



Freedom of Information

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- Model publication scheme 2009, p.14
- Nuclear authority right to withhold report, p.15
- Police forced to publish perks, p.15
- Scottish ICO orders release of tender information, p.15

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'Sexed up' dossier spins into public domain

The Information Commissioner, Richard Thomas, has ordered the release of correspondence showing how the government's Iraq war dossier was 'sexed up.'

The requests for statements of government press officers made between 11th and 16th September 2002 were previously turned down on the basis of the 'national security' exemption in section 24 of the Freedom of Information Act 2000. That exemption is subject to a public interest test, and Mr Thomas found that the test was satisfied, and the exemption did not apply. The Commissioner said:

"The ostensible function of the dossier was to provide the British government's 'technical' assessment of 'Iraq's Programme for Weapons of Mass Destruction'. Allegations have been made that the dossier was politically manipulated so that it no longer constituted a 'technical' assessment capable of underpinning a 'neutral' assessment of the issues.

"There is therefore a strong public interest in a degree of exposure of the circumstances of the dossier's production, because that would facilitate public understanding of and

participation in the debate about [...] Iraqi weapons capability and intentions, and promote accountability and transparency of the bodies responsible for producing the dossier and for taking decisions on the basis of its contents."

Importantly, the Commissioner drew a distinction between correspondence between politicians and officials, and that originating from Defence Intelligence staff, saying that "the public interest factors in withholding information [from the Defence Intelligence Staff] are

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First 'destruction of data' guidance

The Information Commissioner's Office (ICO) has released first-of-its-kind guidance saying that public authorities ('PAs') may, in certain circumstances, destroy information after a request for it has been made under the Freedom of Information Act 2000 ('FOIA').

The ICO said that public authorities can destroy the information only if the material was already scheduled for destruction before the deadline for fulfilling an FOI request.

The new guidelines for public authorities consider

the position from two scenarios: destruction before the request is received, and the routine destruction after the request is received.

According to the guidance, if the information was destroyed before a request was received, the public authorities can legitimately justify non disclosure by explaining this to the requester, but the public authorities should also explain why it was destroyed, and advise the applicant of any other available information.

If information is held when a FOIA request is received, the public authorities may be able to lawfully say that it does not hold it if it would normally be destroyed before the deadline for responding.

The position is different for requests made under the Environmental Information Regulations 2004 ('EIR').

If environmental information is held when an EIR request is received, the public authorities must consider disclosure irrespective of any planned

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