

Freedom of Information

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- Ruth Kelly ordered to disclose records, p.15
- Commissioner's backlog, p.15
- Marketers use FOI to amass databases, p.16

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FOI fees—may be imposed

Moves to force people to pay for requesting information from public authorities would undermine the fledgling freedom of information regime, campaigners have warned.

Ministers are preparing a review of the working of the Freedom of Information Act that could impose charges for requests, which many civil servants say have proved expensive and time-consuming to process.

But a system of fees for all requests, which the government rejected when the Act came into force, could have the effect of deterring many requesters.

The Department for Constitutional Affairs said a review of the FOI charging

regime had long been planned and no decisions have yet been taken.

Most FOI requests are currently free, with charges being made only where the expense to the public authority exceeds certain thresholds.

Some ministers and permanent secretaries have become frustrated with the time being taken up with answering FOI demands.

The Lord Chancellor, Lord Falconer, has indicated that curbs are needed to prevent the “wilder” requests. He has complained that requests for information such as the amount of money departments spent on toilet paper diverted energy away from

more worthwhile requests.

A spokesman for the Department for Constitutional Affairs said, “the government has been committed to reviewing the FOI fees regime 8 to 12 months after implementation. Consideration has been given to the form such a review might take, but no final decisions have been taken. If the fees regime were to be amended secondary legislation would be required.”

Many authorities are still getting to grips with the legislation, and many, including some government departments, struggle to answer requests in the 20 working day time limit. In

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Information Tribunal pushes boundaries in its first decisions

In a key decision from the Information Tribunal, the arbiter on requests made of public bodies under the Freedom of Information Act, the public have won the right to see emails that were deleted by civil servants.

The Tribunal overturned key restrictions on the applicability of the Freedom of Information Act by allowing access to material that was previously thought to be unavailable.

According to the Informa-

tion Tribunal, emails and documents that have been erased may still be stored on back-up systems and, as such, are subject to the Act.

Thousands of people who were told that the information they wanted was not available may now be able to resubmit their requests.

Previously, indications from the Government and the Information Commissioner were that this type of material was exempt from disclosure. Guide-

lines will now need to be revised.

The ruling by the Tribunal, the final arbiter for FOI requests, will shake civil servants at the heart of government, where emails are apparently automatically deleted after three months. Last year, reports disclosed that several government departments adopted an erasure process a few days before the new laws came into force, deleting millions of emails in the process.

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