

## Government agrees to consult over plans to “scythe” freedom of information act

*Campaign for Freedom of Information*

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Draft government regulations published today could block anyone using the Freedom of Information (FOI) Act to throw light on high profile issues, say campaigners. But the government has now issued a consultation document on its proposals, something it had previously resisted doing.

Maurice Frankel, director of the Campaign for Freedom of Information said: *“These changes strike right at the heart of the Act, which is that the basis for decisions should be the public interest, not authorities’ interests. Under the proposals, the more substantial the public interest issue raised by someone’s request, the more likely it will be to be refused, because the time authorities spend considering the issues will count against it. But the benefit of disclosure will be ignored. Requests could be refused once their costs exceeded a set threshold even if disclosure would reveal that public safety was being endangered, public money was being squandered or an authority was acting unlawfully. The government is taking a scythe to its own Act.”*

At the moment, authorities can refuse requests which would cost more than £600 in the case of government departments and £450 for other public bodies. Only the cost of finding and extracting the information can currently be taken into account. The government wants to allow authorities to include the time spent consulting about the request and considering whether the information must be disclosed.

In an apparent concession, the draft regulations say that the cost of the time spent considering a request cannot count towards more than £400 of the £600 limit. The time consulting about the request is also subject to a £400 cap. But the Campaign says requests could still be refused if these two elements between them exceeded the cost limit - eg if a request required £310 of consideration time and £310 of consultation time. (For bodies subject to the £450 cost limit the consideration/consultation cap is set at £300.)

In addition, the government is proposing to allow authorities to refuse all requests made by the same individual or organisation if their combined cost exceeds the £450 or £600 limit, subject to a test of whether it is “reasonable” to aggregate requests in this way. The effect would be to ration requests from the media or campaigning organisations to possibly no more than 1 request per quarter to the same authority. The government consultation paper says the “reasonableness” test would take account of the disruption caused to the public authority, amongst other factors – but there is no mention of the public interest in disclosing the requested information.

The government says these changes are needed to keep the costs of the Act under control. But the Campaign points out that according to the government’s figures the total cost of the Act across the whole public sector, including the cost of the Information Commissioner and Tribunal is around £35.5 million. “The supposed savings from these changes, of £11.8 million, is out of all proportion to the damage that would be done to the legislation” Mr Frankel said. The Campaign pointed out that according to a National Audit Office report published today, government could save £660 million by getting a better deal on its office supplies.

However, the government has now invited the public to comment on its proposals – something it had previously not intended to do. The consultation period ends on March 8 2007. The government says the regulations will be introduced shortly afterwards, on March 19. The consultation paper is available on the Department for Constitutional Affairs website [www.dca.gov.uk](http://www.dca.gov.uk)