



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Press Release

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FOI: good for people and good for government says Information Commissioner

Freedom of Information is fast becoming a fixed feature of 21st century democracy and should not be seen as a battle ground between public bodies and the people, according to the Information Commissioner, Richard Thomas. Speaking at the annual FOI Live conference in London on 24 May, the Information Commissioner will state that the transparency and accountability brought by Freedom of Information reinforce good government, and should not be seen as a threat. However, he will also stress that those using FOI must act responsibly.

In his keynote speech the Commissioner will remind public bodies that they serve the public and will urge them to recognise that FOI requires a positive approach to openness.

Richard Thomas says: "After nearly two and a half years Freedom of Information is delivering real benefits. It is now recognised as a key feature of our modern democracy which is changing public sector culture. There is a presumption of disclosure, unless there is a genuine reason to withhold information. This must trump any instinct of unnecessary secrecy which simply suggests a public authority has something to hide. Of course there are bound to be times when the Freedom of Information Act may be uncomfortable. But openness – even where it reveals uncertainties, disagreements or embarrassments – treats citizens as grown ups and reflects the realities of public life. People respect honesty, not cover up.

"Freedom of Information reinforces good government. Some people fear that FOI can have a 'chilling effect' and that nothing gets written down. On the contrary - the possibility of disclosure encourages a record of full, accurate and impartial advice

from civil servants and supports the principle that officials advise and ministers decide. Greater openness will deter spin and informal decision making.”

Whilst Richard Thomas fully recognises the need for “private space” for policy-making in suitable cases, he will warn that public bodies must treat each case on its own merits. The Information Commissioner’s Office has made it clear that public interest arguments for non-disclosure must be convincing in each case.

He says: “The Freedom of Information Act has clearly struck a chord. It has been heavily used – especially by members of the public. My Office acts as the referee in cases where requesters complain they did not get what they asked for, but the vast majority of cases do not need our intervention. And we are able to resolve half of all cases informally. Research conducted by my Office shows a dramatic jump in just two years (2004 -2006) from 51% to 72% in those who agree that access to official information increases confidence in public authorities.”

However, he will also warn of the risks if FOI is seen as a battle ground between public bodies and individuals. He says: “Wresting information from government and other public bodies has the potential to damage trust between the state and the people. But, by the same measure, those making requests must act responsibly and with restraint.”

The Information Commissioner will announce plans to deter mischievous and pointless requests. Such cases can waste public money and jeopardise the reputation of the Act. The ICO is developing further guidelines to help public bodies resist requests which are genuinely vexatious. A “Charter for responsible FOI requests” will help to prevent requests which have no serious purpose or value, impose disproportionate burdens or have the effect of harassing the public body.

Richard Thomas said: “I am sympathetic towards public authorities that refuse to deal with vexatious requests which clearly serve no reasonable purpose. Such requests do a disservice to all who want freedom of information to be a success. But I am surprised that public authorities are not making more robust use of the existing provisions under the Act for excluding vexatious requests.”

ENDS

If you need more information, please contact the Information Commissioner's press office on 020 7025 7580 or visit the website at: www.ico.gov.uk

Notes to Editors

1. The Information Commissioner promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
2. Since the introduction of the Act two years ago the Information Commissioner's Office has closed over 4,500 cases and issued almost 600 decision notices.
3. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk
4. According to the ICO's 2006 annual track research 76% of the public questioned by the ICO believe the Freedom of Information Act increases knowledge of what public authorities do; 74% believe the Act promotes accountability and transparency in public authorities and 72% think the Act increases confidence in public authorities.
5. Many high profile disclosures under the Freedom of Information Act have influenced public debate, these include:
 - Hospital car parking charges
 - University admissions policies
 - E-voting systems
 - ID cards
 - Tax and pensions
 - Funding of academy schools
 - Airport expansion
6. Examples of cases where the ICO has ordered disclosure include:
 - restaurant inspections
 - airport contract for Ryanair
 - DWP study into ID cards
 - Gateway Reviews for ID cards
 - MPs' travel expenses
7. The Information Commissioner's Office is currently working on a publication scheme initiative to produce model schemes which will deliver greater proactive disclosure from public authorities.

