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Our ref: TO06/1995
Your ref:

2 November 2006

Dear Ms Daruwala

Freedom of Information Act 2000

Thank you for your letter of 26 October to Baroness Ashton outlining your concerns over plans the Government may have to change the charging arrangements in relation to requests under the Freedom of Information Act. I have been asked to reply.

The Government stated in February 2005 that the fees regulations would be reviewed within 12-18 months of the Act coming into force so that lessons could be learnt from its practical operation. The fees regime is still under review and the Government have not yet made a final decision on what changes should be made to the present regime.

I enclose a copy of the independent review which Lord Falconer commissioned to look at the impact of the Freedom of Information Act, (this can be found on our website at: <http://www.dca.gov.uk/foi/reference/constitutionalAffairsCommittee.htm>).

Following the conclusions of the review the Government is minded to:

- i. include reading time, consideration time and consultation time in the calculation of the appropriate limit (£600) above which requests could be refused on cost grounds; and
- ii. aggregate requests made by an legal person, (or persons apparently acting in concert, to each public authority for the purpose of calculating the appropriate limit,

The Government is not minded to agree the following:

- iii. a flat fee for all requests (although thus could not be rules put permanently as Parliament had voted powers in the FOI Act to allow such fees); and
- iv. a reduction in the cost threshold to £400.



The Government will take stock of the responses to this position before bringing forward secondary legislation.

The Freedom of Information Act has been a great success. It has brought new levels of transparency to our systems of governance and as evidenced by its popular use, empowered citizens to find out more about the decisions which affect their lives. In so doing, the Act has delivered a real improvement to the quality of decision making within our public institutions. The Government does not want to change the fundamentals of the Act, but it does wish to ensure that it is working properly and provides value for money. I would like to assure you that there is no desire to deter FOI requests that are genuinely seeking information.

Yours sincerely

Colin McGrath