



Information Commissioner's Office

The Information Commissioner's Office response to Defra Business Plan Section E: Transparency

The Information Commissioner has responsibility in the UK for promoting and enforcing the Data Protection Act 1998 (DPA), the Freedom of Information Act 2000 (FOIA) the Privacy and Electronic Communications Regulations 2003 (PECR). The Information Commissioner's Office (ICO) is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken. The Commissioner's comments in this document are primarily based on the practical experience he has gained in regulating compliance with the FOIA and DPA.

The Commissioner welcomes the government proposals to create a new 'right to data' and the proactive steps many government departments have already taken to identify and publish datasets. He will be responding in more detail to the government's proposals once legislation has been published. The Commissioner believes that publication schemes, as set out in section 19 of the Freedom of Information Act, are an important mechanism for implementing a 'right to data'. The Commissioner plans to consult with government departments about revising the definition document for central government publication schemes during 2011. Departments are advised to start thinking about possible ways publications schemes could be revised.

The Commissioner also wishes to stress the importance of considering privacy impact assessments for the disclosure of datasets that may contain or relate to personal data. In some cases there will be a risk that disclosure may lead to direct or indirect identification of individuals. In many cases privacy friendly solutions can be found that still offer key transparency benefits. This may include techniques such as using blocks and zone on maps rather than "pins", providing partial postcode data or applying statistical techniques to area level statistics. Government departments should also consider a joined up approach to the risks of identification via data aggregation of several datasets.

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