

Making a Difference

Fol Live 2009

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Information Commissioner

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Four+ Years On

- c. ½ million requests
- 11,500 complaints to ICO
- 1225 Decision Notices
- 415 appeals to Information Tribunal
- [] Guidance notes
- [] Practice Recommendations

Powerful forces

- Iraq – Legal advice; WMD draft dossier; Cabinet minutes
- MPs
- Arms sales to the mid-East; Sakhalin gas field
- 1911 Census, 1982 Belgrano, 1997 Budget
- Animal experiments; MMR vaccine; abortion statistics
- Hedge funds, airline contracts and subsidies
- Planning, speeding and parking disputes

“The surprise is no longer the nature and extent of disclosure. What is astonishing is how much was previously treated as secret.”

Iraq Cabinet minutes – “Exceptional”

- Decision Notice
- Cross-appeals
- Majority Tribunal decision
- Section 53 Veto
- Statement of Policy and Reasons
- Legal Advice
- Section 49(2) Report to Parliament

MPs' expenses and allowances

- Publication Scheme (and changes)
- Travelling expenses
- ACA Decisions
- H of C appeal to Tribunal
- Cross-appeals to Tribunal and High Court
- “How can you show your face in the Commons”
- Publication of redacted data for all MPs

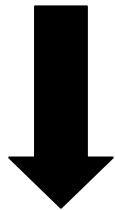
Four key changes over 6+ years

- **Transparency** – central to healthy democracy and citizen welfare
- **Accountability** – key driver of public policy
- **New Relationship between state and citizen**
- **FoI and DP moved Centre stage**

Changes in public attitudes

“Increases knowledge of what public authorities do”

- 2004 ~~~~~ 54%



- 2008 ~~~~~ 84%

“Increases confidence in public authorities”

- 2004 ~~~~~ 51%



- 2008 ~~~~~ 75%

Transparency

- Now part of standard political vocabulary
- Impact on wider debates on governance, democratic renewal, constitutional reform
- Openness = core part of fabric of public life
- Wider pressures from better-educated public and information age
- Suspicion of secrecy and cover up

Accountability

- Accountability for safeguarding personal data
- Right to Know = stark reminder of defining feature of modern democracy
- Those elected and their officials are accountable to the people – our name, our money
- Public understanding; Reduced impropriety

Relationship between state and citizen

- Single Commissioner
- Limiting state's knowledge about private lives of citizens
- Increasing citizen's knowledge about activities of state
- Beyond individual cases (section 40)
- Contestable principles and boundary lines

Fol and DP Centre stage

- Fol still an adolescent.....
-but influencing and setting media and political agendas
- ***From fragile flower to permanent fixture***
- Repeal or dilution now unthinkable
- Extension of FOIA?
- Section 5 Orders
- Reduction of 30 Year Rule (Dacre Report)

Beyond Shoestring Resources

- More important than extending law
- “Not many friends” in Whitehall or Westminster
- £5.5 million (out of £35 million) for ICO despite 15% increase in receipts
- HSE = £294m; CEHR = £63m; EC = £26m
- ICO flat out – 17% increase in closures last year
- Pressures not sustainable

ICO's Freedom of Information Strategy – Casework

- Targets met; Productivity still improving
- More triage; more informal closures
- Shorter Decision Notices
- Full DN in less than 15% of cases
- Improving Policy Knowledgebase / LTTs
- More in-house handling of appeals
- Fewer appeals?

ICO's Freedom of Information Strategy - GPE

- Importance of targeted guidance (new and updated)
- Monitoring systemic poor practice – serious or persistent failures
- Publicised Practice Recommendations
- Enforcement action
- Any non-compliance with IN or DN

ICO's Freedom of Information Strategy – Proactive Disclosure

- Accelerating a long-term trend towards a “Culture of routine, proactive and substantially increased transparency”
- Overcoming instinctive secrecy, fear of precedent and sporadic, burdensome and disruptive
- Openness as the norm – no need to wait for requests or assume resistance
- “Crown Jewels” approach
- Role of Publication Schemes

ICO Wider Agenda

- Power of information
- Public trust and confidence as foundation of DP and FoI
- Strategic approach – Influencer, Ombudsman, Policeman

Looking ahead

“The new Information Commissioner will inherit a lively, committed and hard-working ICO which is proud to be making a difference. It is a privilege to lead an ICO that is determined to fulfil this Plan, but which would always like to be doing more.”

Corporate Plan 2009/12



Information Commissioner's Office

www.ico.gov.uk