

Freedom of Information

Volume 10, Issue 5

May/ June 2014

Headlines

- Irish High Court gives decision on 'held', p.18
- Campaign calls for new FOI Bill, p.19
- New definition document for health regulators, p.20

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New compulsory publication provisions for local authorities

The government has issued a Local Government Transparency Code which for the first time makes the publication of certain data by local authorities compulsory.

The original Code, the 'Code of Recommended Practice for Local Government on Transparency', was published in September 2011. This set out the principles to underpin all local authorities' decisions on the release of public data — i.e. that release should be demand-led, open and timely — and a number of categories of data for publication.

One year later, the government issued a consultation in relation to making the publication of certain data compulsory by issuing regulations under section 3 of the Local Government, Planning and Land Act 1980. This led to the publication of the new Code in May 2014.

The Code does not override the FOIA exemptions, but where a qualified exemption applies, the appearance of the requested information in one of the categories set out in the Code will have a possibly significant role in establishing the public interest in support of disclosure.

Emily Carter, Solicitor at Kingsley Napley, advises: "In summary, the Code requires local authorities to disclose much of the same data listed in the original Code, although this has been specified in more detail.

"Information which must be published quarterly includes all expenditure over £500 and procurement information, specifically all invitations to tender and contracts with a value over £5,000. Local authorities are required to publish annual data in relation to senior employee salaries, grants, local

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ICO announces latest bodies to be monitored over response times

The Information Commissioner's Office has announced that the BBC, Essex Police and Greenwich Council are being monitored over the timeliness of their responses to FOI requests.

The BBC is being monitored after almost a third of 84 complaints generated over a three month period were regarding the broadcaster's response times. Essex Police and Greenwich Council are

being monitored after the authorities were the subject of a significant number of complaints to the ICO, also over delays in their response times.

The ICO will examine the timeliness of the three organisations' responses to FOI requests received between 1st May and 31st July 2014.

Announcing the monitoring list, the ICO's Deputy Commissioner and Direc-

tor of Freedom of Information, Graham Smith, said: "While we recognise that high profile events at the BBC have resulted in a rise in the number of FOI requests received, it has become clear that the organisation is consistently failing to meet its legal requirements to respond to FOI requests in a timely manner.

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