

**Note: This email was sent by the Parliamentary Labour Party's Parliamentary Committee to Labour MPs on 9/5/07.**

**From:** CRAMPTON, Alexandra **Sent:** 09 May 2007 16:24 **Subject:** From Parliamentary Committee RE: David Maclean's Freedom of Information Bill

Dear Colleague,

You may be aware that David Maclean's Private Members Bill on the workings of the Freedom of Information (FOI) Act is set to complete its Commons stages on Friday 18th May. We feel strongly as your Parliamentary Committee representatives that the measures contained in the Bill, which would protect the confidentiality of MPs correspondence on behalf of constituents, are worthy of support. Contrary to the impression given in some sectors of the media the Bill would not lead to any change in the current disclosure of MP's allowances . This is because the Speaker has committed the House to continue publishing the current details irrespective of any future changes to the FOI (see Hansard February 7th - Report of Committee Proceedings

<http://pubs1.tso.parliament.uk/pa/cm200607/cmpublic/freedom/070207/am/70207s01.htm> ).

This Bill would re-instate the government's original intention in the White Paper to exempt MP's correspondence from the FOI requests. The attached briefing note below gives further details. We hope you would agree that MPs correspondence on behalf of a constituent to a Public Authority should remain confidential. We are aware that some colleagues have already seen their correspondence made public following FOI requests from a third party. We would be interested in hearing of any other examples which have caused difficulties for MPs in their constituency casework.

If you support the principle of keeping MP's casework confidential it would be extremely helpful if you could let us know your availability on the 18th May, ideally from 9.30 - 14.30, but certainly from 10.30-14.00. We need at least 100 MPs from all parties to be present in the event of a closure motion.

We look forward to hearing from you.

Regards, Tony Lloyd, Angela Eagle, Kevan Jones, Ann Cryer, Joan Ruddock, Martin Salter and Don Touhig.

## Briefing for David Maclean's FOI Bill

**What's the Bill About?** It will remove both Houses from FOI but they would both be subject to the Data Protection Act. It would exempt MPs' correspondence from FOI. This exemption only applies to MPs communications with Public Authorities *in their capacity as MPs*.

It does **not** refer to Ministerial correspondence (there is already an exemption for this) or letters sent in a personal capacity, which are already protected.

It allows the Public Authorities to neither confirm nor deny whether the information caught by the exemption is held. This is in line with other exemptions in the Act, where confirmation of denial would in itself reveal exempt information.

It does **not** apply to historical records. It will expire after 30 years like other exemptions. It is **not** retrospective so requests received before it is enacted will not be affected. It is a qualified exemption and is *subject to the public interest test*. The Speaker has committed the House Authorities to continuing the current Publication Scheme for Members' Allowances regardless of any changes to their formal obligations.

Parliament already publishes a good deal of information and disclosure above and beyond that risks reducing Parliament's stature.

**The Government** The Government introduced the Freedom of Information Act to create a more open relationship between the citizen and the state. CASC has described it as a significant success and it is clear there has been a real value to the public. This increase in the flow of information from public authorities should be welcomed.

However the Government originally exempted Parliament and it was Parliament which included itself. The Government recognises the need for Members' work on behalf of constituents to be conducted with the appropriate confidentiality. (Hansard Ref 127687)

----- Sent by **Alexandra Crampton** Parliamentary  
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## SURVEY OF LABOUR MPS

1/ I have had details of my correspondence to Public Authorities released to third parties following Freedom of information requests (please circle):

YES

NO

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2/ I can be present on Friday 18<sup>th</sup> May, 9.30 – 14.30, (please circle):

YES

NO

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Name: \_\_\_\_\_

Constituency: \_\_\_\_\_

**Please return by email to [browncw@parliament.uk](mailto:browncw@parliament.uk) or fax back to 020 7219 2749**