

Freedom of Information

Volume 2, Issue 5

May / June 2006

Headlines:

- Commissioner urges better communication, p.15
- Select Committee grills Commissioner, p.15
- Hospitals cashing in on car parking, p.16

Inside this issue:

Editorial	2
Vexatious requests—the Commissioner’s first decision	3
Understanding the Environmental Information Regulations	6
Book Review	11
The FOI Act Exemptions—Part VI	12
FOI News	15

Enforcement Notice issued on Iraq War advice

The Information Commissioner has issued an Enforcement Notice under the Freedom of Information Act which requires the Attorney General’s Office to reveal information regarding the military intervention in Iraq.

Following the denial of requests for access to information on the Attorney General’s advice regarding the decision to go to war in Iraq, the Commissioner is not satisfied that the exemptions cited by the Government are sufficient to merit the refusal of access to all the information requested.

On 22nd May 2006, the Information Commissioner’s Office issued the Enforcement Notice against the Legal Secretariat to the Law Officers

of the Attorney General’s Office (‘LSLO’).

The Notice follows requests for information made by various (mostly media) organisations to LSLO for access to information relating to ‘the advice given by the Attorney General to the Prime Minister and/or his staff on the legality of military intervention in Iraq in 2003.’

The requests were originally refused by LSLO on several grounds including legal professional privilege, formulation or development of government policy, ministerial communications, international relations and information provided in confidence.

The Commissioner has confirmed that the docu-

ments requested are in the possession of LSLO. He has also confirmed that he has seen the documents. Although he is satisfied that one or more exemptions do properly apply to the information contained in those documents, certain of the exemptions are qualified by the ‘public interest’ test—the Commissioner felt that the public interest was best served by disclosure of some of the information.

According to Hazel Moffat, Partner at DLA Piper, “the Commissioner has taken a bold political decision but legally it has to be the correct one.”

The Commissioner states that he “recognises the

(Continued on page 15)

DCA publishes Annual Report

The Department of Constitutional Affairs has published its First Annual Report on the operation of FOI in Central Government in the UK.

In the foreword, Lord Falconer states that he was “proud” to have introduced the Freedom of Information Act and that the government is “committed to the long-term cultural change” represented by the Act.

He expresses his confidence that “Freedom of Information will remain high on the agenda of all public authorities” in the coming years.

The Report, which provides statistics on how Central Government has responded to over 38,000 requests received during 2005, was published on 22nd May.

In the next edition of

Freedom of Information, Benjamin Beabey, Partner at Farrer & Co, will examine the Government’s statistics and assess whether the Lord Chancellor really does have something to be proud of.

The Report can be downloaded at www.foi.gov.uk/impred/annrep05.pdf