

## Written statement to Parliament

# Open and transparent government

**From:** Cabinet Office (<https://www.gov.uk/government/organisations/cabinet-office>), The Rt Hon **Matt Hancock MP** (<https://www.gov.uk/government/people/matthew-hancock>) and Independent Commission on Freedom of Information (<https://www.gov.uk/government/organisations/independent-commission-on-freedom-of-information>)

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Matt Hancock laid a written statement in Parliament on the Independent Commission on Freedom of Information's final report.



This government is committed to making government more transparent, so taxpayers can hold the state to account both on how their money is being spent and how decisions are made which affect their lives.

The Freedom of Information Act is one of the pillars on which open government operates. We are committed to supporting the Act. Yet after more than a decade in operation, it is appropriate to review, in the whole, how it has operated in practice, and establish how its mechanisms could be improved.

Consequently, in July 2015, we established an independent, cross-party Commission on Freedom of Information (<https://www.gov.uk/government/organisations/independent-commission-on-freedom-of-information>). The Commission has now submitted its report (<https://www.gov.uk/government/publications/independent-commission-on-freedom-of-information-report>). Given the keen public and media interest in the report, we are promptly publishing it alongside our preliminary views on its recommendations.

Read the Independent Commission on Freedom of Information final report (<https://www.gov.uk/government/publications/independent-commission-on-freedom-of-information-report>).

We are very grateful to the Commission for its thorough and thoughtful work in this significant and complex area. The Commission's review has attracted considerable interest and should be commended for an even-handed approach to gathering evidence (<https://www.gov.uk/government/consultations/independent-commission-on-freedom-of-information-call-for-evidence>) from across a very broad spectrum. This approach is reflected in the balanced set of measures put forward in the report.

The Commission makes 21 specific recommendations. It notes that whilst some of its recommendations require legislation, other improvements can be made without legislative change. The government's views on some of the most salient recommendations are as follows:

## Charging for Freedom of Information requests

The government agrees with the Commission's view that it is not appropriate to introduce fees for requests, over and above the existing narrow circumstances in which a requestor can be currently charged for disbursement costs. We appreciate that some public authorities are concerned by the burdens imposed on them by the Act and the associated costs. However, the introduction of new fees would lead to a reduction in the ability of requesters, especially the media, to make use of the Act. We believe that transparency can help save taxpayers' money, by driving out waste and inefficiency.

## **The Cabinet veto**

The Commission recommends the introduction of a narrower and more limited veto provision. The government agrees with the Commission's analysis that Parliament intended the executive to be able to have the final say as to whether information should be released under the Act. In line with the Commission's thinking, the government will in future only deploy the veto after an Information Commissioner decision. On the basis that this approach proves effective, we will not bring forward legislation at this stage.

## **Updating practice guidance**

The government agrees with the Commission's recommendations to review the operation of section 45 of the Act to ensure that the range of issues on which guidance can be offered to public authorities under the code of practice is sufficient and up to date. Public authorities should have sufficient guidance and advice to properly manage information access requests and to continue the government's mandate of being the most transparent government in the world. This does not require legislation.

## **Publication of Freedom of Information statistics**

The Cabinet Office already publishes detailed statistics (<https://www.gov.uk/government/collections/government-foi-statistics>) on a quarterly and annual basis on the operation of the Act within central government. It is important that other public authorities should be similarly transparent. We know that many other organisations already publish such data, but this does not happen consistently. The publication of such data not only provides accountability to the public, but allows the Information Commissioner to identify and target poorly performing public authorities more effectively. We will therefore issue guidance in the revised section 45 code of practice to set a standard that public authorities with 100 full time equivalent employees or more should publish such information.

## **Public interest and risk assessments**

Noting that the Commission did not provide a formal recommendation regarding risk assessments, the government agrees with the Commission's analysis that considering the public interest remains the best way to assess whether specific risk assessments should be released. This will allow the important balance between providing robust protection for sensitive information and transparency to be maintained.

## **Handling vexatious requests**

The Commission recognises the difficulty that genuinely 'vexatious' requests can place on public authorities. We agree with the recommendation of improved guidance, via a revised code of practice, to allow public authorities to use section 14(1) in the rare cases where it is necessary and appropriate. The exercise by citizens of legal rights also brings with it responsibilities – and access to information rights should not be abused to cause distress or a means of harassment. Equally, the 'vexatious' designation is not an excuse to save public officials embarrassment from poor decisions or inappropriate spending of taxpayers' money. This will not require legislation.

## Greater transparency on pay and perks of senior staff

The Commission recognises the advances that have been made to increase transparency about senior executives' pay and benefits. Further steps will be taken to ensure this transparency is delivered across the whole public sector. The default position should be that such information from all public bodies is published; that the public should not have to resort to making Freedom of Information requests to obtain it, and data protection rules should not be used as an excuse to hide the taxpayer-funded payments to such senior public sector executives. We will now consider what additional steps should be taken to address any gaps in published information, and in particular in relation to expenses and benefits in kind as recommended, including more broadly than at present.

The government will carefully consider the Commission's other recommendations.

The government has already demonstrated our commitment to openness through the publication of around 23,000 datasets on [data.gov.uk](https://data.gov.uk). (<https://data.gov.uk>) We are proud of the recognition we have received as the world's leading country on open data through the World Wide Web Foundation's Open Data Barometer. (<http://barometer.opendataresearch.org/report/analysis/rankings.html>) Our next Open Government Partnership national action plan, to be published later this year, will set stretching new commitments to take UK transparency further.

A copy of the Commission's report is being placed in the libraries of both Houses, and will be published online on GOV.UK (<https://www.gov.uk/government/publications/independent-commission-on-freedom-of-information-report>).

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