

The Campaign Against Arms Trade (CAAT) is responding to your Department's consultation on the workings of the Freedom of Information Act (FoIA). It is not, however, proposing to answer the questions as formulated in the consultation paper, as these focus entirely on detail, ignoring the principles involved.

The consultation is based on the premiss that FoIA requests are a costly burden on public servants. In consequence, the proposals have been designed to limit the number and complexity of the requests. CAAT thinks that, on the contrary, the default position should be that ministers and officials should be open with the people they serve, whether directly or indirectly through requests made by parliamentarians, the media, pressure groups and others. The attitude should change so that requests are welcomed as a sign of positive engagement with the political process, and not dealt with grudgingly.

It is hard to interpret the proposals on consideration / consultation time and the number of requests as being anything other than mechanisms for curtailing FoIA requests that Government is unwilling to answer.

Cost The costs associated with FoIA are modest. The Frontier Economics report says the cost of dealing with central government requests is £24.4million with an additional £11.1 million for requests directed to other public bodies. In the context of total public expenditure this barely registers. In addition, the Frontier Economics report acknowledges that the net cost is less than this as FoIA costs need to be offset against the (unquantifiable) costs of Open Government. It is also likely that FoIA requests will stimulate effective and constructive criticism from outside Government. This may, in some instances, lead to a reduction in unnecessary expenditure by a public body, thus cutting costs.

However, even if the costs were greater, the provision of information is fundamental to a free and democratic society and financial considerations should not be a reason for curtailing the public's right to know.

Review premature CAAT thinks the review is premature. The Information Commissioner has a backlog of cases, some from this organisation. He has yet to rule on most of the requests CAAT has appealed to him. One has been with him since January 2006, but has yet to be allocated a case officer.

Once the Information Commissioner has ruled on a number of these cases, and possible appeals against his ruling heard, precedents will be established. This will mean that departments know what kind of information they must provide and that which they can refuse. This should cut down enormously on the amount of time taken to decide on the response to requests and will also mean that those making requests, including CAAT, will not ask for information they know they will not get.

Consideration and consultation time CAAT has found that its requests frequently take an inordinately long time while public interest tests are applied. It is, therefore, of particular concern that the time spent reading the information, considering it and consulting with other departments is to be included when calculating the cost of a request. In most cases, the departments do not have to search for the information CAAT has asked for, so it is assumed that the long delays experienced can be put down to making the decision as to whether or not to release the material. It is likely that most of CAAT's requests to central government will fall at the cost hurdle and that debate on the arms trade will be poorer for it.

Limit on number of requests CAAT thinks the limit on the number of requests that can be made in a given time period is arbitrary. The requests CAAT has made have tended to be in batches in connection with a particular piece of research. Frontier Economics says that such serial requests account for a disproportionate amount of the total cost incurred dealing with FoIA requests.

This should not, however, be seen as a problem. The research undertaken by many, if not most, of those making serial requests can help inform political debate and increase the accountability of public institutions. Through their use of FoIA answers, the

researchers perform a valuable service which should be welcomed in a democracy, rather than discouraged.

Better implementation CAAT has had markedly varied experiences with those charged with implementing the FoIA. The same request made to various local authorities is answered by some within days; others claim exemptions. An official at one Government department helpfully explained the filing system so that a sensible request could be formulated; at another department the official dealing with the review was given another post. CAAT was not notified of this and it took repeated telephone calls to find out who was now dealing with the matter.

Rather than curtailing the FoIA, democracy would be better served if officials could all aspire to deal with requests in a speedy and helpful manner as the best already do.

About CAAT The Campaign Against Arms Trade is working since 1973 for the reduction and ultimate abolition of the international arms trade, together with progressive demilitarisation within arms-producing countries. It has around 15,000 supporters.

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