

## **Freedom of Information Act : Just how prepared is Central Government?**

The Information Commissioner has undertaken of a survey into how prepared central government departments are for the full implementation of the Freedom of Information (FOI) Act in January 2005.

The FOI Act places major requirements on all governmental units, and has implications for all IT staff across the public sector, and will impact on e-Government, IEG3, with special emphasis on secure electronic document handling.

The survey of all 17 central government departments, found that

- All departments have placed their publication schemes on their website
- All departments reported existing and/or planned FOI training to raise awareness and provide guidance for staff
- The majority of departments have established cross departmental groups to manage FOI implementation
- Most departments indicated that board level responsibility had been taken for implementation of the Act

The questions posed to departments were deliberately open and different departments will, therefore have chosen to highlight different issues.

The key conclusions drawn are:

- On publication schemes there is a general recognition that schemes need to be kept under review. Few departments have publicised the existence of
- schemes.
- FOI is generally (and rightly) seen as a cultural change issue and one which has been owned by boards and ministers.

- FOI has generally been sensibly brigaded with Data Protection and Records Management. Although departments are approaching the task of building systems for responding to requests in similar ways, more might be done to provide a standard model.
- Contracts are being reviewed to remove unnecessary secrecy clauses. Other elements of culture change, for instance media relations and the way in which policy is formulated may need more attention.
- While the respective roles of the DCA, as the lead government department, and the Information Commissioner, as the independent regulator, are in fact separate and distinct, there appears to be a certain amount of confusion in the minds of public authorities and some further clarification may be helpful.

There appears to be a real need at departments for guidance to be available as soon as possible so that it can be customised and used for staff training and systems/process development prior to 2005. Definitive guidance (although not all of these are matters for the Commissioner) appears to be most needed in the areas of exemptions, public interest, drafting Ministerial submissions, request identification, monitoring and reporting standards and fees regimes.

A number of Departments also indicated a need for practical guidance by way of model action plans, checklists for implementation, best practice advice and information relating to benchmark standards. Other areas of need include: clarity over the respective roles of the ICO and DCA; information about the Commissioner's plans for public awareness campaigns; and, information on the roles of the regional Assistant Commissioners.

All but one Department expressed an interest in participating in ICO held workshops, seminars and fact finding meetings. A number of Departments also requested bilateral meetings with the ICO to discuss issues specific to their operations.