

Record 18-month FoI request delay incenses Sunday Telegraph reporter

*By Dominic Ponsford
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The Home Office has just set a new record for tardiness in answering a Freedom of Information Act request - 18 months.

The unlucky journalist on the receiving end of the department's delays was Sunday Telegraph home affairs correspondent Ben Leapman. The news value of the information he requested about the security lapses at Woodhill Prison - where Soham murderer Ian Huntley is caged - has now greatly reduced. And Leapman believes drastic changes need to be made to the FoI regime to give the act teeth.

Leapman told Press Gazette: "I think the Home Office in this case - and others I have dealt with - is turning things down when there is no good reason for doing so. "The initial expectation was that FoI requests would be dealt with administratively. "But in this particular case it was referred to the Home Secretary himself on two occasions. "He is a political figure and is likely to make political judgments. There is a risk of whatever party which is in power holding back the sensitive stuff. "A week is a long time in politics, and delaying something for 18 months really kicks it into the long grass."

Leapman made his initial request in January 2005, the week the Freedom of Information Act came into force, asking what security lapses at Woodhill Prison allowed the murderer Ian Huntley to attempt suicide while on remand in June 2003. It was turned down in August 2005, so Leapman requested an internal review. Following the review, the request was again turned down in November 2005.

Leapman said: "On both occasions I was told that the then Home Secretary Charles Clarke had personally endorsed a decision that the report was exempt under Section 36 of the FoI Act." This allows public bodies to withhold information if its disclosure "would, or would be likely to, inhibit the free and frank provision of advice or exchange of views for the purposes of deliberation; or would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs."

Leapman said at times his dealings with the Home Office descended into farce. "In July 2005, I received a misdirected email sent by one Prison Service official, Michael Achow, to another, Russell Yates, which read: "Russell, Looks like the game's up. I suppose we could say that we sent it to him ages ago and he must have lost it. Michael."

Leapman appealed to the Information Commissioner's office in November 2005. The complaint was not allocated an official until February this year. Faced with the prospect of being ordered to release the information, the Home Office eventually backed down and wrote to Leapman on 14 July to say the original refusal had been "reconsidered".

The document given to Leapman, headed "Restricted Investigation", detailed "fundamental failings" at Woodhill - and made 29 recommendations for improvements. Leapman said: "Labour's Freedom of Information Act is a big improvement on what came before it. "I suppose I won on this occasion, because in the end the report was released. "But when a Government department is able to delay, delay, delay, because the law and its enforcer lack teeth, I think the public ends up the loser."

Leapman called for clear time limits to be imposed on dealing with FoI requests, because the current 20-day limit is being widely flouted.

See also: http://www.pressgazette.co.uk/article/200706/18month_foi_sumtel