

Freedom of Information

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Headlines

- Commissioner takes no further steps in relation to veto, p.16
- FOIA has not improved accountability, says MoJ, p.17
- FOIA used to reveal shocking statistics about police, p.19

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Mandarins are paving the way for bad behaviour, says Graham

The Information Commissioner has criticised David Cameron and former head of the civil service Gus O’Donnell for their “grudging” attitude towards the Freedom of Information Act.

Last year, Lord O’Donnell claimed that the right to ask for official documents was having a “very negative impact” on policy discussions. Last week, the Prime Minister claimed that FOIA “furs up” the arteries of government.

Giving evidence to the Justice Select Committee, Christopher Graham said that the claims by senior figures that the legislation

damages the operation of government contradicted their supposed commitment to openness.

Mr Graham told MPs: “I find it rather difficult to square all the talk about openness and transparency with a slightly grudging approach to the mechanics of the Freedom of Information Act.

“There really is a gap between the rhetoric of openness and the reality of reluctance,” he said.

He also claimed that their attitudes risked leading junior civil servants into “bad behaviour” by using private email accounts or

not writing important details down, in order to get around documents being released to the press and public. He warned “enthusiastic special advisers” that they risk prosecution if they deliberately try to avoid the disclosure of government business.

Mr Graham added that the fears of “senior mandarins” that there was no way to avoid sensitive discussions being made public “is driving this sort of bad behaviour”.

“If senior figures say there’s no hiding place it suggests to junior

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Publication of risk assessment will do lasting damage, warns Lord

A Lord has warned that civil servants could be forced to “pull their punches” when giving advice to ministers, and could even be drawn into politics, now that the government has been ordered to release a risk assessment of its Health and Social Care Bill.

Former Cabinet Secretary Lord Wilson, who was the UK’s most senior civil servant for four years under Tony Blair’s govern-

ment, said publishing the transitional risk register on NHS reforms could do “lasting damage” to the civil service.

Ministers are still waiting for the full details of the recent Information Rights Tribunal ruling which upheld a decision from the Information Commissioner that the register must be released under FOIA, because publication was in the public interest.

But Lord Wilson said if the register is published the precedent would “reverberate across government”.

He said “Freedom of information, wisely implemented, can make an important contribution to public understanding of policy and to holding governments to account. But there is also a major public interest in good

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