Introducing Freedom of Information

The opposition parties

Introduction
Of all the possible constitutional reforms proposed by the political parties, Freedom of Information (FOI) is the one in the most advanced state of readiness. Good draft bills exist, including Mark Fisher MP's Right to KIIOLU Bill 1993; Government departments have the experience of the Code of Practice on Open Government, introduced in April 1994; and civil servants have conducted detailed studies

of the operation of FOI overseas. As a result Whitehall is well prepared to introduce early legislation.

B the

ght o h (9 02109 Tc0.2)T 0.08 Tc 0.9.6(eOI)Tj 0.o 972T738.9.727Tc 1.84byOI Austraw(civi 11.24ak 013139Freed4strawneuo)Tjty (of)Tj 0j 6172T738.9i2.6

Ideally there should be a single access regime, policed by a single enforcement body. This will not be possible to achieve. The broad choice lies between a single access regime for all information held by government, as in Australia; or a single access regime for all personal information held by the public and private sector, as is emerging with data protection. The latter is the starting point in the UK. A new Government will need to decide whether to build from that starting point; or whether to start

be useful: it has proved impossible to publish a concise guide to the enormous banks of information held by government. The Civil Service Year Book is an adequate guide to departmental responsibilities: it should be available in public libraries and on the Internet. Each departmental entry should give details of the

for access to personal files and data protection)
or the Chancellor of the Duchy of Lancaster
(currently responsible for open government).

Requests, costs and staffing in Australia 8 Canada

AUSTRALIA 1983-84 1984-85 1985-86 1994-95

FOI needs a senior Minister to defend the
legislation in Cabinet when it begins to bite, and
a strong central agency to keep other
departments up to the mark. There will be an
important continuing demand from departments
for advice, on everything from legal
interpretation to basic administration and the keeping of statistics. In other countries a central FOI unit has been critical in getting the legislation off to a strong start, and providing training at all levels and a support network for
FOI liaison officers in departments. The
Machinery of Government division in the
Cabinet Office currently plays a co-ordinating
role, but would need to give a stronger lead; it
can only do this with strong Ministerial backing.

Total FOI requests 19,227 32,956 36,512
Total cost $1 5.0m $16.5m $1 5.7m
Cost per request $779 $496 $430
Total staff-years 3 40 374 328
Staff hours per request n.a. 35 19

FOI in Practice

Likely Number of Requests
The Code has attracted a small number of
requests because few people are aware of it. In
1994 (a 9 month period) the Cabinet Office
estimated there were 2,600 requests; but of these 831 were to the Employment Service, and 1059 to the Welsh Office (the Scottish Office reported 45). Following efforts to achieve more consistent reporting, the Cabinet Office reported 1,353 requests under the Code in
1995.

37,367
$10.4m
$278
150
12

An FOI Act would attract a much higher volume because the legislation creates its own

publicity. But it is important not to over-estimate the initial number of requests: in Australia and Canada the number of requests built up steadily over the first three years (see Table). The early years in Australia and Canada may be a better guide to the likely volume of FOI requests than the UK's experience of the Code: or than more recent overseas figures, because the UK will have to go through the same learning curve. To allow for the UK's larger population the Australian figures need to be multiplied by 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. 80-90010 of these requests are likely to be for personal files, concentrated on a few big casework departments: DSS and the Benefits Agency, the Immigration Department, Inland Revenue, MOD (for pensions and employment records). Of
more general requests, a high proportion may come from business: in Canada business users represent 40010 of requesters for general
government information, and for some US
agencies the proportion is as high as 80%.

CANADA 1983-84 (9 months) 1984-85 1985-86 1995-96

Staffing and Resources
The table shows how over time processing FOI requests becomes considerably more efficient. Australia estimated an average of 35 staff
hours per request in the first year, falling to an average of 18 hours in the third. But the number of requests doubled, so that

increases were authorised when the legislation was first introduced; but the