

Freedom of Information

Volume 11, Issue 6

July / August 2015

Headlines

- Government will revisit FOI law, p.18
- Scottish government consults on FOI extension, p.19
- ICO issues Enforcement Notice, only 4th in history of Act, p.19

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New obligations for information re-use now in force

The Re-use of Public Sector Information Regulations 2015 went into force on 18th July, bringing Directive 2013/37/EU into law, and updating the previous 2005 Regulations.

The key changes are:

- cultural sector bodies are now covered. In addition to public sector bodies, the PSI Regulations now apply to libraries (including university libraries), museums and archives;
- a new obligation (previously discretionary) to allow the re-use

of most public sector information, except for cultures bodies for whom it is optional, unless the information is already available for re-use;

- marginal cost pricing by *default*, with certain exceptions (previously, charging was merely *permitted*); and
- new redress mechanisms. Complaints that are not capable of being resolved internally can now be escalated to the Information Commissioner's Office, and potentially to the First-tier Tribunal.

If a public sector body holds the copyright for information it produces, holds or disseminates within its public task, then that information is within the scope of the 2015 Regulations.

This includes corporate information such as reports and financial data, Codes of Practices, public records, statistics, still and moving images, press releases, publication schemes, and so on.

Public authorities must make information and metadata available through standard licences

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Latest Report is third in a row to highlight funding concerns

The ICO has published its Annual Report for 2014/15, highlighting that no solution has been presented to the problem of lack of long term funding for the Office.

Funding has been a central theme in the previous two Annual Reports, with the ICO consistently expressing its concerns.

In his Foreword to the Report, Christopher Graham said "grant in aid

from the Ministry of Justice, which has been cut in every year since I became Information Commissioner in 2009, is simply not adequate for us to do the work we could and should be doing to promote greater transparency, efficacy and accountability in the public service".

The regulator received 4,981 complaints about responses to FOI and environmental information

requests last year. It cited a 10% increase in workload. Despite the increase and the budget cuts, it saw an improvement in the overall time taken to close casework.

The ICO served around 1300 Decision Notices, 300 of which complaints were upheld. It received 1,209 FOI requests itself, and responded with a 95% compliance rate.

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