

Information Briefing

Update

January 2010

News

Information Commissioner intervenes to improve internal review processes

Christopher Graham, the Information Commissioner, has used his powers to secure improvements in the way two public bodies conduct internal reviews under the Freedom of Information Act. In line with the Information Commissioner's enforcement strategy, Christopher Graham has issued practice recommendations to the UK Border Agency and Cardiff County Council. Both authorities have repeatedly failed to comply with the timescales for responding to requests for internal reviews set out in the Code of Practice and the Commissioner's guidance.

The recommended period of time for completing an internal review is 20 working days or 40 days in exceptional cases. In no instance should the time taken to conduct a review exceed 40 working days.

To access the press release please see: [Link](#)

Met Police to appeal against informants' costs ruling

The Metropolitan Police ("Met") is to appeal against a ruling to force it to reveal how much is spent on informants.

Information Commissioner Christopher Graham ordered the London force to give details by next Tuesday, or it could face punishment for contempt of court.

He stepped in after officials refused to tell a Croydon resident the bill for informants in his south London borough.

The Met said the information could put people in danger and give criminals information about their tactics. But Mr Graham rejected their arguments and said the public interest should be served by greater transparency in how taxpayers' money is spent.

For more information, please see: [Link](#)

Data Protection Officer Conference

Date: 3 March 2010

Location: Lowry Hotel, Manchester.

Keynote speaker: Christopher Graham

Closing date to register: 11 February 2010

David Smith, the Deputy Information Commissioner, will open the event, followed by Christopher Graham the Information Commissioner and Christine Goodfellow the Director for Improving Information Sharing and Management Programme at the Department for Children, Schools and Families. The afternoon session will feature Robin Wilton of Future Identity who will be discussing digital security and privacy. A series of interactive workshops will also be held on the day.

For full details of the conference, which is free to attend, and how to register please see: [Link](#)

Decision Notices

Case Ref: FER0266521

Public Authority: Knowsley Metropolitan Borough Council

Summary: The complainant submitted a request to Knowsley Metropolitan Borough Council for information from environmental records held on a property in Liverpool. The complainant specified that he wished to view the records in person. The Council agreed to provide the information requested, but only on the provision of a fee based on the property search regulations.

The Commissioner's decision was that the Council failed to comply with regulations 5(1) and 6(1) as it failed to make the requested information available for inspection. The Commissioner requires the Council to make the requested information available for the complainant to inspect within 35 days of this notice.

Case Ref: FER0265609

Public Authority: PhoneyPayPlus

Summary: The complainant requested information from the organisation concerning environmental impact assessments and the recycling schemes that it was involved in. The organisation responded to the request providing some general information and stated that it did not believe it was subject to the Environmental Information Regulations ('the EIR'). The complainant complained to the Commissioner stating that he believed that the organisation was incorrect in its determination of its status under the EIR and that it should provide the outstanding information.

The Commissioner considered the complaint and has determined that the organisation was a public authority for the purposes of the EIR by virtue of Regulation 2(2)(c). He therefore upheld the complaint.

This Decision Notice requires PhoneyPayPlus to either provide the complainant with the requested information or to issue a refusal notice, stating which exceptions (if any) under the EIR it believes to be applicable.

Case Ref: FS50227557

Public Authority: Nottinghamshire County Teaching Primary Care Trust

Summary: The complainant requested a letter of complaint about a named doctor's surgery. He also requested who wrote it and when. The public authority explained that it was confidential and that it would not be provided. It then applied section 40(2) (third party personal data) to the source's details in its internal review.

The Commissioner investigated the case and it became apparent that the letter could not be located within the costs limit. The Commissioner therefore considered section 12(2) (the costs exclusion) and found that it could be applied correctly. He found a breach of section 17(5) for not providing a refusal notice that stated that the costs exclusion applied within twenty working days of receiving the request. In respect to the source's name, he considered section 40(2) and considered that this exemption has been applied correctly. In respect to the date, he was satisfied that the complainant had this information and did not consider it further. He required no remedial steps to be taken in this case.

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