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Press Release

For immediate release

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ICO rules against BERR over details of Employment Tribunal cases

The names and addresses of organisations involved in Employment Tribunal cases must be made public according to a new ruling under the Freedom of Information Act. The Information Commissioner's Office has ordered the Department for Business, Enterprise and Regulatory Reform (BERR) to release the material having decided that there is a strong public interest in its disclosure.

From 1965 – 2001 a register with organisations' names and addresses was routinely published. However, following a government consultation, a decision was made to stop publishing the Register of Employment Tribunal Applications. The new ruling by the Information Commissioner's Office paves the way for the material to be released routinely once again.

BERR maintained that releasing the material would prejudice the effective conduct of public affairs and was not in the public interest. Before making the judgement, the ICO asked BERR to provide evidence of any harm that publication of the register would cause. BERR suggested a number of reasons, including that publication would leave organisations open to direct marketing; expose the existence of disputes publicly and reduce the chance of informally resolving them; and could leave respondents at risk of unwarranted damage to their reputation.

After careful consideration, the Deputy Information Commissioner, Graham Smith, concluded that BERR was justified in relying on section 36 (conduct of public affairs) but that 'there is a very weak – if any – public interest in maintaining the exemption.' Employment Tribunals are open to the public and

details of cases are normally in the public domain unless there is a good reason for confidentiality. Ultimately the public interest in maintaining the exemption does not outweigh the public interest in disclosing the requested information, so the information should be disclosed.

To view the decision notice, please click here:

http://www.ico.gov.uk/upload/documents/decisionnotices/2008/fs_50080369.pdf

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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. To see another case concerning Employment Tribunals, please see http://www.ico.gov.uk/upload/documents/decisionnotices/2008/fs_50071188.pdf
2. 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.
3. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk.
4. 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.