INFORMATION COMMISSIONER

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Information Commissioner’s Perspective and the Lessons so far

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Freedom of Information Act 2000

2 routes to publication

• section 1
  – duty to confirm or deny
  – duty to communication

• section 19
  – publication schemes
Section 1

- Duty to respond to a request for information
- Subject to exemptions
- Subject to fees
- Subject to cost limit
- Not if vexatious or repeated
Request for Information

• In writing
• Name of applicant and address
• Describes information requested
• Electronic transmission
• Legible
• Capable of being used for reference
Exemptions

• Absolute exemptions
• Public interest test
  – all the circumstances
  – public interest in maintaining
  – outweighs public interest in disclosing
Fees (1)

- No obligation to charge
- Doesn’t override existing statutory powers
- Fee calculation to be in accordance with regulations
Fees (2)

- Disbursements
- Informing/communicating with applicant
- Prescribed costs
  - determining whether held
  - locating and retrieving
- Maximum fee = disbursements + 10% prescribed costs, up to £600
Cost Limit

• No duty to comply with request if cost of compliance exceeds appropriate limit
• £600 (draft regs)
• Impact on fees if comply voluntarily
Vexatious & Repeated Requests

• What is vexatious?
• Aggregate effect
• Organised campaigns
• Why not publish?
Section 19

- Duty to adopt and maintain Publication Scheme
- Approved by the Information Commissioner
- To publish information in accordance with its scheme
Publication Scheme

• To IC by 31 December 2002
• Classes of information
• Manner of publication
• Whether free of charge or on payment
Issues

• Governance
• Fit with modernising agenda
• Good practice
• Pilots
• IC’s approach
Think about

• Life after 28 February 2003
• Life after 1 January 2005
• The benefits of openness
• Your other responsibilities
• Information Commissioner’s powers
Action

• A robust scheme
• Delivery
• Communication and training
• Arrangements for review
• Implementation plan for 2005
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