pdp JOURNALS

ISSN 2049-5315

Freedom of Information

Volume 22, Issue 2 November / December 2025

Headlines

- Isle of Man review declines to broaden FOI coverage, p.19
- US lawsuit launched seeking access to federal government's AI use, p.20

Contents

Expert comment 2

FOISA at 20: what's next for Scottish access to information? 6

Artificial Intelligence and FOI: A flood or a trickle? 9

Recent decisions of the Commissioner and Tribunals 11

News & Views 19

FOI Upstream Manager reports on progress

The Information Commissioner's Office ('ICO') has observed International Day for Universal Access to Information (on 28th September) and this year's 20th anniversary of the Freedom of Information Act 2000 by issuing a blog update reporting a significant increase in enforcement action since starting its more assertive approach to driving compliance.

In 2022, the ICO made a fundamental change, choosing to focus on providing targeted guidance and support to proactively help prevent breaches of FOIA and the Environmental Information Regulations 2004 (the 'upstream' approach).

Deborah Clark, ICO's Upstream Regulation Manager writes: "we're pleased to see that our intervention is making a difference. Most importantly, we've found that results are achieved when we use a combination of the regulatory tools available to us. This encompasses everything from providing simple templates to help FOI practitioners get the basics in place, alongside bitesize guidance to tackle the most common problem areas, to issuing enforcement notices when public authorities have not shown the improvement we expect to see".

The ICO reports that it has issued 24 enforcement notices and 36 practice recommendations since 2022, considerably outnumbering the amount issued in the previous decade and a half combined.

The ICO has also targeted specific sectors, including water companies over sewage discharge transparency, NHS trusts, and police forces, issuing

(Continued on page 19)

9 Practice Recommendations issued

The Information Commissioner's Office has issued a series of practice recommendations to government bodies in Northern Ireland for failing to publish statistics in a timely manner.

The bodies that received a practice recommendation are the Department for Infrastructure Northern Ireland; the Department for the Economy; the Department of Agriculture, Environment and Rural Affairs; the Department of Education Northern Ireland; the Department of Finance Northern Ireland; the Department of Health Northern Ireland; the Department of Justice Northern Ireland; and the Executive Office in Northern Ireland.

Each of the authorities was found to be failing in their duty to publish statistics as required by Parts 8.5 and 8.6 of the Freedom of Information Code of Practice ('the Code').

The Code states that UK public authorities with more than 100 full-time equivalent employees should, as good practice, publish statistics on their performance in handling requests. For example, they should be publishing the number of requests received; outstanding requests; responses met within the deadline; those delayed, those refused in part or full, etc.

(Continued on page 19)