

Freedom of information... 5 years on

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FOIA milestones

- **2000:** FOIA passed
- **2005:** Access rights came into effect
- **2006:** Attempt to remove Parliament from FOIA
- **2007:** Consultation on amending the fees regulations to include consideration time
- **2009:** MPs expenses released
- **2009:** Use of ministerial veto (twice!)
- **2009:** New Information Commissioner
- **2010:** New Information Tribunal

Review of the 30-year rule

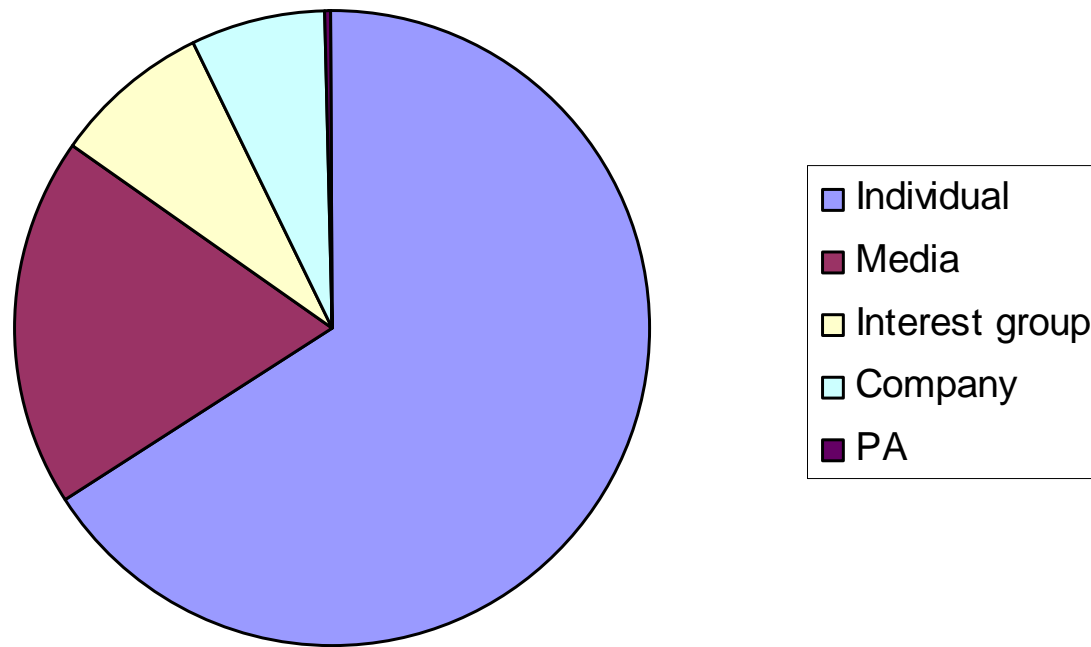
- Dacre review
 - “the 30 year rule is no longer appropriate in the current climate of public opinion and expectation, and with a functioning FOI Act which allows access to many official records at much earlier dates”.
- Government response
 - Reduction of the 30 year rule to 20 years (staged reduction over 10 years, amending the Public Records Act and section 63 FOIA).
 - Greater protection for the Royal Family
 - No change on Cabinet papers or section 35 FOIA
- Constitutional Reform and Governance Bill
 - Currently going through House of Lords
 - Part 12 relevant to FOIA

How are NI public authorities doing?

- Over 250 NI complaints investigated since access rights came into effect
- Approx 50 Decision Notices issued
 - 39% complaint not upheld
 - 37% complaint upheld
 - 24% complaint partly upheld
- Small number of appeals to the Tribunal
- One appeal to the High Court

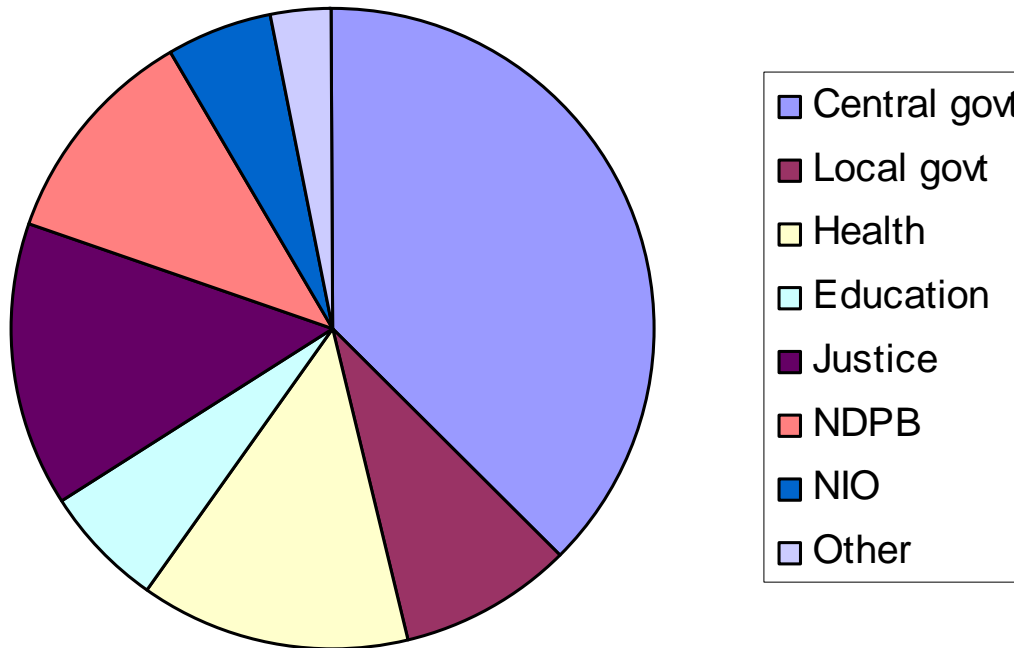
FOI/EIR complaints in NI

- Individuals still most likely to make a complaint



Public authorities complained about

- Central government most likely to be subject of complaint



Key NI Decision Notices

- Derry City Council - Ryanair (FS50066753)
- NIO - Northern Bank robbery (FS50074788)
- PSNI - s77 investigation (FS50137020)
- Parades Commission (FS50146463)
- QUB – IPLS admissions test (FS50155365)
- NIO - RIR disbandment (FS50115412)
- DoE – planning enforcement (FER0159319)

Information released by informal resolution in NI

- Cardiac mortality rates by surgeon (RVH)
- PSNI bodyguards for judiciary and elected representatives (number and cost)
- Legal aid top earners
- Information relating to special advisers
- Agenda for Change (health service job evaluation)
- St Andrews commitment to Irish Language Act

Good practice and enforcement

- Enforcement options include:
 - formal meetings
 - written undertakings
 - Practice Recommendations (published on website)
 - Enforcement Notices (published on website)
- New model publication scheme launched January 2009
- Monitoring and auditing under way
- Any volunteers?

What does the future hold?

- 5 years on, ICO expects public authorities to get it right first time
- Emphasis on proactive disclosure
- More robust, quicker complaints resolution
- Informal resolution still important
- Case law in DNs and IT decisions
- Engage with applicants!
- Ask for help

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