

13th April 2007

Simon Hughes MP
House of Commons
Westminster
London
SW1A 0AA

Dear Mr Hughes,

Freedom of Information (Amendment) Bill

The Newspaper Society represents the regional newspaper industry. Its members publish around 1300 local and regional newspaper titles throughout the United Kingdom.

We understand that the Freedom of Information (Amendment) Bill, a Private Members Bill introduced by David Maclean MP, is intended to reduce the scope of the Freedom of Information Act 2000 by exemption of the House of Commons, the House of Lords and the correspondence between Members of Parliament and public authorities. It is likely to come before the House of Commons for Report on 20th April.

The Society believes that there is no need to limit the application of the Freedom of Information Act in this manner. We hope that Members of Parliament will consider the points already made by the Campaign for Freedom of Information and others and be reassured that the existing legislation already addresses any legitimate cause for concern about protection of constituents or MPs' ability to act on their behalf or in their best interests.

In respect of the proposed exemption for correspondence between MPs and public bodies, the debate and discussion in Committee and to date suggests that the Bill is chiefly motivated by the understandable concerns of Members of Parliament to prevent the release of personal information about constituents, or release of confidential information, or release of information relating to the prevention or detection of crime, which might be contained in their correspondence with public authorities. However the Freedom of Information Act 2000 already contains a number of exceptions which public bodies can already rely upon to refuse to release such information or correspondence in response to a FOI request, such as section 40 personal information, section 41 information provided in confidence, section 31 law enforcement. There therefore appears to be no need for reduction of the scope of the Act, nor justification for a blanket exemption for MPs' correspondence.

Similar unnecessary concerns colour the discussion for exemption of the Houses of Parliament from the scope of the Act. For example, Section 34 of the Act already provides an exemption permitting refusal of release of information that would infringe

Parliamentary Privilege, allowing the Speaker of the House of Commons or the Clerk of the Parliaments to certify any relevant information falling into this category.

The Freedom of Information Act contains numerous exemptions which permit refusal of information in certain circumstances and which public bodies have not been slow to apply. There therefore seems no need for the Bill's proposed changes to the Act since they would largely duplicate existing grounds for refusal. That also suggests a lack of sufficient substantive justification for the Bill's proposed insertion of these wider blanket exemptions, on the grounds that these might make it easier for public bodies to recognise cases for refusal. Officials are of course becoming more adept at dealing with FOI requests and MPs can of course always raise any issues of concern with any particular bodies direct.

Do let me know if you would like to discuss this further.

Yours sincerely,

Santha Rasaiah
Political Editorial and Regulatory Affairs Director