

Parliament is covered by the UK Freedom of Information Act. Our study asks:
How do MPs use FOI? How has Parliament changed because of FOI?

HOW FOI HAS CHANGED PARLIAMENT

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

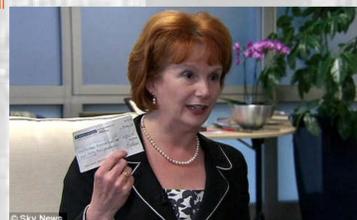
June 2009: Commons publishes MPs receipts – heavily redacted - as ordered by the High Court

Fallout from the scandal:

- House of Commons gives away control of expenses system
- Independent bodies now decide what MPs' can claim and what they get paid
- Three MP and one Peer charged with theft by false accounting
- It is estimated more than 130 MPs will stand down at the next election BBC, Feb 2010

After the publication of MPs' expenses, almost half of voters believe MPs are personally corrupt Telegraph/YouGov Poll June 2007

- The House of Commons has also published, after FOI requests:
- How **energy efficient** its buildings are
 - How much MPs owe in **unpaid restaurant bills**



HOW MPs USE FREEDOM OF INFORMATION REQUESTS

MPs can already ask Parliamentary Questions of departments, so why would they use FOI requests instead?

Session	WQs	Sitting days	WQs/day
2000-01	16,701	83	201
2001-02 *	67,728	201	337
2002-03	51,602	162	319
2003-04	50,027	157	319
2004-05	21,200	65	326
2005-06 *	96,060	208	462
2006-07	58,180	146	398

Source: PIMS; Sessional Returns

- MPs tell us they use parliamentary questions for short, statistical answers.
- FOI requests can access more detailed information, actual documents, opinions, deliberations.
- But FOI requests can take weeks, even years
- Parliamentary Questions can be answered in a matter of days.

Campaigning for the public



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 pollution, noise and congestion concerns. **While the government is pressing 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 undertaking given?"**
- 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 give Prentice the information.
- In anticipation of this, **Ashcroft declared he is indeed a 'non-dom'**. The Cabinet Office then released a memo showing Ashcroft's commitment was to then-Conservative leader William Hague.

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" (Condoleezza 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 APPG'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

Six years ago, I started to ask questions about rendition... I have since made specific allegations, all were met with blanket denials. The then foreign secretary, Jack Straw, likened such allegations to "conspiracy theories". Each has now been admitted. Andrew Tyrie MP



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)