

Campaign for Freedom of Information

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Politically sensitive requests likely to be blocked under new freedom of information restrictions

The amount of information made public about politically contentious issues would be severely cut under new government proposals to restrict 'time consuming' freedom of information requests, campaigners warn. Thirteen per cent of all requests to government departments which currently have to be dealt with could be refused on cost grounds in future under the proposals.

At the moment, an FOI request can be refused if the cost of dealing with it exceeds £600 in the case of government departments, or £450 for other authorities. In calculating their costs, authorities can include the time spent locating, retrieving and extracting the requested information.

The Department for Constitutional Affairs today said it was "minded" to introduce two changes to these arrangements.

First, authorities would be allowed to include the time spent by staff in reading the material, consulting others and deciding whether to release it. This would mean that many requests which are currently answered would be refused on cost grounds in future. This would particularly affect those in which ministers become personally involved, because consulting ministers is "the most expensive stage of work", according to today's report.

The Campaign's director Maurice Frankel said "*ministers often insist on personally taking any sensitive decisions under the FOI Act. Allowing their time to be counted means that the more politically contentious or embarrassing the request, the greater the chance of it being refused on cost grounds. It is deeply unfair to penalise requesters because ministers are anxious about negative publicity. In cost terms, it would be just as effective to discourage ministers from getting involved in these decisions in the first place.*"

The second change would be to allow *all the requests* made to an authority by the same person or organisation to be refused if their *combined cost* exceeded the £600 or £450 limit. The move would particularly hit the press, as well as campaigning groups and MPs, Mr Frankel said. "*Newspapers would be forced to limit themselves to one or two requests to a government department a quarter. A regional paper covering the work of a local authority might be allowed one request every few months. It would barely be worth their while learning how to use the Act at all.*"

The overall effect of these changes would be a major cut back in public scrutiny of government decisions. The figures published today suggest that over 4,400 requests a year which currently have to be dealt with under the Act could be refused on cost grounds in future. "*This would severely limit use of the Act to promote public accountability, ensure that authorities take sound decisions, allow the public to check that their concerns have been taken into account and increase public confidence in the work of authorities*" the Campaign said.

However, the government has decided not to introduce “up front” application fees under the Act.

Note

The new proposals are published today (16.10.06) in ‘The Government’s Response to the Constitutional Affairs Select Committee Report “Freedom of Information – One Year On”. A separate report, by Frontier Economics, (“Independent Review of the Impact of the Freedom of Information Act”) commissioned by the Department for Constitutional Affairs, is also published today.

Both are available on the department’s web site at:

www.dca.gov.uk/foi/reference/constitutionalAffairsCommittee.htm.

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