet Office then released a memo showing Ashcroft’s commitment was to “return to the UK in order to spend more time there and to further strengthen his ties to the country.”

Our research is a two year ESRC-funded project. For more information, see www.ucl.ac.uk/constitution-unit

MPs have no given job description. Their roles can encompass legislating, campaigning, advocating and scrutinising. Freedom of information requests can help them carry out these tasks.

Scrutinising the Government

The All-Party Parliamentary Group on Extraordinary Rendition is headed by Andrew Tyrie MP and was formed in December 2005. The aim of the APPGER is to examine the UK’s role in the practice of extraordinary rendition – the practice of transferring terrorist suspects to foreign jurisdictions, “where they can be questioned, held or brought to justice” (Condelezza Rice, December 2005). Prisoners are alleged to have been tortured, and the APPGER wants to know if the UK handed over terrorist subjects, knowing they would be tortured. They also want to know if the British territory Diego Garcia – a small atoll in the Indian Ocean – has been used a refuelling-stop by planes carrying prisoners. It is now known, as a result of the APPGER’s FOI requests to the Foreign Office, that inaccurate assurances had been provided by the US in relation to Diego Garcia on at least eight separate occasions. The APPGER is also involved in the case of Binyam Mohamed, a UK citizen accused of terrorism. It is alleged Mohamed was detained in 2002 in Pakistan, where he was questioned incommunicado by an MI5 officer. The US flew him to Morocco, Afghanistan, and Guantánamo Bay, where he says he was tortured with the knowledge of British agencies. The Foreign Office claimed the UK had no knowledge of his treatment, but last year two High Court judges said “that the relationship of the United Kingdom government to the United States authorities in connection with Binyam Mohamed was far beyond that of a bystander or witness to the alleged wrongdoing”.

In February 2010, judges ordered the release of seven paragraphs of a CIA memo, showing British agents knew of his torture and had “facilitated” his interrogation by the US.

Other ways MPs have used Freedom of Information

- They’ve used FOI to compare the cost of the NHS against the cost of the war in Iraq
- The Conservatives have used FOI to formulate their policy on single-bed hospital rooms
- To disclose bonuses and expenses paid to public sector workers
- To help their constituents with health, housing and immigration issues.
images

- Hazel Blears and the cheque image: http://i.dailymail.co.uk/i/pix/2009/05/12/article-1180938-04E99790000005DC-448_468x286.jpg
- Plane: http://www.hacan.org.uk/images/plane-over-roof.jpg
- Gitmo prisoner: http://www.dialoginternational.com/a/6a00d83451c36069e20105368f5faf970b-800wi (image reversed)
- Faith in the political process poll: http://www.bournemouthecho.co.uk/news/4373191_MPs_should_not_be_exempt_from_the_law__says%20Annette_Brooke/
- WPQs table: http://www.parliament.uk/commons/lib/research/briefings/snpc-04148.pdf (page 6)