

Freedom of Information

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Headlines

- Evidence during FOI disputes may be provided in secret, Court rules, p.17
- Salaries of high-earning professors may be disclosed, p.19
- BMA asks for FOIA to apply equally across all GP providers, p.20

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FOI complaints increasingly difficult to manage, says ICO

In his recently published annual report, the Information Commissioner has called for stronger powers and increased funding after receiving a record number of complaints about freedom of information in 2013/14.

The ICO handled 5,151 complaints under FOIA and the EIRs, up 9.9% on last year. Again, it closed more complaints than it received.

The report notes: "Despite a cut in funding for freedom of information work we more than met the challenge of a 10% increase in workload."

In launching this year's report, the Information Commissioner said that his Office needed to be able to audit 'any and all' data controllers and public authorities for compliance with information rights laws.

The Commissioner warned that the mixed system of notification fees for data protection work and grant-in-aid for FOI was 'becoming increasingly difficult [for the ICO] to manage'.

The ICO's grant-in-aid had been cut by the Ministry of Justice every year since 2009, he reported, and was 'simply not ade-

quate for us to do the work we could and should be doing to promote greater efficiency and accountability in the public service'.

Calling for Parliament to progress the establishment of a single, graduated information rights levy, Graham added: "The apportionment of office overheads between the two funding streams means that we are held back from doing all we could on data protection because of the perverse impacts on our restricted freedom of information budget.

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Court rules Freedom of Information requests can specify file format

The Court of Appeal has handed down a ruling that could make it easier for FOI applicants to request data in a specific file format.

The ruling relates to a 2010 request made to Buckinghamshire County Council for information about the 11+ school entry exam, to be supplied 'in Excel format'.

In complying with the request, the Council

supplied the applicant, Nick Innes, with 184 pages of data in PDF format instead. Although Mr Innes had been given all the information for which he asked, it could not be manipulated or processed.

Section 11 FOIA states that an applicant may express a preference for the 'form' in which the data is delivered — paper or electronic — and that the authority receiving the

request should 'so far as reasonably practicable give effect to that preference'.

Mr Innes argued that the word 'form' was very general and could apply to a specific software format. He added that no unreasonable burden was placed on public authorities, since they can always refuse if it is not reasonably

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