



Information Commissioner's Office
Promoting public access to official information
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Press Release

For immediate release

Date: 24 June 2008

ICO orders release of information relating to the second runway at Stansted

The Information Commissioner's Office (ICO) has ordered the Department for Transport (DfT) to release information relating to the proposal for a second runway at Stansted airport, under the Environmental Information Regulations.

The Department for Transport refused to release the information on the grounds that the documents relate to the formulation of government policy which resulted in the 2003 White Paper on air transport. DfT claimed that releasing details relating to potential airport policies could be prejudicial to future policy making. It also noted the importance of allowing government policy and decision making to be considered outside the public arena without fear that potential policy options could be publicly criticised before they were sufficiently developed to justify informed debate.

The Information Commissioner acknowledged that the timing of a freedom of information request is an important consideration where different policy options are being examined and debated. However, the ICO notes that in this case DfT's decision to withhold the information was made nearly two years after the White Paper was published. In the Information Commissioner's view there was therefore little risk of disclosure prejudicing the policy-making process as the Government's policy choices had already been set out.

The Information Commissioner believes that the disclosure of information relating to policy formulation can be valuable in helping to inform public debate and encourage transparency in relation to the decision making process.

The ICO is aware that there is a large amount of public interest and discussion around the future of air transport and the Government's policies in this area have a potentially wide-ranging impact on people's lives, the economy and the environment.

The disclosure of the requested information would have been of assistance in providing a range of interested parties with more information on the factors and arguments considered by the Government before it decided to support the development of the second runway and, as a result disclosure would have allowed more informed debate.

After considering the public interest arguments, the ICO is not satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The ICO agreed with the Department for Transport's decision to withhold documents that contain legal advice from a professional legal adviser. The Information Commissioner accepts that the information is subject to legal professional privilege and that disclosure would adversely affect DfT's ability to obtain confidential legal advice in the future.

The Information Commissioner considers his investigation was unnecessarily delayed as a result of the Department for Transport's continual requests for additional time to provide responses. DfT encountered numerous difficulties in locating information relevant to the request. During the course of the investigation the ICO issued an Information Notice to the DfT requesting details about the efforts it had made to locate the requested information. The DfT has admitted there were

clear failings in its records management processes but has assured the ICO that these issues have now been addressed. The ICO has recommended that DfT contacts the National Archives for advice on records management issues to ensure similar problems do not occur in future.

The Department for Transport has 35 days from the date of the decision notice to release the information outlined in the notice.

Click [here](#) to view a copy of the decision notice.

ENDS

If you need more information, please contact the Information Commissioner's press office on 020 7025 7580.

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. The Environmental Information Regulations 2004 fall under the Freedom of Information Act 2000 and provide members of the public with the right to access environmental information held by public authorities in England, Wales and Northern Ireland
3. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk