GUARDIAN NEWS & MEDIA – SUBMISSIONS TO DCA CONSULTATION ON PROPOSED FREEDOM OF INFORMATION AND DATA PROTECTION REGULATIONS 2007

Executive summary

- We strongly oppose the proposed changes and believe that they should not be implemented at all. We are very disappointed that the government is seeking to restrict severely the act even though it is barely two years old. Lord Falconer, the constitutional affairs secretary, has claimed that the act has been a great success as many people have been using it. Ministers now apparently want to destroy the very success for which they are claiming credit.

- The proposed changes would affect journalists in particular, as they are required to gather information in the course of their work and may make regular and repeated requests.

- The Act already contains provision to deal with 'vexatious' requests, which according to the Information Commissioner's guidance may also cover requests whose main effect is disproportionate inconvenience or expense. There is no need to amend the regulations.

- The calculation of costs for the 'appropriate costs threshold' is a method of excluding requests – there is no requirement to consider the public interest. Widening the scope of the costs calculation means that many requests made by journalists will be refused. This will deprive the public of important information about the workings of government and other public authorities.

- The proposed changes will turn back the tide, and return us to a culture of secrecy and lack of accountability. Authorities who do not want to disclose information will be encouraged to consult widely and unnecessarily in order to increase the costs threshold and be able to refuse a request. There will be no incentive to streamline responses to FOIA requests in order to increase efficiency and cut costs.

- Requests for sensitive, political embarrassing or complex information will be refused as they incur greater costs in terms of consideration and consultation time. These often concern the most valuable information of great public importance.

- Requests for information of a particular kind for the first time are likely to be refused as they will require greater consideration and consultation time. This will lead to stagnation in the development of greater openness and freedom of information.

- The aggregation of requests will also penalise journalists in particular. The proposed changes include the aggregation of unrelated requests if it is 'reasonable' to do so. It is highly likely that journalists from different sections of a media organisation will be making such unrelated requests. The definition of 'reasonable' is unclear, unworkable and will lead to litigation.

- The 60 day period within which such requests may be aggregated means that requests for information must grind to a halt. This restriction on the gathering of information for news purposes is arbitrary and unjustifiable.

- The government has failed to consider other options, (some of which have been put forward by its own consultants), for example a public interest test to be adopted in relation to applying the costs threshold; a journalistic exemption, or methods of recovering costs such as a flat fee.

- Journalists play a distinct role, described by Law Lords as 'the eyes and ears of the public'. Preventing these key players from accessing information of complexity, sensitivity and political import, deprives the public of its right to know.

Submissions in response to the consultation by the Department for Constitutional Affairs on proposed Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2007

We write to express our objections to the proposed Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2007 ('the Regulations'), and their impact on the Freedom of Information Act 2000 ("the Act").

A public authority is entitled to refuse to answer requests for information at all, if the costs of complying would exceed the 'appropriate limit' prescribed in the fees regulations. [1]The government's proposed changes to the calculation of costs would allow public authorities to refuse many requests from journalists, without considering whether any exemption or public interest test applied.

The government's proposals will severely impact on journalists in particular. The government's attitude to journalists seeking information appears to have changed. In a HC Select Committee report on the government's proposals for freedom of information legislation (1997), great importance was attached to the role of journalists in holding government to account:

"Freedom of Information Act is a major plank in the Government's proposals for constitutional reform, and a radical advance in open and accountable government. It will help to begin to change for good the secretive culture of the public service…"
[The report goes on to identify as one of its three key purposes to]*:*

- *Make it easier for politicians, journalists and members of the public to account by making government cover-ups more difficult"*[2]

The proposed changes will restrict access to information in an arbitrary fashion, regardless of the importance of the information requested. There is no requirement to weigh in the balance any public interest in disclosing the information, against the anticipated costs. Nor does the government propose to consider any journalistic exemption, despite the fact that ordinary members of the public gain access to information largely through the media. If these proposals are accepted, they will restrict journalists' ability to investigate and report on the actions of government and other public authorities.

In meetings with editors and media lawyers (27 February and 5 March) Baroness Ashton told us that that the government did not intend to single out journalists, yet the Frontiers Economics report seems overly focused on journalists, referring to them as a significant category of serial requester. [3]

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[1] *Draft FoI and Data Protection (Appropriate Limit and Fees) Regulations* 2007

[2] *Third Report of Select Committee on Public Administration: Your Right to Know – the Government's proposals for a FoIA,* HC 1997-1998 398-I

[3] *Independent Review of the Impact of the FoIA,* Frontier Economics, October 2006

The aim of these proposals

The Constitutional Affairs Select Committee in its report on the Act, concluded that the FOI regime was working well overall (with some concern expressed about delays in responding to requests etc)[4]. The Select Committee did not express any concern about the costs threshold. Yet, following this, the DCA commissioned consultants, Frontier Economics, to prepare a report with as its terms of reference, to examine the following issues:

- the cost of delivering FoI across central government and the wider public sector, alongside an assessment of the key cost drivers of FoI; and
- an examination of options for changes to the current fee regime for FoI.[5]

In its Consultation paper the Department for Constitutional Affairs (DCA) invites views on the draft Regulations and "specifically on whether they would achieve the objective of allowing public authorities to better calculate the actual costs that would be incurred in complying with requests for information".

While the intention appears to be to address costs issues, this has not been raised as an issue by the Select Committee, and there is no attempt to actually recover costs. The DCA has made it clear that it is not minded to consider introducing measures that may recoup some of these costs, for example a flat fee for all requests, despite the fact that this solution was put forward by its consultants.

The Act places a duty on public authorities to provide access to information both proactively and in response to requests from the public. It must have been anticipated that costs would be incurred when the Act was brought in.

It seems the real issue is to resist requests from a small category of requesters, in particular journalists who are described pejoratively as "serial requesters". A leaked memo from Lord Falconer, Constitutional Affairs Secretary, to the Cabinet's Domestic Affairs Committee suggests that the changes are aimed at allowing *"the most difficult requests (generally received from determined and experienced requesters) to be refused on costs grounds."*[6]

The proposals will mean that public authorities will refuse a substantial number of requests (Frontier Economics estimate 11%[7]) . Journalists in particular will find it difficult to get access to information, and yet it is largely through the media that the public receive information. The purpose of the Act, to give the public access to information and to end a culture of secrecy, will have been substantially defeated.

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[4]Constitution Affairs Committee, *First Report of Session 2004 –5 Freedom of Information Act 2000 – Progress Towards Implementation,* HC 79 – I & II

[5] Frontier Economics, October 2006

[6] Sunday Times (30.7.06)

[7] Frontier Economics, (page 44)

"Serial requesters"

We are concerned at the government's approach, which devalues the work of researchers, media organisations, journalists and campaigners in seeking access to information from public authorities. The proposals are targeted at persons labelled as 'serial requesters': largely journalists and campaigners. They are seen as presenting a problem for public authorities, rather than as pursuing the legitimate activity of seeking information in the public interest.

Applications by journalists are implicitly portrayed, in the Frontier Economics report, as less worthy than applications by individual members of the public. Yet the law lords have described the media as '*the eyes and ears of the public'* – probing for information is a necessary and legitimate role for the media and an integral part of the right to freedom of expression. [8]

The Act explicitly states that "any person" is entitled to be informed whether the public authority holds the requested information and then to have that information communicated to them. The public authority should be "blind" to the identity of the applicant. The new Regulations would be a serious departure from this approach, effectively discriminating against a particular category of applicant - journalists, researchers and campaigners who regularly request different kinds information.

Journalists, in particular, more often than not make such applications in order to investigate difficult and sensitive areas. Journalists have the resources and skills to analyse such information and present it to the public.

The government and its consultants, Frontier Economics, distinguish between requests for information from journalists and ordinary members of the public. But it is largely through the efforts of journalists that such information is published and made available to ordinary members of the public.

The proposed changes would restrict the ability of the public to get access to information through newspapers and other media.

Vexatious requests

The Act already contains provision for refusing 'vexatious' or repeated requests [9]. The Information Commissioner has published guidance on this part of the Act in which he says that "…if a reasonable person would conclude that the main effect of the request would be disproportionate inconvenience or expense, then it will be appropriate to treat the request as being vexatious. [10]

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[8] "Press representatives may be regarded either as members of the public … or as the eyes and ears of the public to whom they report." *Turkington v Times Newspapers Ltd HL 2 Nov 2000*

[9] Section 14 *Freedom of Information Act 2000*

[10] Freedom of Information Act – *Awareness Guidance No 22*, Information Commissioner's Office

The Information Commissioner makes it clear in his guidance that this provision should not be used to limit requests from regular users such as the media or campaign groups, simply because of the number or frequency of their requests. However, it is a provision that may be relied upon by public authorities where appropriate to limit requests.

Frontier Economics point out that the provision to exclude requests on the grounds that they are vexatious is underused. [11] There is no need for the proposed amended Regulations.

Consequences of the Proposed changes

At present, FOI requests are normally answered free of charge apart from copying and postage costs. However, the current regulations allow a public authority to refuse to comply with a request for information if the costs of dealing with it exceed £600 (central government) or £450 (other public authorities). At the moment authorities can take into account the costs of searching for and extracting the requested information.

There are two proposals for changes in calculations of costs, to include the following:

1. Costs of time spent on the following activities: examining / reading the material; consulting; considering.

This will inevitably mean that government departments will reject on costs grounds a range of requests from those which are complex or politically sensitive to those which are simply time consuming. It is likely that requests for information of great public interest will be refused. The more controversial, complex or politically difficult or potentially embarrassing a request is, the more time ministers and senior officials will anticipate spending on consultation and consideration of the request for information.

The proposal to set ceilings and thresholds is unlikely to assist[12]. Consideration time alone or consultation time alone could not account for the whole of the £600 or £450 cost limit. However, a combination of the two would easily exceed the £600 limit and mean that the request would be refused. The minimum threshold proposed (below which the costs would not be calculated) provides little protection, as if the consideration time or consultation time exceeds £100 for central government or £75 for other authorities the full amount (not just the amount by which the threshold was exceeded) would be counted.

Such measures will over-complicate matters and can be easily manipulated by departments seeking to evade disclosing information. They will lead to an increase in the number of complaints to the Information Commissioner on costs issues. The current rules on calculating costs are relatively straightforward and effective, and we see no reason why they should be changed. The Information Commissioner in his evidence to the Select Committee on Constitutional Affairs, said that the existing fees regime was working well

[11] Frontier Economics report points out that public authorities are responding to requests when they are not required to and they are not making full use of current provisions re, aggregation and vexatious requests (pages 11 and 53).

[12] Draft Regulation 6 (5) and 6 (6)

and that it had all the advantages of being *simple, clear and straightforward, and not being a deterrent*. [13]

2. Aggregating cases: the proposed changes mean that the cost of requests from the same individual or organisation can be aggregated even if unrelated. If the costs of considering the aggregated applications would exceed the costs limit (£600 central government, £450 other public authorities), the authority can refuse to respond to the request. If requests are aggregated, once the costs threshold is reached no further requests can be made for 60 days.

This is an arbitrary and unfair rule. It would severely limit the number of requests for information journalists could make.

For example, if a Guardian or Observer journalist requests information from the Home Office about prisons and another Guardian or Observer journalist makes a completely unrelated request to the Home Office for information about immigration, these requests could be combined and the costs of complying could be added together so that both are rejected (and it seems no further requests may be made by Guardian News & Media journalists to the Home Office for 60 days).

The Department for Constitutional Affairs has failed to justify this proposed rule. The DCA suggests that public authorities should only aggregate requests for unrelated information if it is "reasonable" to do so. This proposal is incapable of clear definition and unworkable. It is likely to lead to disputes, complaints to the Information Commissioner, and litigation on the 'reasonableness' of aggregating complaints. It is therefore likely to lead to an increase in costs associated with requesting, obtaining and providing information under the Act.

In deciding what is "reasonable", the DCA suggests factors that may be taken into account by public authorities, such as the level of "disruption" resulting from complying with the request. This is difficult to define and will give over-secretive departments an excuse to reject requests. Public authorities that are inefficient in their management of information may claim that responding to requests will lead to 'disruption'.

If the proposed Regulations are implemented, there is little or no incentive for public authorities to improve their efficiency in managing records or responding to requests.

The DCA proposes that authorities may also take into account whether the requester is a business or professional entity. Once again, this completely alters the approach of the Act, which is that the identity and motive of the requester is not relevant. The disclosure will, after all, be to the public at large.

The DCA states that the public authority could even take into account requests made outside the 60-day period. As before, we believe that there is no need for such a provision as the Act already contains adequate provisions to deal with vexatious requests

[13] Constitutional Affairs Committee First Report of Session 2004 – 5First Report of Session 2004 – 5 *Freedom of Information Act 2000 – Progress Towards Implementation*, HC 79 – 1 & II,

The DCA claims that the proposed Regulation on aggregation is needed to stop individuals who are using the Act "too much". But this ignores a fundamental truth about freedom of information. Individuals often have to submit a series of requests to identify and 'dig out' pertinent information from departments which are reluctant to properly advise and assist an applicant, and are determined to resist disclosure. Allowing departments to invoke this rule merely allows the most closed and recalcitrant (or merely inefficient) departments to conceal vital information.

FOI in practice

We attach to this submission 60 stories from the Guardian and the Observer which are based on disclosures under the Act (annex A). We firmly believe that these are disclosures which have served the public well. These stories show the Act working as it should do – enabling the media to report important information to the public as part of its role in a functioning democracy.

It is of course difficult to say exactly how many of the stories would not have appeared if the new rules had been in force. However we fear that a significant number of them would not have published under these new rules.

We set out below two examples of stories which would have been unlikely to have appeared, if the proposed Regulations were in force at the time:

1) In March 2005, the government for the first time disclosed the amount of EU subsidy which each farmer in Britain receives. (Attached at annex B are two stories which the Guardian wrote when the list of payments was released). The disclosure was clearly justified as it shows how taxpayers' money was being spent. It showed that major landowners received the largest subsidies from the taxpayer. The public was able to see this for the first time and decide for themselves whether such payments were justified. Such information would not have been disclosed under the new Regulations. We understand that there were extensive discussions involving ministers and senior officials to decide whether to release this information. Landowners objected vociferously, and many meetings were held. Under the new Regulations, it would simply have been too expensive and complex to answer this request.

We note that as a result of the decision of the British government to release the farm subsidy figures (the second country to do so after Denmark) the whole of Europe will release its EU subsidy figures by 2009. The trend across Europe is for greater transparency in such matters.

2) In September 2006, The Guardian showed how multinational drug companies lobbied ministers in an attempt to subvert the independent appraisal process and get their expensive new medicines approved for large-scale use in the NHS. (We have attached the story as annex C). This story is clearly in the public interest as it shows how government policy is made and how commercial interests seek to influence it. We obtained the documents for this story by submitting eight requests to the Department of Health over a four-month period. Under the new rules, the Department of Health would have been able to refuse the requests.

Proposed changes defeat public interest

If these proposals are accepted, they will be open to abuse by obstructive or badly organised public authorities. There is no way to check abuse where authorities may seek to inflate their estimated costs in order to avoid disclosing information. There is no incentive to streamline responses to FoI requests, or to provide a faster service. Inefficient authorities who unnecessarily increase costs will be able to maintain secrecy. This defeats one of the public interest purposes of the freedom of information act – to promote accountability, expose maladministration and promote good practice.

In particular the proposed changes would be likely to prevent disclosure of information of the following types:

- Politically sensitive information
- Politically contentious information
- Complex requests
- Initial applications for a new type of information

If these rules and the Act had been in force at the time, it is difficult to imagine that Whitehall would have disclosed information about the arms-to-Iraq scandal or the BSE disease for example.

Frontier Economics - the real costs issues

The proposals are based on the Frontier Economics Report. We have not had access to the raw data on which this report was based or information about the brief that was given to Frontier Economics.

We are dubious about the reliability of the calculations made by Frontier Economics in its report. We have set out our criticisms in more detail in an article in the Guardian on October 30 (attached as annex D). Frontier Economics argues that the cost of answering freedom of information requests costs Whitehall £ 24 million a year. Even if we take that figure as being true, we believe that this is a relatively low figure. The Central Office of Information's budget for public relations, advertising and marketing is more than £ 300 million a year. This is money spent by the government telling members of the public what ministers want them to hear. In contrast, freedom of information is about what the public wants to know - £ 24 million is therefore money well spent.

While the work of journalists and media organisations would be severely damaged by these proposals, the cost of journalists' applications for information is relatively small even according to Frontier Economics figures (which we dispute): in the wider public sector they account for between 10% - 23% of the initial FOI requests – overall around £1.4, p.a. Across central government and the wider public sector journalists account for around £3.9m. [14]

[14] Frontier Economics report (page 3)

If costs are really an issue, it is surprising that government has not considered means to recoup the money, through, say a flat fee. On a policy level, government could redress the imbalance by diverting funds from Central Office of Information to freedom of information. As stated earlier, there must have been some consideration of the fact that implementing the Act would require some extra resources, when it was considered by Parliament. Yet it was decided that the importance of a more open and accountable system outweighed any extra costs burden. In a time when the public is often suspicious of politicians and the political system, a healthy freedom of information act is one of the most valuable ways of curing such distrust. We live in an age when the public expects to be told how ministers are running the country.

The Frontier Economics report is lacking in detail and we note that, while the consultants interviewed public authorities to obtain their views, there was no consultation with those individuals or organisations who request information. There was no attempt to balance the costs of providing information with the benefits of openness and accountability.

The Frontier Economics Report does not consider the principles on which the freedom of information regime is based and the extent to which these principles may be put at risk by the proposed changes.

The Frontier Economics Report does not consider other ways to make savings, for example by improving internal guidance and good practice in responding to requests.

The data on which the Frontier Economics Report is based appears to be flawed (the raw data has not been disclosed to the public). The report estimates that the Guardian makes 500 – 700 requests to central government annually. We believe that this is a gross over-estimate and the number is actually closer to 250.

The Report is based on costs incurred in the first year: these are likely to be greater than in future years, because of authorities' inexperience in dealing with requests. As they become more familiar with the Act (and precedents are set by the Tribunal) the process should become more straightforward and efficient.

We believe that unnecessary costs are being incurred because the culture has not changed – public authorities are approaching requests in a negative way, spending inappropriate lengths of time trying to find ways around disclosing information under the Act and too often referring requests to Ministers for consideration.

Summary

These proposals would remove requests for information on matters of great public interest from the Act's regime. The existing regulations are cautiously defined, so that only certain parts of the process of locating and retrieving information can be included in the costs estimate. It is right to exercise caution, and to restrict the costs that authorities can use towards the threshold, given that if the costs threshold is reached, the authority then has the power to refuse requests without consideration of any other matter or issues of principle, such as the public interest in the request for information.

Inefficient or obstructive public authorities may abuse the costs threshold: citing unnecessary requirements to consider and consult, and unreasonably aggregating requests, in order to avoid their duties to provide information under the Act.

There is little or no evidence that there is a need to restrict access to information in this way. Even were there such evidence, we are concerned that the government is not prepared to consider options put forward by its own consultants and others, for example, the use of a flat fee to recover costs. Nor is it reviewing the under-utilisation by public authorities of the provision to exclude vexatious claims (involving disproportionate expense or disruption to work), despite the fact that its own consultants have drawn attention to this. It is a matter for concern that the costs threshold is seen as the only option, despite the fact that its use is blind to any public interest in the information requested.

We strongly oppose the proposed changes and believe that they should not be implemented at all. They would subvert the purpose of the Act – to bring information of public interest into the public domain. We are very disappointed that the government is seeking to restrict severely the Act though it is barely two years old. Lord Falconer, Constitutional Affairs Secretary, has claimed that the Act has been a great success as many people have been using it. Ministers now apparently want to destroy the very success for which they are claiming credit.

We are alarmed that ministers appear determined to rush through these proposals. The government has said that it is intending to introduce the regulations in Parliament on March 19 – a mere 11 days after the end of this consultation. It appears that ministers have already made up their minds and are going to push through the changes regardless of what anyone else thinks.

We believe that instead of seeking to emasculate the Act, the government should be improving record management systems and decision-making processes so that members of the public find it easier to obtain information. The government should be tackling the real problems of the Act – departments which incorrectly refuse to answer requests, delay their replies for months on end, or obstruct disclosure by citing unjustified reasons for their secrecy.

The government's consultation paper and the Frontier Economics report suggests that the government has a negative view of the role of the media in a democracy. Neither document promotes the idea that it is legitimate and important that the media has access to vital information to inform the public. Yet since the Act has been in force, the FOI regime has enabled the media to produce many stories of great public interest and to promote a sense of openness and accountability in the relationship between public authorities and citizens. It would be a backward step to introduce the proposed new Regulations.

The proposals are restrictive, and threaten to take us back to a period of secrecy and unaccountability. The Act was trumpeted as bringing about more open government - *"The traditional culture of secrecy will only be broken down by giving people in the United Kingdom the legal right to know. This fundamental and vital change in the*

relationship between government and governed is at the heart of this White Paper". (Preface by Tony Blair, "Your Right to Know")[15]

If these proposals are adopted, journalists will find that most of their requests for information will be refused. They will not be able to gather information and investigate effectively the activities of government and other public authorities. The public will be deprived of the right to know. Even under the earlier regime, where we had a voluntary Code on Access to Information, reviewed by the Parliamentary Ombudsman, government departments did not refuse access to information *purely on costs grounds and without regard to the public interest*.

It is troubling that the Government is now proposing to target journalists, denying them, and therefore the public, the right to access information and to properly investigate the workings of government and other public authorities. Openness is fundamental to good government. The Prime Minister in the preface to the White Paper that anticipated introduction of an FOI Bill spelled out the purpose of the legislation:

"This White Paper explains our proposals for meeting another key pledge – to legislate for freedom of information, bringing about more open government. The traditional culture of secrecy will only be broken down by giving people in the United Kingdom the legal right to know. This fundamental and vital change between government and governed is at the heart of this White Paper."[16]

Journalists play the vital role in a democracy of delivering information to the public and holding public authorities to account. It is essential that they are able to carry out this legitimate task and that we do not return to a culture of secrecy.

8 March 2007

[15] Cm3818, December 1997

[16] Cabinet Office, *Your right to know.* (White Paper) Cm 3818. 1997

Examples of Guardian stories which have been written using the freedom of information since it came into force in January 2005

* For the first time, the NHS published the death rates of individual cardiac surgeons. This allows patients to make a more informed choice on which surgeons should operate on them

- How multi-national drug companies lobbied ministers in an attempt to subvert the independent appraisal process and get their expensive new medicines approved for large-scale use in the NHS.

- A league table of the biggest carbon dioxide polluters in the UK – the company at the top of the list emitted more carbon dioxide than Croatia last year.

- Documents showed that John Prescott's department was more involved than had been admitted in deciding whether US tycoon Philip Anschutz should be allowed to build a mega casino at the Millennium Dome.

- Nuclear inspectors raised serious questions over the safety of Britain's ageing atomic power stations, some of which had developed major cracks in their reactor cores

- Documents which pinpointed the moment when the government's leading law officer changed his mind over the legality of the invasion of Iraq

- The amount of European Union subsidy received by each farmer in UK was revealed for the first time – the list shows that the Queen and Prince Charles had received a more than £ 1 million in the last two years

- The government was forced to warn 14 countries that patients are in danger of developing the human form of mad cow disease as a result of contaminated British blood products sold abroad

- Downing Street documents showed that Margaret Thatcher was poised to make a remarkable admission about a financial scandal involving her son which might have led to her resignation in 1984. She had pressed a

foreign government to give a contract to a British firm which employed Mark.

- The Post Office published a list of local branches which are scheduled to close

- Details of MPs' travel expenses were published for the first time. They revealed that a former Labour minister claimed more than £ 16,000 in mileage and a Tory backbencher over £5,000 in taxi fares

- Report kept secret for more than 50 years revealed Britain's clandestine torture programme in postwar Germany – including harrowing photographs of young men who were systematically starved, beaten, deprived of sleep and exposed to extreme cold.

- How Shell improperly lobbied a cabinet minister over a huge gas plant in Russia

- Documents revealed health and safety concerns about Shell's oil rigs in the North Sea

- An official report suppressed for nearly 25 years revealed that the Peter Sutcliffe, the Yorkshire Ripper, had probably committed "many" more crimes that the 13 murders and seven attempted murders for which he was convicted.

- How ministers emasculated laws to prevent the payment of corrupt payments by firms abroad, following intense lobbying by BAE and other big companies

- How 458 staff of English National Opera were furious that the chief executive and artistic director were appointed without others being interviewed.

- How George Robertson, former Labour minister, lobbied the Foreign Office to help a multi-national firm of which he is now deputy chairman. The firm, Cable & Wireless, was in dire financial trouble.

- How Greg Dyke wanted to be reinstated as director-general of the BBC a week after he was sacked over the Hutton report and why he was sacked in the first place

- Tony Blair forced to disclose the dates on which he met Rupert Murdoch

- Regulators expressed serious worries over high doses of the controversial cholesterol-lowering drug Crestor just two months before it went on the market.

- The broadcasting regulator drew up controversial proposals on the advertising of junk food for children after being lobbied on 29 occasions by the food and advertising industry.

- A dozen NHS trusts are technically broke, with no chance of meeting a legal obligation to balance their books

- How City of London police officers have been accepting dinners and gifts worth thousands of pounds from the Scientologists.

- More than 160 prison officers were involved in inflicting and covering up a regime of torture over 9 years at Wormwood Scrubs – inmates were beaten savagely, threatened with death and sexually assaulted

- A survey of 200 local councils revealed the dirty and decaying state of school kitchens used to cook meals for children. Inspectors found that at one school, "something was seen jumping in the couscous".

- How health inspectors voiced their criticisms of the hygiene standards of restaurants run by some of Britain's most well-known chefs, including Gordon Ramsey and Heston Blumenthal.

- How the Met police realised that Ian Blair's decision to block an independent inquiry into the shooting of Jean Charles de Menezes left them open to accusations of a cover-up

- How the government gave financial support to a British firm, Mabey and Johnson, accused of bribery in the Philippines

- The information commissioner ordered the Ministry of Defence to release the names and identities of its 500 arms sales officials

- How tens of thousands of lives and homes are being put at risk because councils are allowing properties to be built in areas which have a serious chance of being flooded. Councils are ignoring the advice of the watchdog body, the Environment Agency.

- Despite the image of feckless fathers, new Child Support Agency figures show that more women than men persistently refuse to pay child maintenance

- The Child Support Agency has had to refund hundreds of thousands of pounds in maintenance payments to more than 3,000 men after DNA tests revealed that they had been wrongly named by mothers in paternity suits.

- The consultant appointed by the government to scrap the Child Support Agency was paid £ 900 a day to find a solution – a higher daily rate than the country's most senior civil servant, the cabinet secretary.

- How Margaret Thatcher tried to stop Sebastian Coe from competing and then winning gold at the 1980 Moscow Olympics. She tried to persuade him to support her boycott.

- Walter Wolfgang, the peace campaigner thrown out of Labour's party conference for heckling, was under Special Branch surveillance as long ago as 1962

- How the government's education reforms failed to win the backing of headteachers, as just a handful of schools showed any interest in becoming self-governing trusts

- A watchdog, the Medicines and Healthcare Regulatory Authority, named 25 hospitals which had bought body parts allegedly stolen in the US. There have been concerns that parts such as tissue or bones imported to help UK patients may have been infected with diseases such as HIV or hepatitis.

- A British ambassador warned that emergency services would not cope if terrorists blew up a strategically important oil pipeline heavily supported by the UK government

- An accident involving Trident nuclear warheads being moved on Britain's roads could lead to a partial nuclear blast

- The Treasury curbed a so-called creative accounting fiddle which has allowed Prince Charles to receive up to £ 1.2 million in "back door" payments from the Duchy of Cornwall estate to cover his personal expenses

- The Attorney General intervened more than 300 times over three years to increase "unduly lenient" sentences received by convicted criminals, including killers, rapists and child abusers

- How Special Branch penetrated the Anti-Apartheid Movement from top to bottom, infiltrating meetings, recruiting informers and obtaining documents.

- How the French government tried to blame the British intelligence service MI6 for the sinking of the Greenpeace boat, the Rainbow Warrior, in 1985, in a campaign of "misinformation and smears" which infuriated the Thatcher government.

- Areas which have the highest numbers of obese people in England were revealed – top of the list were County Durham and Tees Valley

- How Lord Falconer, as a barrister in the mid-1980s, provided vital legal advice to help break up the National Union of Mineworkers after the 1984/5 miners' strike.

- The Security Services barred more than 200 foreign scientists from studying at British universities over four years, amid fears that they could present a terrorist threat

- A list of train stations with the worst facilities for passengers was published. Many traditional facilities associated with the railway system such as waiting rooms, luggage trolleys, toilets, public telephones and clocks had disappeared since privatisation.

- Ministers were privately frustrated at police failures to enforce existing laws to tackle Britain's growing binge drinking problem. Ministers pressed police to single out, and crack down, on irresponsible pubs which encourage excessive drinking

- Documents showed how Margaret Thatcher's government was split over the decision to grant South African athlete Zola Budd a British passport rapidly so that she could run in the 1984 Olympic Games

Examples of Observer stories which have been written using the freedom of information since it came into force in January 2005

- DfID has funded the Public Private Infrastructure Facility since 1999 and a quarter of PPIF's budget has been spent advising on water and sanitation projects. £5m of UK taxpayers money has been spent advocating privatisation of water in developing countries – a policy that has consistently failed to improve access to water for the world's poor according to campaigners. 26 Nov 2006

- MoD has targeted Iraq, Libya, Colombia, Kazhakstan and others with poor human rights records as 'priority' markets for arms sales. 24 Sept 2006

- Police DNA database 'spiralling out of control'. A company used by police forces to analyse DNA samples kept copies of DNA. The Home Office has given permission for 20 different studies using DNA samples from the police database including a controversial study to see if it is possible to predict a suspect's ethnic background or skin colour from them. 16 July 2006

- British-based exporters claimed £126m of taxpayer's money for sending surplus butter and milk powder to poor countries such as Nigeria and Bangladesh. 21 May 2006

- Human Fertilisation and Embryology Authority documents showed that more than 400 human embryos were either imported to, or exported from, Britain in 2005 as part of fertility treatment, with the booming trade stretching from London, Kiev and Warsaw to Limassol, Chicago and Sydney. 30 April 2006

- Lord Sainsbury admitted misleading the public by saying that he had declared a secret £2m loan to his permanent secretary, Sir Brian Bender. His apology came nine days after the Observer submitted a freedom of information request asking for details of exactly what he told Sir Bender. 2 April 2006

- Internal BBC emails revealed that it ‘invented’ a reason to explain to critics why the corporation spent £60,000 of licence fee money on a sculpture by Tracey Emin. 20 Nov 2005

- Tessa Jowell disclosure of her husband David Mill’s work for the Iranian company ILTC (Mills had provided services as a solicitor since early 2002) was made on 2 May 2003 6 Nov 2005

- A report by the Cabinet Office’s Strategy Unit showed how the costs of crime associated with heroin and crack users was estimated at £16 billion by researchers, but the report found that the global crusade on drugs had coincided with an increase in consumption. 3 Jul 2005

- The shocking extent of under-achievement by boys in some of Britain’s leading schools was revealed in a report disclosed by DES which for the first time showed the huge difference in performance of girls and boys across the country. 15 May 2005