

Transparency is Secrecy. Accountability is Costly. Openness is Optional.

Freedom of Information Under Attack

Freedom of Information Legislation could undergo significant restrictions under proposals being considered by a new commission that is reviewing the rules about access to information.

The Freedom of Information Act

Under the Freedom of Information Act 2000, public authorities are obliged to publish information about their activities; and members of the public are entitled to request information from, for example, government departments, local authorities, the National Health Service, state schools and police forces. The Act came in to force in 2005.

The Independent Commission on Freedom of Information

In July 2015, the government set up the Independent Commission on Freedom of Information to review the Act. And on Friday 9th October 2015, the Commission launched a public consultation.

According to the consultation document, the Commission “is interested to understand the impact that the act has had on the internal, deliberative space of public bodies” and “would welcome evidence on whether the act has led to erosion in the public record, or in the inappropriate use of less formal means for decision-making.”

The consultation on the review of the FoI Act will be receiving responses until 20 November, either online, or by email at foi.commission@justice.gsi.gov.uk

The Commission’s review is expected to make recommendations before the end of the year.

The Consultation Document

The Consultation Document says there is a “need for public bodies, including government, to have an internal deliberative space”. And it sets out a number of options whereby internal discussions can be exempted from the FoI Act.

The Commission is considering whether ministers’ ability to veto disclosures should be strengthened. It is also considering whether to charge members of the public for making FoI requests in order to “reduce the burden of FoI on public authorities.” It’s estimated that the public sector receives an average of 87,000 requests each year at a cost of around £11m.

for sensitive information and it has revealed far more wasteful spending by public authorities than it has cost to administer.

It is essential that all supporters of the FOIA make their voices heard at this time. That is why NMA will be asking its members in the national, regional and local press to show the Commission – and the Government – how they use the FOIA to benefit their communities and enhance the public good.”

Our Response

So what is our consultation response? What do members of the NI Open Government members think?

To kick things off, it's probably important for us to join others in questioning both the independence of the Commission and the framing of the Consultation. Panel members on the Commission, weighed down by preconceptions, are unlikely to approach their task with fresh eyes. They seem less concerned with safeguarding the freedom of information than with imposing new restrictions on its flow; more preoccupied with enabling government to avoid awkward questions, than enabling citizens to reveal inconvenient truths.

The cost of FoI requests may be an issue, but the cost is most prohibitive to those organisations which are most distrusted: people make a lot of enquiries of them.

Let's not fall into the trap of allowing the Commission to frame the discussion. Rather than being curtailed and restricted, the FoI Act should not only be protected, but expanded. There is no defence, for example, for failing to extend FoI to private companies contracted to take on public services, as the Public Accounts Committee suggested last year.

Public scrutiny is awkward. It is much easier for public authorities to operate freely behind closed doors, without nosy citizens interfering, criticising and asking awkward questions. Institutions that have operated like this for decades, will feel the prerogatives of power are under attack. But these people are our employees, and they should remember that.

Democracy and transparency go hand-in-hand.

Attempts to curtail the freedom of information should be fiercely resisted.

Other Comments

Here are a few more comments on the Commission from others:

Sir Humphrey would be thrilled by the panel's "soundness".

This is a grotesquely comical group of appointees, a two fingered salute to the public and a pat on the back for those who would curtail our right to information.

If FoI had one aim, it was meant to be forcing political decision-making out into the open. But Mr Straw this year let slip to undercover reporters that he thought some political work was best done "under the radar".

The agenda here is that governments do not want to be held accountable. Why don't they apply the same adage that they are keen to foist on the rest of us 'if you have nothing to hide, you have nothing to fear'?

Had the Party in Orwell's Nineteen Eighty-Four been after a fourth slogan to add to the list, Openness is Opacity would have fitted well. They already know where this is heading and it ain't in favour of more openess.

A Very British Farce - where we pay to get information about how the government practices corruption and deceit

Rename FOI as the "Paid for Right to Know at Government's Discretion Act".

ENDS

David McBurney

15/10/15