

**MEETING OF THE INFORMATION RIGHTS USER GROUP, 25 OCTOBER 2006 AT
DEPARTMENT FOR CONSTITUTIONAL AFFAIRS, SELBORNE HOUSE, VICTORIA,
LONDON SW1**

Chair: Baroness Ashton

Attendees: Steve Bailey, JISC
Paul Bettison, Leader Bracknell Forest Borough Council
Maurice Frankel, Campaign for Freedom of Information
Anthony Kenny, Intellect UK
Lord Lester of Herne Hill QC
Ian Readhead, Deputy Chief Constable, Hampshire Constabulary
Bob Satchwell, Society of Editors
Richard Thomas, Information Commissioner, observer

Apologies: Peter Bottomley MP
Judith Cullen, Head of Environmental Information Unit, DEFRA
Robert Hazell, University College, Constitution Unit
John Hipwood, Chairman of the Press Lobby
Rosemary Jay, Pinsent Masons
Austin Mitchell MP
Adrian Pollitt, Director, Office of the Strategic Health Authorities

1. Government's response to the Constitutional Affairs Select Committee report on FOI and fees

1.1 Baroness Ashton reminded the Group that in its response to the Select Committee's report the Government had announced that the Secretary of State had commissioned an independent review of the impact of the Act. The review had examined four options for changing the current fees regulations. Following the conclusions of the review the Government had announced that it was minded to

- include reading time, consideration time and consultation time in the calculation of the appropriate limit
- permit the aggregation of requests made by any legal person to each authority for the purposes of calculating the appropriate limit.

However the Government was not minded to agree:

- a flat fee for all requests
- a reduction in the appropriate limit.

1.2 Baroness Ashton was keen to hear the Group's views on the practical implications of implementing the changes the Government was considering.

1.3 The Group discussed all four options and their implementation implications.

1.4 The following points were made in discussion:

- Proactive release of information and the simultaneous publication of information released to requestors should be increased.
- The cost of FOI is only a small proportion of public expenditure. Public information should be made available without charge to the public. The media used FOI in the public interest.

- Local authorities pointed out - the cost of answering FOI requests is not insignificant to them.
- The Frontier Economics' report showed that 5% of central Government cases account for 45% of costs. Any changes should be targeted only at those 5% of cases.
- Fees regulations should make it possible to discriminate commercial requestors from other requestors.
- Some commercial requestors were sending surveys forms to public authorities on a regular basis. The information was collected so that it could be resold.
- Some public authorities have had some success in managing the expectations of such requestors by making direct contact with them.
- Discriminating between commercial and other requestors would have to be reconciled with the basic principle that the Act is requestor blind.
- Many requestors were becoming very skilful at drafting requests, sometimes using legal advice, and it was inevitable that Ministers and senior officials would be involved in decision making about disclosure.
- If Whitehall departments were prepared to request information from other public authorities when answering Parliamentary questions MPs and Peers would not make so many FOI requests.
- The proposals on the aggregation of non-similar requests would result in the BBC and other media organisations being subject to a quota on the number of requests they could ask.
- Experienced requestors should be cultivated rather than targeted.
- The proposal to allow consideration time to be included under the appropriate limit would lead to an increased number of appeals to the ICO about fees.
- A £10 flat fee for FOI requests would deter only the poorer members of society.

1.5 Baroness Ashton thanked the Group for their very helpful discussion of the issues. FOI had been a substantial success but there were undoubtedly adjustments that needed to be made.

1.6 She welcomed further comments in writing and was very willing to discuss the matter with other groups. She was very keen to keep the Group informed of developments and to engage with them on the issue. It was proposed that at the next meeting the Group would discuss the drafting of the regulations and guidance.

2. Information Commissioner's FOI progress report

2.1 The Commissioner distributed copies of his report (available at http://www.ico.gov.uk/upload/documents/library/corporate/research_and_reports/foi_progress_report_oct_07.pdf). He said that the report documented a dramatic improvement in performance. The monthly average of cases closed had risen from 140 in 2005 to 240 in 2006. However the volume of receipts was greater than had been anticipated and accordingly the backlog was being reduced at a lower than anticipated rate.

3. Date of next meeting

3.1 The next meeting will be held on Thursday 14 December.