Commentary on:
the Freedom of Information White Paper

Your Right to Know (Crn 38 18)

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Constitution Unit publications can

Commentary on The Freedom of Information White Paper Your Right To Know (Cm

it takes longer, because it takes time for staff to farniliarise themselves with the operation of the legislation and to become efficient in processing requests:

The table shows how in Australia and Canada the number of requests built up steadily over the first three years; and over the same period the processing of FOI requests became considerably more efficient. These early years in Canada and Australia may be a better guide to the likely volume of requests than the UK's recent experience of the Code of Practice, because the Code has received minimum publicity and few people have been aware of it. To allow for the UK's larger population, the Australian figures
need to be multiplied by about 3.5 and the Canadian figures by 2.2. Extrapolating in
this way suggests that with proper publicity and a liberal charging regime the UK
might receive 50 - 70,000 requests in the first year, rising to 60-120,000 in the second.
80-90% of these requests are likely to be for personal files, concentrated on a few big
case work departments: DSS and the Benefits Agency, the Immigration Department,
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Fees and Charges

The volume of requests will be significantly affected by the Government's charging policy. Incantly

The duty to publish information (para. 2.18) should include a duty to publish departmental manuals and staff instructions - a duty which is already imposed administratively under the Code.

Exemption Provisions (Chapter 3)

The Government has usefully set out in Annex D to the White Paper a table showing how the exemption provisions in the current Code of Practice compare with the exemptions in overseas FOI laws. It would be helpful if the Government could include a final column showing which areas will be covered by the seven 'specified interests' proposed in the White Paper; and in the case of areas which apparently are not covered (e.g. effective management of the economy, effective management and operation of the public service) why no protection is required.

Investigation and Prosecution of Crime

Instead of relying on the usual exemption to protect the interests of law enforcement, the White Paper proposes a blanket exclusion for "information relating to the investigation and prosecution functions of the police, prosecutors, and other bodies carrying out law enforcement work such as the DSS or the Immigration Service. The Act will also exclude information relating to the commencement or conduct of civil proceedings" (para. 2.21). In this regard the White Paper is more restrictive than overseas legislation; and inconsistent with its own guiding principle towards exemptions, which is critical of "a 'class-based' approach towards exemptions .... where a whole category of information or record is protected, leaving no scope for partial disclosure ...." (para. 3.3). It is exclutial

Personal Information and Data Protection (Chapter 4) The interaction between FOI and