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**Consultation on the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2007 – Response from the Society of Editors**

1. The Society of Editors has more than 400 members in national, regional and local newspapers, magazines, broadcasting and new media, journalism education and media law. It campaigns for media freedom, self regulation, the public's right to know and the maintenance of standards in journalism.
2. We have had several meetings with Baroness Ashton, Parliamentary Under-Secretary of State, since the consultation was announced and I have represented the society's views at meetings of the Information Rights Users Group.
3. The Society of Editors supports the response of the Campaign for Freedom of Information to this consultation.
4. The society believes that the Government's proposed changes to the Freedom of Information Act are fundamentally flawed. The draft regulations would seriously undermine the legislation that the Prime Minister once described as "the cornerstone of constitutional reform".
5. We consider the Act to be an essential step towards a change in culture from one of pervading secrecy to greater openness in public affairs. The Government has previously shared this view. Such openness is crucial for greater public involvement, engagement in politics and decision making at national levels. Severe cuts to information requests, as the draft regulations propose, would be a distinct backwards shift.
6. We understand that there are problems posed by a small number of requesters, who generate disproportionate work and cost in public bodies. We suggest these challenges can and should be dealt with specifically, and it would be wrong to inhibit all users of the Act. The new regulations

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are misdirected, and we remain to be convinced that proposals on charges and aggregation would not be misinterpreted, deliberately or inadvertently, by organisations that seek to brush off legitimate inquiries as well as inappropriate requests.

7. Therefore, although we welcome assurances that the changes are not aimed at curbing media requests, we fail to see how this can be avoided. The media asks for information on behalf of the public and pursues investigations in the public interest. It is completely inappropriate to consider such requests in the same way as those from commercial organisations, which are often made for purely commercial gain. To discourage misuse of authorities' time and resources, we suggest that commercial organisations could be charged, and that requests by journalists, and other people with public interest reasons for using the Act, should be exempt.

8. As they stand, the proposals on aggregation of requests would be also impossible to implement and would prove ridiculous when applied to organisations with hundreds of departments and thousands of employees.

9. In addition to these practical difficulties, the proposals are financially short-sighted, and are based on a cost analysis rather than a cost-benefit analysis. The Frontier Economics 'Independent Review of the impact of the Freedom of Information Act' attributes £24 million pounds to the working of the Act in central government and £11 million in the wider public sector, including local government. This is a surprisingly low level of investment in legislation that was integral to the Government's strategy of informing and involving the public.

10. A report by Public Concern at Work estimated the cost of introducing the new regulations at £12 million in the first instance, with annual costs predicted to outweigh savings achieved. The Information Commissioner, for example, could expect an increased number of appeals to add to the backlog in his work, if the proposals were to go ahead.

11. The Government should encourage participation in the political process rather than interrupting the valuable progress already made. This will require adequate investment, but as the figures above demonstrate, it is not disproportionately expensive. We suggest that public bodies generally could benefit from the allocation of modest extra resources for the provision of information in response to FoI requests. Requests could then be met without interfering with organisations' core activities. This is clearly demonstrated by the Information Commissioner's own report, which attributed a considerable reduction in delays in his office to a relatively small, additional investment in resources.

12. We urge the Government to rethink the draft regulations, which directly contradict its previous commitment to openness. We hope they will make use of the full three months available after consultation closes to consider and take into account the strength and depth of opposition to the proposals, not least that voiced in the media nationwide. We welcome Baroness Ashton's assurances that the proposals would not go before Parliament without a package of amended regulations *and* revised guidance, but urge the Government to think again about these flawed proposals.

13. In 1996, Tony Blair said: "It is time to sweep away the cobwebs of secrecy which hang over far too much government activity. If trust in the people means anything, there can be no argument against a Freedom of Information Act". In a government white paper on Freedom of Information, he called it "the cornerstone of constitutional reform".

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14. There has been welcome progress. The Act has made a difference and ministers recognise the value of informing the public, which helps to engage them in debate and the political process. This leads to better government.

15. The proposed new regulations would interfere with the valuable achievements of the Government through the Act and should be abandoned.

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Executive Director

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