



Freedom of Information

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- ICO website—searchability, p.14
- Commissioner may intervene in leukaemia case, p.15

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MPs block attempts to exempt Parliament from FOI law

A cross-party group of MPs has blocked a bill to exempt Parliament from the Freedom of Information Act.

In late April an alliance of Liberal Democrat, Conservative, Labour and nationalist MPs ‘talked out’ the bill by tabling some 20 amendments, which meant it ran out of time during its report stage. It is possible, although unlikely, that it may get further time for debate later in the session.

The bill was tabled by former Tory whip David Maclean, who is also a member of the House of Commons Commission,

the governing body of Parliament. It would exempt MPs and peers from the FOI provisions along with MPs’ correspondence. Mr Maclean insists the legislation is needed to protect communications with constituents from unauthorised disclosure. The present Act does exempt MPs’ correspondence, subject to a public interest test.

Among Mr Maclean’s supporters were fellow Tory Greg Knight, a former deputy chief whip, and two prominent supporters of Gordon Brown—former chief whip Nick Brown and Tom Watson, MP for West Bromwich East.

Leading the opposition to the bill, Liberal Democrat Simon Hughes said, “it would be extremely bad politics and extremely bad law for us at this stage—when Parliament is hardly the most well regarded institution in the land—to seek to exempt the Commons and the Lords from the FOI Act.

“The public want to know what we are doing and in particular they want to know how we spend money on their behalf. It would be regarded as beyond acceptable if we said you can’t know some or all of the information about what we do,” he said.

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Information Tribunal develops backlog

The resources of the Information Tribunal may be unable able to cope with its increasing workload.

Appeals are brought to the Information Tribunal as a result of the issuing of notices by the Information Commissioner. Any public authority wishing to challenge the issuing of the notice must appeal the matter to the Tribunal. The Commis-

sioner will always be the respondent in matters that come before the Tribunal.

There are currently approximately 70 cases waiting to be heard in the Tribunal, a body which has no official place of sitting.

According to Jeremy Ison of Clifford Chance, “the Information Tribunal may be a victim of its

own success. From its earliest decisions it won itself a reputation as a robust and independent adjudicator on FOI issues, not content merely to rubber stamp the Commissioner’s decisions. This has no doubt encouraged parties to appeal when left disappointed by the Commissioner’s determination of their case. However, the Tribunal may now need to follow the

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