

Press Release

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ICO takes tougher approach to FOI enforcement

Today the Information Commissioner's Office (ICO) [sets out the measures](#) that public authorities will face if they routinely fail to meet the requirements of the Freedom of Information Act (FOIA) or the Environmental Information Regulations 2004 (EIR). Organisations will face action from the ICO if they regularly fail to issue a response on time, refuse to disclose information without specifying an exemption, or if they fail to respond to a request altogether. The tougher approach to enforcing the Freedom of Information Act will ensure individuals get speedier responses from public bodies.

Mick Gorrill, Head of Enforcement at the ICO, said: "Organisations that take FOIA seriously will have advice and support from the ICO. The public bodies that continually fail to meet their legal obligations will face regulatory action. Using FOIA can take too long and is sometimes overly cumbersome for members of the public. After monitoring authorities' compliance with the Act, we will take action against those that abuse the system."

The ICO will be making more use of regulatory powers including Enforcement Notices, Undertakings and Practice Recommendations to improve compliance. Where there is evidence that a public authority is regularly or seriously failing to meet its obligations, the ICO will not hesitate to take regulatory action, particularly where organisations fail to respond to requests in a timely manner. The ICO has identified timeliness as a key target for action, in recognition that a quarter (between 20–

25%) of FOIA complaints to the ICO relate, at least in part, to the time taken for public bodies to respond to requests.

Graham Smith, Deputy Commissioner, said: "The Freedom of Information Act is a success story and has helped many organisations become far more transparent. Information rights have never been so important and organisations must have transparency at the heart of their culture. Although most organisations are implementing FOIA effectively, we will apply robust and effective sanctions against those organisations which routinely fail to comply with the Act."

Forms of regulatory action

Assessment

- Designed to determine whether an authority is following good practice

Enforcement Notice

- A formal notice requiring an authority to take specific action set out by the ICO

Information Notice

- A notice requiring an authority to supply the ICO with information stated in the notice

Decision Notice

- Details the outcome of the ICO's investigation into an individual case. The Commissioner may use these to publically highlight specific examples of an organisation's failure to comply with the FOI Act

Practice Recommendation

- This will specify the steps which the ICO feels are necessary in order to promote conformity with the Codes of Practice

Undertakings

- This document will commit an authority to a particular course of action to improve its compliance with FOI or EIR

Report to Parliament

- Failure to take account of a practice recommendation or an Enforcement Notice may be included in the Commissioner's Annual Report to Parliament

ENDS

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

Notes to Editors

1. The Information Commissioner's Office upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals.
2. The ICO has 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. Alternatively, you can find us on Twitter at www.twitter.com/ICOnews