



Welcome to the 18th issue of our quarterly Newsletter. Next issue July 2005.

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New Courses added to Act Now Spring Programme.

Over a dozen new courses have been added as our existing programme fills to capacity. See all the new additions by clicking on <http://digbig.com/4dcgg> and scrolling down.

Thank you for your continued support.

Paul & Ibrahim

FREEDOM OF INFORMATION

1. The First FOI Month

In the first month of full operation of the new Freedom of Information Act four thousand requests have been received by central Government. About half of these have been made by the media. Top targets include the Ministry of Defence and the Foreign and Commonwealth Office. The Department for Constitutional Affairs (DCA) received about 144 requests for information in January, 76 of those within the first three days of the Act coming into force.

Most local authorities and health trusts have received many requests, from the serious to the bizarre. Our discussions with colleagues throughout the UK suggest that, on average, councils are receiving requests at the rate of twenty a month with some getting as many as seventy a month.

More than 4000 requests have been received in the first month since the Freedom of Information Act came into force, the Lord Chancellor has revealed. In what he called a 'new era in the relationship between citizen and state', enquiries have been made for documents on anything from artwork loaned to Cabinet Ministers to details about NATO agreements. The National Archives has received the most requests, more than 600, followed by the Ministry of Defence and the Foreign Office. Two requests have had their deadline extended beyond 20 working days to allow consideration of where the public interest lies. Half of all enquiries have been from journalists.

Lord Falconer said:

"Across the 100,000 public bodies covered by the Act, a huge amount of information has been released.

"We have sown the seeds of cultural change towards a Government at all levels that is more open, transparent and accountable."

Act Now FOI Autumn Conference

Following on from last years successful conference "FOI: 100 days to go" we have organised another conference on 28th September in London.



The aim is to look at the impact of FOI on the public sector and to consider the future. Speakers will be from the DCA, ICO, CFI and local authorities and NHS trust. We have not marketed it widely yet but Act Now newsletter subscribers can see the draft programme here. Most speakers have confirmed their attendance.

Book early to avoid disappointment. There is a special early bird discount. Click <http://www.actnow.org.uk/sepcon.pdf>

2. Information Commissioner Guidance

The following guidance documents have been updated by the Information Commissioner during January and February 2005:

Awareness Guidance 3 - Freedom of Information - The Public Interest Test

Awareness Guidance 5 - Commercial Interests

Awareness Guidance 25 - Effective Conduct of Public Affairs

All are available at www.informationcommissioner.gov.uk

3. Food Inspections Data

Do you give access to information about food inspections carried out by your Councils environmental health department? From the article below (Sunday Times), it appears that requests are being met for this kind of information:

<http://digbig.com/4dcgr>

One council is doing pioneering work in this area is Greenwich. They've developed an award that food business can obtain which demonstrates whether your local food business has a good standard of hygiene. You can search online through a 151 page document which lists when inspections took place and whether the certificate was awarded or not.

<http://digbig.com/4dcgs>

4. FOI in the Papers

£27 billion cost of Black Wednesday:

<http://www.timesonline.co.uk/article/0,,2-1469989,00.html>

Civil servants attitudes to FOI:

<http://www.timesonline.co.uk/article/0,,13509-1470418,00.html>

Michael Cross in the Guardian discusses the websites making the most of the new Act:

<http://www.guardian.co.uk/online/story/0,3605,1398909,00.html>

The Attorney General's legal advice on Iraq :

<http://www.dca.gov.uk/rights/dca/disclosure.htm>

Who benefits from EU land subsidies?

<http://www.guardian.co.uk/freedom/Story/0,2763,1443881,00.html>

Ken Livingston and shredding documents:

<http://www.guardian.co.uk/freedom/Story/0,2763,1442982,00.html>

Data on heart surgeons' records:

<http://www.guardian.co.uk/freedom/Story/0,2763,1438601,00.html>

Now that the election has been announced (05/05/05) our sources tell us that any request have been made for information but the results of these requests is being held back for maximum impact in the election campaign.

5. FOI in the Local Papers

The local press are now getting use to using FOI to get the material for their headlines. Here is a selection of stories. Our aim in listing these is not to comment on their truth or otherwise but to show how the local media are using FOI:

Camden New Journal. Town Hall & police clashed over repairs to home where murders took place:

<http://digbig.com/4dcgy>

Newham Recorder - Sickness Level of staff disclosed :

<http://digbig.com/4dcgt>

Newham Recorder - Information about Parking tickets

<http://digbig.com/4dcgw>

Manchester Evening News – Various requests refused by the Council

<http://digbig.com/4dcgx>

If you have any more from your own area we would appreciate a link or a cutting . Email us at info@actnow.org.uk

6. FOI and Schools

The National Association of School Governors recently warned that most schools are not equipped to meet the requirements of the Freedom of Information Act,

<http://digbig.com/4dcha>

Act Now will be repeating its successful half day DP/FOI seminars for schools in the Autumn. Details will be released in the next newsletter. If your area is not covered, let us know and we can put on an event if there is sufficient demand.

7. FOI and the Police

Police forces have received many requests under FOI. Examples include which speed cameras have film in them to where the most burglaries take place. The Association of Chief Police Officers (ACPO) has produced an FOI manual which is freely available at:

<http://digbig.com/4cygb>

8. Disclosure of Legal Advice

Many lawyers think that the concept of legal professional privilege means that their advice to clients can never be disclosed, even under FOI. Whilst the latter does provide an exemption from disclosure, it is a qualified exemption. This means that advice may have to be disclosed if the public interest in disclosure outweighs the prejudicial effect of such disclosure.

This story shows one paper's use of FOI to get access to legal advice given to a council.

<http://digbig.com/4dchb>

The Guardian recently published one interpretation of the legal privilege exemption in relation to the Attorney General Advice on the War:

<http://digbig.com/4dchc>

9. FOI and Academic Research

Could FOI open up new doors for researchers in academia?

<http://digbig.com/4dchd>

10. FOI and Commercial Information

FOI is being used to get access to information about projects and contracts. According to the Camden New Journal, they discovered as a result of making an FOI request that a councillor wrote to the government claiming tenants and Camden's housing department had "cold feet" over a refurbishment plan to improve their council estate – just months before the scheme's shock collapse.

<http://digbig.com/4dche>

We have an article on our website about the disclosure of commercial information and the applicable exemptions. We are also running workshop in Manchester, York and London. See our website for details.

11. Re Use of Public Sector Information Directive

This directive governs the way the public sector, amongst other things, give access to commercially useful information to the private sector. It may well have a big impact on FOI and EIR. HMSO and DTI have published consultation documents on implementation of the directive:

<http://digbig.com/4dchf>

The deadline for responses has passed but the above documents give good background on the new law.

12. FOI Resources

Steve Wood, editor of the Freedom of Information Act blog: <http://foia.blogspot.com> has also published the first issue of his FOI journal. Here's the press release.

New International Journal on Freedom of Information launches

Contact: Steve Wood, Editor editor@opengovjournal.org

A new open access e-journal entitled "Open Government: a journal on freedom of information" published its inaugural issue on the 21st March 2005. The journal, funded by School of Business Information at Liverpool John Moores University aims to publish research and communications related to Freedom of Information (FOI) legislation from the perspective of academics, practitioners and FOI users.

The Editor Steve Wood, a Senior Lecturer in information management at Liverpool University founded the journal after receiving feedback that there was a need for an International journal in this subject. Commenting on the launch of the journal he said: "Open Government is an

excellent new opportunity for the publication of new peer reviewed research about freedom of information legislation from around the world."

The editorial board for the journal draws on FOI expertise of academics, lawyers, practitioners and journalists, from Europe, USA, India, Australia and New Zealand.

The inaugural issue contains articles on the following subjects:

- The Right to Information in India
- The interaction between Data Protection and Freedom of Information
- Procurement and the UK Freedom of Information Act **by Ibrahim Hasan**
- Coordination of Freedom of Information Act requests
- A report from 3rd annual Information Commissioner's conference

This open access journal is available free of charge at: www.opengovjournal.org and will be published on a quarterly basis. Notes on how and when to submit are available on the website. The journal has an ISSN of 1745-8293. To be notified of each issue send a blank email to editor@opengovjournal.org with "notify" as the subject line.

13. Guidance Note for FOI Practitioners

Steve has also written a guide on Complying with Freedom of Information legislation: a guide for practitioners ISBN 1-904769-09-8 Costs money but can be found at <http://www.freepint.com/shop/report/>

14. Keeping Track/ Disclosure Logs

<http://www.spy.org.uk/foia/> are kindly tracking UK FOIA requests. And Steve Woods excellent blog <http://foia.blogspot.com/> has a list of disclosure logs being published – some by central government but quite a variety of organisations

15. Irish Information Commissioner's Website

This contains lots of new cases and decisions which give an insight into how certain issues may be treated in the UK:

<http://www.oic.gov.ie/new.htm>

16. Unusual FOI request

One such request from a woman with a penchant for eligible bachelors in uniform was recently submitted to Hampshire Police - doubtless many of you will have seen the story in last Saturday's edition of The Guardian

<http://politics.guardian.co.uk/foi/story/0,9061,1441408,00.html>

17. IDOX.

Subscribers may be interested to know that the FOI request from IDOX which caused so much speculation on bulletin boards was also a test of our ability to handle the request as reported in a news item from the UK Authority.com website. Please follow the link for a full report.

<http://www.ukauthority.com/articles/story1247.asp>

You can see the actual report from IDOX by clicking on this link. It's also available on their website but you have to register to access it.

<http://www.actnow.org.uk/IDOX.pdf>

18. FOI posters? Lacking inspiration?

The NI civil service asked local students to come up with some ideas. Here's five posters that might stimulate your creativity. We have their permission to use them in this newsletter. If you want to reuse them you will need to ask the Northern Ireland Civil Service FOI unit. Our favourite is number 3.

<http://www.actnow.org.uk/1.jpg>

<http://www.actnow.org.uk/2.jpg>

<http://www.actnow.org.uk/3.jpg>

<http://www.actnow.org.uk/4.jpg>

<http://www.actnow.org.uk/5.jpg>

19. FOI and Access to committee reports

The ODPM is currently reviewing the access to information regime under Part IV of the Local Government Act to streamline it with FOI. New laws were promised in Mid February but we have heard nothing yet.

The LGA and the FOI Act operate in very different ways. Under the LGA, a single line of exempt information triggers an exemption for the whole of the document.

Under the FOI Act, even if the same information is exempt, its disclosure may be required in the public interest, but in any case only the exempt information itself can be withheld. The rest of the document, minus that one line, would have to be released. The message has to get across that exempting means redacting but still releasing as much as is possible. The old mindset of the public sector has to be gently changed.

Click for more info: <http://digbig.com/4dchm> and <http://digbig.com/4dchn>

20. ALMOS and FOI.

There is an association which supports Arms Length Management Organisations. Their website is www.almos.org.uk They have kindly sent me a document which analyses ALMOs and FOI

Click on <http://www.actnow.org.uk/ALMO.pdf>

You can join the organisation for more resources but there is a fee payable. Housing associations in particular were unsure as to whether they were covered by the FOI Act but there is good opinion in this article which may be of use.

It was announced at an Act Now Conference last year that the DFCA would consult widely during 2005 and make further orders at the end of the year to define more organisations as public authorities.

FREEDOM OF INFORMATION IN SCOTLAND

21. Latest from the Scottish Information Commissioner

New documents for public authorities have been added to the OSIC website recently:

- A list of frequently asked questions about FOISA
- Section 25 (exemption for information “otherwise accessible”)
- Section 35 (law enforcement).
- Section 34 (investigations by Scottish Public Authorities) will be added shortly.

A list of the cases the Commissioner is currently investigating. The list will be updated fortnightly.

22. New Environmental Information (Scotland) Regulations 2004

The Environmental Information (Scotland) Regulations 2004 (EIR) came into force on 1st January 2005. They have had a huge impact on the public sector by giving everyone access to all environmental information held by, amongst others, local authorities, utility companies and waste companies. The definition of “environmental information” is very wide so the effect of the regulations will fall on many departments, not just those dealing with environmental matters. A helpful guide for public authorities dealing with requests for information under FOISA and the Environmental Information Regulations is now available on the OSIC website: www.itspublicknowledge.info/eirsfoisa.htm.

The processes involved in dealing with enquiries are described step by step and the guide shows how and where enquiries should be treated differently, depending on whether they fall under FOISA or the EIR's

Act Now Training is running a workshop on the new EIR Scotland Regulations on 7th June 2005 in Edinburgh. Click <http://www.actnow.org.uk/EIRSCJUN.pdf> for details

23. FOISA Fees Summary

The provisions of FOISA with regard to how much can be charged for requests are different to the English legislation. We have produced helpful summaries of each on our website. Click [http://www.actnow.org.uk/Fees summary.pdf](http://www.actnow.org.uk/Fees%20summary.pdf) to see the Scottish version.

24. FOISA Decision Maker workshop

We received excellent feedback on our February workshop. The next one in May is almost fully booked. We have added an extra date in June.

The workshop is designed to look at all the key issues of FOISA implementation through lots of case studies and exercises. We will also have a guest speaker to talk about access to commercial sensitive information and exemptions.

Click <http://www.actnow.org.uk/FOIJUN.pdf> for details.

DATA PROTECTION

25. Special Constable Prosecuted

A Special Constable working for Dorset Police was fined £1,000 recently for using the Police National Computer to investigate people she knew, in breach of the Data Protection Act. See the full story in the Scotsman newspaper.

<http://news.scotsman.com/latest.cfm?id=4021362>

26. DPA and the NHS National Programme for IT

Introduction of the NHS National Programme for IT (NPfIT) in England and Wales will potentially allow researchers greater access to medical data. Increased use of electronic patient records raises concerns about consent, confidentiality and security.

This note outlines the types of patient data that are stored, explains their use in medical research, examines the current regulatory system and analyses issues such as anonymisation, confidentiality and consent.

<http://www.parliament.uk/documents/upload/POSTpn235.pdf>

27. Data Sharing Conference in Scotland

In March, Ibrahim Hasan addressed a conference attended by 200 delegates in Edinburgh on data sharing. There were also various workshops on consent, confidentiality, privacy and powers to share information. All the papers and documents are on the Scottish Executive website:

<https://www.scotxed.net/jahia/Jahia/lang/en/pid/309>

28. Websites and Employee Data

According to news site icDunbartonshire, employers at the Faslane Naval Base (Babcock Naval Services) may have breached data protection rules by posting some staff medical records onto an intranet and e-mailing other confidential information to workers. The information was removed the day after it was posted.

<http://digbig.com/4dchh>

29. New dates for our DPA Course

Are your staff confident when dealing with personal data?. Do they know when and where they can share information and for what purposes? We have added extra dates in Manchester in June and Edinburgh in July to run our ever popular Data Protection: An A-Z Guide course.



<http://www.actnow.org.uk/DPAJUN.pdf> for details

30. Disclosure of personal data workshop

Following the Freedom of Information Act 2000 (FOI) going live, many public sector organisations have seen an increase in requests for access to personal data about staff, service users and officials. These require examination of the FOI exemptions as well as analysis of other areas of law such as Human Rights (privacy) and the Data Protection Act 1998(DPA).

This highly practical (half day) workshop is designed to examine the key considerations around giving access to personal data. The workshop style of the course means that delegates will get a chance to explore the issues thoroughly using plenty of case studies and group discussions.

The course is being run in Manchester, London and York. Click [http://www.actnow.org.uk/FOI and DPA.pdf](http://www.actnow.org.uk/FOI%20and%20DPA.pdf) for full details.

31. European Union DP Site:

If you want to know what is coming next in the world of data protection see the European Commission DP site:

http://europa.eu.int/comm/internal_market/privacy/index_en.htm

32. Telephone scams

Every data protection officer should have in their drafts folder in their email system a number of prepared emails they can send to anyone who rings up and asks about one of these scams. When someone rings just ask for their email address and send them the answer to their problem. They'll think you're wonderful.

Being called by answering machines – it's an urban myth.
<http://www.snopes.com/inboxer/scams/mobile.asp>

ICSTIS also are taking action. Click on adjudications and see some results..
<http://www.icstis.org.uk/icstis2002/default.asp?node=20>

Phishing and Pharming are also on the increase. We talk about it on our DP course. Every DP professional should have a few items like this in their drafts folder to send out to worried employees.

Find out more at <http://www.antiphishing.org>

Finally the demon dialler that hijacks your phone and modem without your knowledge and runs up a huge bill dialling a premium rate number.

Look at this link <http://www.btmodemprotection.com/>

33. Record fine for not notifying.

The Information Commissioner gets tough over notification. A solicitor was fined £6,500 for not notifying believing they were exempt!

<http://www.lawgazette.co.uk/news/breaking/view=newsarticle.law?GAZETTENEWSID=225274>

RIPA & SURVEILLANCE and OTHER ITEMS

34. Court helps Ryanair trace staff pilots who criticised on-line

According to The Guardian newspaper, an Irish judge has ordered that web site user data should not be destroyed which may reveal the identities of pilots who criticised Ryanair's working practices in an on-line forum. This relates to an ongoing court action. This story is about surveillance of staff and employees. Do you what you can legally do in this area. Do you watch staff movements? Do you look at their e mail and internet usage? All this involves a need to understand relevant legislation such as the Regulation of Investigatory Powers Act 2000 (RIPA).

We are running courses in Manchester and London in April and June. We will explain RIPA in detail, as well as examine other legislation in this area such as the Human Rights Act 1998 and the Data Protection Act 1998. Whatever type of surveillance you do this course, run by a surveillance law expert, will help you do it lawfully. Click <http://www.actnow.org.uk/ripaJUN.pdf> for details.

35. Access to Communications Data – SpoC Course

The Regulation of Investigatory Powers Act 2000 now gives local authorities and other public sector organisations (e.g. fire and ambulance services) access to communications data. All organisations using these new powers must have a named Single Point of Contact (SPoC) who should have attended a Home Office approved training course and passed an exam by 31st March 2005.

We have run SpoC accreditation courses in London, Manchester and Perth over the last seven months. This has been attended by over seventy delegates from local authorities, fire, ambulance and trading standards services. All have passed the exam and received their PIN numbers from the Home Office.

If you still have to receive accreditation we are planning courses in June and/or October. Let us know if you are interested by ringing 01924 451054 and we will put you on the mailing list. If we get enough demand we will run the course in June probably in London. If there are enough delegates expressing an interest in another venue we will run it there. So let us know now!

36. Scary movie. (collected from a bulletin board)

<http://www.aclu.org/pizza/images/screen.swf> (Shockwave & sound required)

There is an explanation of the history of planned US legislation which may allow it to happen

<http://www.aclu.org/Privacy/Privacy.cfm?ID=16021&c=39>

37. Networking Groups

Over the last few years we've detected a move towards more local networking. Although there are national bodies for Data Protection and Information Management most professionals in the sector are getting better results from local groups. Many other local groups have however responded and details can be found on our website at <http://www.actnow.org.uk/groups.htm>.

We hope to update and maintain this list. If you know of any more please let us know.

In House Training

Act Now trainers also deliver in-house training at your site. In the last three months we have done in house training on FOI, EIR, DPA, Data Sharing and RIPA for the following organisations:

Camden Council, The Scottish Executive, North Lincolnshire Council, North East Lincolnshire Council, Independent Police Complaints Commission, St Martins College Lancaster, Coventry City Council, Northern Ireland Civil Service, Leicester City Council, English Partnerships, Bevan Brittan solicitors, Wrexham Council, Vale Royal District Council and many more.

If you want to train many people please ask us for a quote. We will come to you and tailor the courses to fit your corporate policies and procedures. Train 50 people for the price of sending 5 on an expensive course at a distant location.

Email us at info@actnowtraining.co.uk

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