



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

Press Release

For immediate release

Date: 3 April 2008

Department of Health must improve FOI request handling

The Information Commissioner's Office (ICO) is demanding improvements in the way the Department of Health handles requests under the Freedom of Information Act. The Information Commissioner has used his powers under the Act and is issuing the Department with a formal practice recommendation.

The Department of Health has failed on numerous occasions to offer appropriate advice and assistance to people making requests under the Act and is delaying the conduct of internal reviews beyond a reasonable timescale. Existing guidance highlights that public authorities should conduct internal reviews within 20 working days (40 days in exceptional circumstances) yet the Department took 90 days in one case and 80 days in two other cases.

The Department has repeatedly applied blanket exemptions to requested information with the effect, in some instances, of withholding entire documents from release. The Department has also been extending the timescale for consideration of the public interest test, exceeding the limits set out in ICO guidance.

The practice recommendation follows an ICO decision earlier this year involving the Department after it breached the Act several times over a request for information relating to its electronic recruitment service. The ICO had numerous concerns, including that the Department could not find numerous documents, filed between August 2003 and September 2004,

relating to its electronic recruitment service. This prompted the ICO to carry out an audit of 40 complaints received about the Department. The Information Commissioner is concerned that the Department's current levels of resource may not support the volume of FOI requests. The Information Commissioner recommends that the Department reviews the staffing and resource given to freedom of information in order to improve request handling.

The Information Commissioner recognises that the Department has already taken steps to improve communication with the ICO and welcomes the progress that has been made to date. However, the Department continues to fail to deal with some freedom of information requests appropriately and the ICO considers that further improvements are necessary. The Information Commissioner hopes that the Practice Recommendation will encourage improvements and reduce the need for formal intervention in the future.

The full practice recommendation can be viewed at the ICO website here:

http://www.ico.gov.uk/what_we_cover/freedom_of_information/enforcement.a.spx

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. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk
3. The Information Commissioner's concerns are not limited to the Department's freedom of information practices. Last year the ICO took action against the Department under the Data Protection Act when it failed to keep the personal information of junior doctors secure on the Medical Training Application Service website.

4. Failure to comply with a Practice Recommendation may lead to failure to comply with the Act which in turn may result in enforcement action.
5. The Commissioner is of the view that the Department's procedures do not conform to the following Code of Practice issued by the Secretary of State for Constitutional Affairs in November 2004:
 - Discharge of Public Authorities' Functions under Part 1 of the Freedom of Information Act 2000 issued under section 45 of the Act (the 'Code').

A full copy of the Code can be found at:

<http://www.dca.gov.uk/foi/reference/impref/codepafunc.htm>