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HOUSE OF COMMONS

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**DRAFT FREEDOM OF INFORMATION AND DATA PROTECTION
(APPROPRIATE LIMIT AND FEES) REGULATIONS 2007 -
CONSULTATION PAPER**

I am writing to register my objection to the proposed changes to the FoI (Appropriate Limit and Fees) Regulations.

I believe that they represent a brazen attempt by the government severely to weaken the act, and that they therefore infringe fundamental civil liberties. I also believe that the questionnaire included in the consultation paper asks the wrong questions. I object in principle to the inclusion of reading, examination, consultation and consideration times in cost calculations, and to the aggregation of requests. I do not believe that such changes are necessary, and I am therefore responding to the consultation in more general terms.

The Freedom of Information Act was passed in 2000 on the basis that freedom of information is a fundamental civil right in a genuine democracy. The proposed changes, which will inevitably reduce the volume and the quality of information released, seem therefore to be a direct attack on the spirit of the Act. They are an attempt to sabotage the progress made toward openness and accountability in government. They also represent a dramatic u-turn in government policy, which previously praised the act as "a constitutional change of great significance... a presumption of openness... a radical and permanent change in the relationship between the citizen and government."

In respect of the costs of responding to FoI requests, a government-commissioned report found in October 2006 that the FoI Act costs central government only £24.4 million each year¹. To me, this seems a very low price to pay for a law which increases dramatically the quality of the democracy we enjoy in this country.

¹ 'Independent Review of the impact of the Freedom of Information Act', Frontier Economics Ltd, available at: <http://www.foi.gov.uk/reference/foi-independent-review.pdf>



Freedom of Information requests are already refused on an alarmingly regular basis. Government statistics show that 39% of requests are currently turned down or not resolved. I am deeply concerned that the proposed new regulations would only restrict the release of information further.

The proposed Regulations would also seem to target precisely those requests which are most important or most embarrassing for government ministers. The 'Independent Review' shows that a significant proportion of costs are incurred in consulting, considering and reading times. When a Minister is involved, requests cost on average £241 more². If, as is reported, ministers are already heavily involved in vetting FOI requests, I believe that the proposed regulations are easily open to abuse, as ministers or top officials could block the request simply by choosing to become involved in certain cases and thereby take the costs over the "appropriate limit". The proposal to aggregate decisions is also similarly open to manipulation and abuse.

Furthermore, implementation of the proposed changes would almost certainly result in a rise in appeals for an internal review or appeals to the Information Commissioner. I believe that this increase in work could potentially be more costly than the savings made by restricting the release of information.

I hope that this response is useful for, and will be taken into account by, the DCA's consultation on the draft regulations. If you require any further information, please do not hesitate to contact my researcher Jana Sparks, who can be reached at 0207 219 2864.

Yours sincerely,

Norman Baker MP

² *Ibid.*