

Freedom of Information

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Headlines

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- Expert gives verdict on new ICO guidance, p.19
- Council criticised over information blackout, p.20

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Government rejects key findings of Committee on FOIA

The government has published its response to the Justice Committee's report on post-legislative scrutiny of the Freedom of Information Act 2000.

The Justice Committee published its report in July 2012 (also see Volume 8, Issue 6 of *Freedom of Information*.) The report largely championed FOIA, saying that "Freedom of Information has been a significant enhancement of our democracy and the Act is working well."

Though it resisted calls for FOI to be amended fundamentally, the Committee did recommend that the government

should make some changes to the FOI regime.

In its response, the government has rejected many of the report's recommendations. Significantly, the government disagrees with the Justice Select Committee's finding about what should be taken into account when calculating costs.

The Justice Committee had recommended the development of "a methodology whereby subjective activities such as reading and consideration time could be included in the 18 hour time

limit does not seem to us to be a feasible proposition."

However, the government said that it ought to be possible to take into account some or all of the time spent on considering and redacting when calculating whether the costs limit has been exceeded.

Further, the government does not share the assessment of the Committee that it is unfeasible to develop an objective and fair methodology for calculating the cost limit which includes further time spent dealing with

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Confidential bid information disclosable following Tribunal ruling

A recent ruling from the First-Tier (Information Rights) Tribunal may mean that public sector bodies will be unable to guarantee the confidentiality of bid information.

In *London Borough of Newham v Information Commissioner*, the Tribunal ruled that the local authority did not have to disclose confidential information provided to it by a company, Aspers Stratford City

Limited, in the course of a tender for a casino licence. In its ruling, the Tribunal made clear that information submitted in "any competitive tendering operation" could be said to be confidential, and that this was especially the case because Newham Council had given "specific assurances" that the information would be treated as such.

However, the Tribunal said that information

submitted by suppliers during the tendering process would not remain confidential indefinitely and that it could therefore be subject to disclosure "after a reasonable period of time".

The Tribunal did not elaborate on what would constitute a 'reasonable period of time' because it ruled that the FOI request that Newham Council

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