



Ministry of  
**JUSTICE**

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# FOI POLICY UPDATE

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Head of FOI Policy & Strategy  
Ministry of Justice



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Overview

Protection  
of Freedoms  
Bill

Section 5

20-year rule

Post-  
Legislative  
scrutiny



## 7 January 2011 Policy Announcement

- Extending the Act to companies wholly owned by more than one public authority
- Amendment to FOI Act to promote proactive release of datasets, and for datasets to be published in a re-usable format, free for re-use
- Consultation with more bodies believed to exercise functions of a public nature
- Inclusion of ACPO, FOS and UCAS via Section 5 Order
- 20-Year Rule and corresponding reduction of lifespan of certain FOI exemptions
- Commencement of changes to Royal exemption
- Enhanced independence for Information Commissioner
- Post-legislative scrutiny of FOI Act

## Protection of Freedoms Bill

- Introduced 11 February 2011
- Clauses (92-98) relating to: datasets, publicly owned companies, extension of changes in CRAG Act to NI bodies and Information Commissioner
- Committee stages anticipated 12 May 2011



## Right to data clauses

Clause 92 of the Protection of Freedoms Bill amends the FOI Act so that when datasets are published in response to individual requests or through the publication scheme

– it is mandatory for them to be available for re-use at the point of release – under the Open Government Licence or other licence as prescribed by the Controller of HMSO; and

- where reasonably practicable, they will be published in a re-useable format.

A dataset will be – a collection of information held in an electronic format ; information that was obtained/used by public authorities to run services and inform policy decisions; and it will be factual information.



## Information Commissioner's Office

- Changes to appointment and tenure of the Commissioner
  - Justice Secretary approval for certain ICO guidance no longer required
  - Justice Secretary consent to ICO charging for certain services no longer required
  - Justice Secretary approval for ICO staff appointments etc no longer required

Framework Document

## FOI clauses

- Amendment to meaning of publicly owned company
- Users the term “wider public sector” – definition is contained within the drafting
- In essence any company wholly owned by any combination of FOIA public authorities, except those only listed for certain information or those added via Section 5
- Also amendment to repeal section 80A of FOIA (added to FOIA by CRAG Act) – brings NI bodies within scope of CRAG FOI amendments



- Likely to be several Orders
- First will bring ACPO, FOS and UCAS within scope – introduction expected late May/early June
- Currently consulting range of other bodies – next Order likely in the autumn
- Watch this space for further announcements



Advertising Standards Authority

Approved regulators under the Legal Services Act 2007, including the Law Society and Bar Council

British Standards Institution

Carbon Trust

Energy Saving Trust

Examination Boards (where not already covered)

Harbour authorities (where not already covered)

Independent Complaints Reviewer

Independent Schools Inspectorate

-- Local Government Association

National Register of Public Service Interpreters

NHS Confederation

Quality Assurance Agency

Schools Inspection Service

The Bridge School Inspectorate

The Panel on Takeovers and Mergers

The Parking and Traffic Appeals Service

The Trinity House Lighthouse Service

Traffic Penalty Tribunal

- Plans still being developed
- Large amounts of paper and electronic records (2 million paper records in gvt. departments)
  - Will transition down over 10 years, starting Jan 2013
    - Aim is for FOI exemptions to be reduced in line with 30-Year rule
- Secondary legislation required – probably 2012



- Will follow process for Bill receiving Royal Assent post 2005
- MoJ will prepare a Memorandum for the Justice Committee – in essence an assessment of the Act against the Bill’s objectives; what works well, what works less well
  - Will be undertaking an exercise to look at the costs and benefits of FOI
  - Memorandum expected to be submitted to Justice Committee in late autumn



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## Post-legislative scrutiny of the FOI Act

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### Some questions

What do we need to talk to?

What are the benefits of FOI? How do we measure them?

How might we consider the costs of FOI?

What operational aspects of the FOIA do we need to consider?