



Freedom of Information

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- New DCA Guidance, p.14
- Massive increase in complaints likely, p.15
- Copyright and FOI, p.15
- MPs expenses, p.16

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FOI fees to be scrapped

Tony Blair has decided to scrap most of the fees that were to be levied for making access requests under the Freedom of Information Act.

Lord Falconer, the Constitutional Affairs Secretary, has announced that “for the vast majority of cases, there will be no charge for information supplied under the Freedom of Information Act.

“The public have a right to know what, for example, the policy of a school is on its admissions, and how it works in practice; how a hospital makes decisions about the treatments it offers, and the drugs it prescribes...and it’s a right to know that should be accessible to all.”

The new rules mean that there will be no charge for information that costs public bodies less than £450 to produce. For central government, the cost ceiling is £600. The fees that applicants must pay if the cost of their application exceeds the £450/£650 limit remains unclear.

The governments new stance is likely to have heavy cost and administration implications for public authorities—not only are access requests now likely to be more common, but authorities can no longer recoup a portion of the cost from the requester.

How public authorities are expected to fund FOI requests remains unclear.

Only local government was singled out by Lord Falconer for financial support. He said, “we will reimburse councils for any additional costs, in 2005-06 and beyond, falling on them as a result of the FOI Act.”

The financial thresholds may end up affecting public authorities in different ways. Its possible, for example, that more information will be available free of charge from fully computerised public authorities with advanced IT systems which can search files quickly. Where a manual search of information is required, the fees limit is likely to kick-in where the search takes longer than two (or three)

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Private companies must act on FOI as soon as possible

Contractors that carry out work for public authorities seem to be unaware of the implications for them of the FOI access right, which will become fully effective from 1st January.

Not only will companies need to be in a position to disclose information that they are holding on behalf of public bodies, but they are likely to get a sharp wake-up call when they realise that their valuable information might have to be disclosed not only to journalists, but also to their competitors.

Experience in other coun-

tries that already have FOI laws—such as Canada and Australia—shows that FOI requests are likely to focus on the private sector delivery of public services.

Companies must realise that the impetus for information disclosure has changed from “need-to-know” to “right-to-know.” The information that will become available could include tender documents, contracts and even invoices.

According to Marcus Turle of Field Fisher Waterhouse, “Many companies have not yet woken up to the fact

that they could find their commercially sensitive and confidential information being made public by their government customers when answering FOIA requests. The risks are significant enough to warrant a long hard look by companies at how their government customers deal with information disclosures, and what they should be saying in their contracts.”

The Freedom of Information Act requires government and other public bodies to make information available

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