



# Freedom of Information

Volume 3, Issue 6

July / August 2007

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- When is your contract held "in confidence"?, p.15
- ICO Annual Report released, p.15
- MPs expenses to be made transparent, p.16

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## House of Lords ensures Parliament bound by FOI

A Private Member's Bill which has attempted to exempt Parliament from Britain's newly created Freedom of Information laws seems almost certain to fail.

The Private Members Bill, which was unexpectedly voted through in the Commons last month, was put forward by the Tory MP David Maclean, and was supported by ministers of the Labour Party. However, the Bill is not supported by the House of Lords and has subsequently failed to attract a peer to sponsor it.

The effect of the two-clause Bill would have removed both the Commons and House of Lords from the list of

public authorities obliged to release information under the 2000 Act, which came into force in 2005.

The Bill would have protected all MPs' correspondence from release and stopped authorities being able to confirm or deny whether they have received a letter from an MP.

Even Gordon Brown, the new Prime Minister, and David Cameron have joined the heated debate, and both have claimed to offer equivocal support to the pro-information lobby.

The Liberal Democrat Leader in the Lords, Lord McNally, who opposed

the Bill, said, "it seems very likely that this squalid little Bill will no longer become law."

The Labour MP David Winnick said he was "absolutely delighted" the Bill did not have a sponsor. "It is unfortunate that it has been left to the second chamber to hopefully bury this nasty bill," he added. "I only hope that no further attempt will be made to revive the measure."

The Bill also attempts to bring school academies and large private contractors working for public authorities within the scope of the FOI legislation.

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## BBC in FOI exclusion row

Under Schedule 1, Part VI of the Freedom of Information Act, the BBC is subject to the Act "in respect of information held for purposes other than those of journalism, art or literature."

The BBC has used this exclusion to refuse disclosure of a report that they commissioned into allegations of bias in its reporting of Middle East issues.

Whilst the ICO upheld this exclusion, the Information Tribunal has overturned it.

However, the High Court has indicated that it will issue a ruling that, because the ICO had agreed that this report was excluded from the Act, the Tribunal did not have jurisdiction to hear an appeal.

A BBC spokesperson said, "this clarifies that, in cases where the Information Commissioner agrees with a public service broadcaster that the information sought is outside the scope of the Freedom of Information Act, there

is no appeal to the information tribunal."

Aside from broadcasters, there are a number of other organisations that are excluded from aspects of the FOIA, that may also be effected by this precedent.

If the ICO agrees with a public body that information is outside of the scope of the Act, the applicant will have no right of appeal.

However, if the ICO disagrees with the public

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