

Freedom of Information

Volume 10, Issue 2

November / December 2013

Headlines

- Datasets: more guidance documents updated, p.17
- Council introduces new measures to improve speed of information requests, p.18
- Prince Charles faces fresh challenge for secret communications, P.20

Contents

<i>Expert comment</i>	2
<i>FOI, practically speaking Part 6 — looking for approval</i>	3
<i>Anything but data sets — challenges with anonymisation</i>	6
<i>Recent decisions of the Commissioner and Tribunal</i>	11
<i>News & Views</i>	17

ICO to disclose names of criminal journalists after losing appeal

The Information Commissioner's Office has been ordered to disclose the names of some of the journalists that engaged the services of rogue private investigator, Steve Whittamore.

The ruling relates to the ICO investigation into so called 'blagging' offences (contraventions of section 55 of the Data Protection Act 1998, relating to unlawful access to personal information) by journalists.

In its report 'What Price Privacy?', published in April 2006, the ICO revealed evidence of systematic levels of such breaches, amounting to

an unlawful trade in confidential personal information.

In its follow up report, published in December 2006, the ICO gave further details about the 305 journalists mentioned in the first report, and broke the data down into 'publication', 'number of transactions positively identified' and 'number of journalists/clients using the services'.

Following publication of the reports, in 2011 a request was made to the ICO under the Freedom of Information Act 2000 for (1) 'the number of transactions per jour-

nalist of each of the 305 identified journalists for each of the 32 identified publications', and (2) the journalists' identities.

The first request was refused by the ICO, on the basis that it would require a search through 17000 documents, and that therefore, section 12 of the Freedom of Information Act 2000 provided a statutory cost limit which meant it did not have to comply.

The second request was also refused, on the basis that the information was exempt under section 40

(Continued on page 17)

New guidance on time limits for information requests

The ICO has published guidance documents which for the first time formally set out the time limit for complying with requests under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The ICO said: "we have not changed our approach, but these two comprehensive guides bring together a number of points that were

previously in separate guidance documents."

The guidance documents remind public authorities that they have to respond to requests promptly, and certainly no later than 20 working days after requests are received.

The ICO said: "We routinely monitor authorities that are failing to respond to requests in a timely manner. It is important that authorities make sure

they are set up to meet their legal requirements in this area."

In addition to explaining the obligation to respond promptly and within 20 working days, the FOIA guidance document explains how to calculate the date of receipt, the definition of a 'working day', how to deal with requests received on non-working days, the effect

(Continued on page 17)