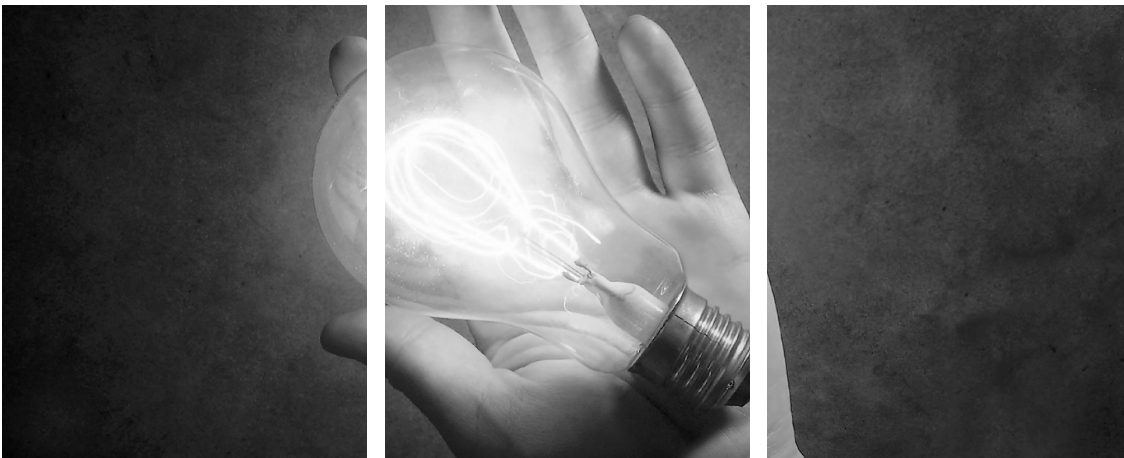


Freedom of Information for the Public Sector

EDITED BY ANNA SHAW



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Executive summary

ARK GROUP'S *Freedom of Information in the Public Sector* report helps to clarify the grey areas of legislation and compliance issues and also provides you with case studies detailing successful freedom of information (FOI) management schemes.

Since the Freedom of Information Act 2000 came into force on 1 January 2005, demand for fulfilment of FOI requests has increased dramatically, largely due to increased public awareness of FOI policies and procedures. As a result, public sector organisations need to undertake continual reviews of their resourcing to ensure that they are able to respond to requests in a timely and effective manner. Chapter 1 offers practical guidance on this important topic, illustrated by the experience of the FOI team at Sheffield Teaching Hospitals NHS Foundation Trust.

Chapter 2 explores the issues which arise when answering FOI requests which require disclosure of anonymised personal data, particularly where the sample size is small. This includes analysis of cases referred to the Information Commissioner.

Whilst technically a separate consideration, many organisations will handle requests under the Environmental Information Regulations 2004 (EIR) together with FOI. Chapter 3 outlines the background of EIR and looks at the similarities and differences between EIR and FOI in terms of bodies covered, procedure, cost limits and reviews. Analysis of cases referred to the Information Commissioner is also included.

The recent refresh of freedom of information publication schemes has led to a renewed focus on proactive publication. Chapter 4 examines publication schemes, disclosure logs and the definition document, as well as considering how organisations can ensure the information they proactively provide can be accessed and searched by citizens in a convenient way. These topics are considered in the context of real-life experiences at the London Borough of Tower Hamlets. This chapter also explores some of the cultural issues around freedom of information and encourages organisations to focus on the positive aspects of information disclosure.

Since 1 January 2005 the Information Commissioner has issued over 1,000 decision notices under FOI and EIR, and the Information Tribunal has published nearly 200 decisions. Chapter 5 provides valuable analysis of some of the key decisions relating to issues such as definition of a public body; offering advice and assistance; applying charges; vexatious requests; and exemptions. Consideration is also given to the extent to which organisations can rely upon such precedent in rejecting requests.

In Chapter 6, re-use of public sector information is explored, looking at the difference between access (through FOI, for example) and re-use. Examples of modern commercial re-use of public sector information are given. The fiscal value and other benefits of re-use are examined, alongside the challenges and barriers that have traditionally stood in the way.

Chapter 7 examines academic use of FOI and suggests how FOI officers and academics/researchers can co-operate to best effect. The chapter offers insight into how academics work with FOI, as well as considering how journalists and politicians have been known to exploit FOI to reveal 'juicy' stories.

Contributors to the report include:

- Phillip Bradshaw, information manager, Cardiff Council;
- Clive Porro, head of information rights team, Department for Environment, Food and Rural Affairs;
- Tim Rodgers, information governance manager, London Borough of Tower Hamlets;
- Duncan Tanner, professor of modern and contemporary history and director, Welsh Institute for Social and Cultural Affairs, Bangor University;
- Peter Wilson, information governance manager, Sheffield Teaching Hospitals NHS Foundation Trust;
- Jim Wretham, head of information policy, Office of Public Sector Information; and
- Lynn Wyeth, administration and information manager, Leicester City Council.

About the contributors

Phillip Bradshaw

Phillip is information manager at Cardiff Council. He qualified as a solicitor in 1981 and spent 13 years in private practice, initially specialising in litigation but eventually moving into practice management. He moved to the public sector in 1996 as a manager in a local authority legal service and became increasingly involved in corporate work. In 2001 he moved to Cardiff Council. In September 2005, Phillip was appointed as information manager with lead responsibility for all information governance issues, including data protection and data sharing, records and knowledge management and FOI.

Clive Porro

Clive is head of information rights at the Department for Environment, Food and Rural Affairs (Defra) and has been a civil servant for nearly twenty years. In addition to a number of policy jobs dealing with horticulture and fisheries in the former Ministry of Agriculture, Clive has also served as private secretary to a number of ministers and been seconded to the Foreign and Commonwealth Office in Brussels, HM Treasury and a Regional Development Agency. Prior to taking up his current post as head of information rights in DEFRA in 2006, he was a clerk to the Public Administration Select Committee in the House of Commons.

Tim Rodgers

Tim has been information governance manager at the London Borough of Tower Hamlets for the last three years. He has been working in the field of information management since 2003 after beginning his local government career as an IT systems analyst at Hammersmith and Fulham. Tim has responsibility for five key areas: freedom of information, data protection, records management, information sharing protocols and acting as the link between the business and ICT on matters of information security. He has raised the profile of this discipline in the council and continues to build staff awareness and understanding across all levels, as well as continuing to develop effective policies. He recently launched an information sharing protocol in Tower Hamlets for sharing information on crime and disorder and is currently working on the public sector information governance toolkit and planning for the council's corporate move into electronic document and records management.

Duncan Tanner

Duncan is professor of modern and contemporary history at Bangor University and director of its main cross-disciplinary research centre, the Welsh Institute for Social and Cultural Affairs. An authority on the politics of the Labour party and on devolution, he is possibly the UK's foremost academic authority on the use of the Freedom of Information Act in research. He is also currently

funded by the Arts and Humanities Research Council to train postgraduate students from across the UK in the research potential of FOIA. He has worked with the Information Commissioner's Office, The National Archives, the National Library of Wales, the Research Information Network and the British Academy to increase understanding and use of FOI. He is currently writing a researcher's guide to FOI, which will be made available online free of charge later this year. He also provides training in oral history techniques and opportunities for community groups and students.

Peter Wilson

Peter has been information governance manager at Sheffield Teaching Hospitals NHS Foundation Trust since 2002, adding the role of deputy Caldicott guardian in September 2007. He is responsible for all aspects of information governance, including data protection, freedom of information, information security and all related controlled documents. He has just completed his sixth information governance toolkit submission. Peter also chairs IG4U, a national network for those working in information governance.

Jim Wretham

Jim is the head of information policy in the Office of Public Sector Information (OPSI) which operates within The National Archives. For most of his career, Jim has been involved in managing information in one shape or another, including the licensing of Crown copyright in the former Her Majesty's Stationery Office (HMSO). He was also the lead official in the Cabinet Office in negotiating the European Directive on the re-use of public sector information and the subsequent UK regulations.

Jim transferred to The National Archives from the Cabinet Office, together with the rest of OPSI, in 2007. The main focus of his current role remains that of re-use of public sector information and contributing to the government's emerging information policy through reports such as the 'Power of Information' report.

Lynn Wyeth

Lynn has been a freedom of information manager in the regeneration and culture department at Leicester City Council since the FOI Act came into force on 1 January 2005. Lynn originally trained to be a teacher. A desire to work in a more multi-cultural environment resulted in a move to Leicester 15 years ago, and a love of politics resulted in a Masters degree in European politics for fun, and a change of career into politics. Having worked for a Member of European Parliament, a Member of the UK Parliament and a county council as a political assistant, Lynn is now working for her local council, managing a departmental team in charge of customer services, information management, information government, emergency planning and administration services. Lynn is currently completing an information rights Masters in Law degree at Northumbria University.