



# Freedom of Information

Volume 4, Issue 4

March / April 2008

## Headlines:

- Kevin Dunion reappointed, p.19
- BBC keeps its editorial process secret, p.19
- NOMS receive practice recommendation, p.19
- LA pension funds disadvantaged by ruling, p.20

## Inside this issue:

|  |    |
|--|----|
| Editorial  | 2  |
| Public sector contracts and prices – what must be disclosed? | 3  |
| Bavarian Lager case: disclosure of personal data             | 7  |
| Recent decisions by the Information Commissioner             | 10 |
| Is there privacy for public sector workers?                  | 15 |
| Book review  | 17 |
| FOI News   | 19 |

## ‘John Lewis list’ disclosed by Commons

The House of Commons has been forced to publish a ‘secret’ list giving details of the thousands of pounds of taxpayers’ money that MPs can claim to furnish their homes.

The list of allowances, which is based on the prices at John Lewis department stores, is apparently used by finance officials to pass or reject MPs’ expenses claims for decorating their second homes and buying household items.

Since the disclosure, headlines in the UK press have revealed, somewhat sensationally, that MPs are allowed to spend £10,000 for a kitchen and £6,000

to install a new bathroom, amongst other things.

The list was published in mid March following a ruling in the Information Tribunal, under the chairmanship of Andrew Bartlett QC, that the personal data exemption in the Freedom of Information Act did not prevent disclosure.

That ruling followed an original FOI request in 2005 and a decision by the Information Commissioner in June 2007. The Commissioner had concluded that only part of the information requested by the applicants should be disclosed. Neither the House of

Commons nor the applicants had been satisfied with the Commissioner’s decision, the former contending that it gave away too much and the latter saying that they were entitled to more information.

Although the ‘personal data’ exemption in section 40 did not restrict disclosure, the Tribunal specifically excluded ‘sensitive personal data’ from its decision.

The Tribunal commented that three years had elapsed since the original FOI request by the applicants. It described this delay as “very  
*(Continued on page 19)*

## FOI ban on Northern Rock “unacceptable”

A last attempt by the House of Lords to make Northern Rock’s nationalisation bill subject to the Freedom of Information Act was overturned by MPs before receiving Royal Assent.

Shadow Chancellor George Osborne had attacked Labour for including a clause that exempts Northern Rock from the Freedom of Information Act in their draft legislation for the nationalisation of the

stricken bank.

The government maintains that FOI law is inappropriate for the bank, as Northern Rock should be on the same footing as existing banks.

Yet preventing the public from obtaining information about how the institution manages public funds arguably contradicts the Freedom of Information Act itself, as the Act says that nationalised companies

in Northern Rock’s situation should be subject to FOI requests.

Other publicly-owned companies such as Royal Mail, Scottish Water and the Tote are subject to the Act.

Osborne said, “The public is now paying for this bank. We are entitled to know what its doing with our money. It is completely unacceptable to exempt it from the Freedom of Information Act.”