

## Government U-turn on free information

*By David Cracknell, Political Editor  
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MINISTERS are to perform a U-turn on their commitment to open government by seeking to reduce the amount of information released to the public.

A confidential cabinet paper reveals that 18 months after Labour introduced laws allowing free access to government documents, it wants to block "the most difficult requests". The move by Lord Falconer, the constitutional affairs secretary, comes after a series of disclosures under the Freedom of Information Act have embarrassed ministers.

He is also considering introducing a flat rate fee for requests, which he argues will have a "deterrent effect" and "inhibit serial requesters". He estimates this would cut information requests by a third. In a memo on July 17, Falconer admits that the government will come under fire for the moves.

To counter critics, he is to commission a cost-benefit analysis of the effect that a fees regime would have. He argues that this will give a "solid evidence base" to make changes after the summer recess.

Since it came into force in January last year, disclosures under the act have led to several embarrassing scandals. Earlier this month it led to revelations about meetings that John Prescott had with casino developers, putting the deputy prime minister under pressure to resign. Other disclosures have included Tony Blair racking up a bill of more than £500,000 using the royal plane for holiday flights; Falconer putting pressure on the attorney-general to change his mind over the legality of the Iraq war; and the amount of European Union subsidies paid out for land owned by the Queen and the Prince of Wales.

Labour has also used the act for its own ends. Soon after the law came into force it rushed out papers concerning Black Wednesday and the Tories' handling of the European exchange rate debacle. Falconer's move is in contrast to his comments on the act coming into force when he hailed it as a "giant step forward" in combating secrecy.

In his paper to ministers, Falconer proposes changes to the fees charged to the public when making freedom of information (FOI) requests. He wants to amend the rules to make it easier for the government to refuse requests on the basis that they are too costly. The latest official figures show that there were 38,108 FOI requests in 2005, the first year of the act being in force. FOI requests are normally free, but a public authority can charge if the costs are unusually high. These charges are capped at £450 for local authorities and £600 for central government departments.

Falconer proposes to allow various activities undertaken by civil servants to count towards the cost of processing the application, thereby making it easier to reject on expense grounds. He says the changes would add to the man hours taken by officials to read documents - potentially hundreds of pages - and consider and consult on whether to release them. And he is ready to allow officials to "aggregate" requests when calculating the costs. Falconer says that these measures alone would allow "the most difficult requests (generally received from determined and experienced requesters) to be refused on cost grounds". He says officials estimate that this will put off at least 17% of people whose requests require a

substantive response. He is also considering introducing a flat rate fee for all FOI requests, similar to that in Ireland, which he estimates would lead to the number of requests dropping by a further third.

Falconer admits that introducing a new regime would go against the recommendations of the Commons' constitutional affairs committee. But he concludes: "We will be able to argue that our commitment to FOI remains unchanged . . . but public access rights must be balanced against other demands on public resources. "It is likely individual flat fees will cost more to collect than they bring in, but their deterrent effect will inhibit many serial requesters from making numerous requests with no regard to the cost to public funds." This will lead to an overall saving, he notes.