

Freedom of Information

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Headlines

- New FOIA guidance published, p.17
- Court of Appeal gives permission to appeal significant case on definition of EIRs, p.18
- Isle of Man to consult on charges for FOI requests, p.19

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Threat looms closer over right to appeal

The Justice Committee reporting on Courts and Tribunal Fees has endorsed the proposal first made by the Independent Commission on Freedom of Information that the right of appeal to the First-tier Tribunal under the Freedom of Information Act should be abolished.

The Committee reported that it 'saw no reason to disagree' with the Commission's view.

Currently, appeals against a decision made by the Information Commissioner's Office can be

made to the FTT, who are able to conduct a 'full merits' review. The change being suggested, which would require new legislation abolishing the appeal right, would have the result that appeals against ICO decisions would have to be made to the Upper Tribunal. Appeals to the UT can only be made on a point of law and cannot raise arguments about the merits of a case.

Commentators say that if the proposal goes through, it would significantly undermine the operation of FOIA. Labour MP Andy Slaughter during

a debate on the Committee's report said:

"In my experience—including my experience as a litigant: I have been a frequent user of the Freedom of Information Act, and have gone through all those stages, up to the First-tier Tribunal—it is an absolutely necessary safeguard.

The Information Commissioner does a good job although he is under-resourced, and, generally speaking, the independent commission did not

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ICO announces latest FOI monitoring list

The ICO has been monitoring Trafford Council over the timeliness of its responses to FOI requests, after it failed to meet the 20 working day limit in a significant number of cases.

The Council joined the Metropolitan Police Service in having its performance reviewed between 1st May and 31st July 2016.

The Ministry of Justice and Department of Finance and Personnel (Northern Ireland), which had both been subject to extended periods of review, have now been taken off monitoring after sustained improvement.

Gerrard Tracey, Principal Policy Adviser at the ICO, said: "The law sets limits on how quickly public authorities must respond. Trafford Council has

not been meeting that requirement, and we'll now be reviewing its performance.

"Similarly, the Metropolitan Police Service will continue to be looked at. They have implemented initiatives and measures to improve performance, but a growing volume of requests means that work hasn't had enough of an impact on compliance

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