The most substantial British campaign ever for freedom of information and a statutory “right to know” has been launched with such clear and categorical support from the leaders of all opposition parties that success at least in the longer term appears inevitable.

The Chairmen of both the Liberal Party and the Social Democrats, Rt. Hon. Neil Kinnock, Leader, and Rt. Hon. David Owen, Leader, together with other leading members of both parties, have called on the electorate to keep the Labour Party to a high commitment of freedom of information legislation.

"Welcome and support the 1984 Campaign...I emphasise the importance of the issue itself and the commitment of the Labour Party to freedom of information legislation.

Rt. Hon. Neil Kinnock
Leader, The Labour Party

Commenting on the considerable political support for the campaign, David Wilson said that the Labour Party had hoped that the Thatcher Administration would respond to the widespread concerns about excessive secrecy and would support freedom of information legislation rather than unconvincing voluntary changes.

"In any event, the opposition parties are surely committed to the point where a failure to act, if they come to power, would be seen as a fundamental betrayal of the electorate. Not only have they stated in their 1983 manifesto that they would legislate, but the three leaders most likely to be in the field when the next election occurs have committed themselves clearly and categorically.

"At least we know that just as it is inevitable that the present ruling party will one day, rightly or wrongly, be dismissed by the electorate, so it is inevitable that we will have freedom of information legislation."
The 1984 Campaign for Freedom of Information is a coalition of 25 national organisations. It seeks to establish the statutory right of access to all information held by government and other public sector bodies other than that for which specific statutory protection is provided. It is fighting for the right of all citizens to have an obligation to disclose such information.

What we will not seek

The 1984 Campaign accepts that an element of confidentiality remains necessary, and in particular this campaign will not seek the disclosure of information that:

(a) endangers national security;
(b) violates the obligation to protect government and other governments or organisations;
(c) adversely affects law enforcement or criminal investigations;
(d) breaches commercial confidentiality;
(e) is in individual personal privacy;
(f) breaches the confidence of, advice, opinion or recommendation tendered for the purpose of policy-making. (This does not include expert scientific or technical advice or background factual information.)

Further support to be announced

Because it was necessary to print this material several weeks before the launch of its campaign on January 5, 1984, the list of supporting organisations, individuals and supporters, and the Houses of Parliament and bodies and friends of the whole, is a preliminary list and will be considerably enlarged.

Members of Parliament

The following Members of Parliament have stated that they "broadly support the campaign for measures to secure for all citizens access to information that they have a right and need to know, and measures to encourage greater disclosure of such information":

Leon Abe MP
Paul Adderley MP
Jack Ashley MP
Eric Atkinson MP
Tony Banks MP
Mrs. Margaret Beckett MP
Alan Beith MP
Edward Best MP
Gerry Berrymans MP
Sydney Biddulph MP
Bobby Boothroyd MP
Andrew Bonnett MP
Roland Bosby MP

Ken Eastham MP
Bob Edwards MP
John Evans MP
Bob Field MP
Barry Gough MP
Peter Hardy MP
Tim Loughton MP

Ken Howey MP
Peter Medhurst-Miles MP
Roy Hughes MP
Sarah Hughes MP
Sarah Jenkins MP
Eric Jenkins MP
Tim Loughton MP

Oxenford McDonald MP
Michael McGuire MP
Allan McKay MP
William McKevett MP
Ken McNaughton MP
Alastair McNaughton MP
Kevin MacNeil MP
Robert Roper MP

Dr. David Owen MP
George Park MP
Bob Fryer MP
T. Patchett MP
Tim Primrose MP
Ken McSween MP
David Pendalogan MP
Peter Pickard MP

Guy Bryce MP
Ron Powell MP
Chadwick Powell MP
John D. McKinnon MP
Peter Squire MP
Donald Svein MP

Raymond Burr MP
Gavin Brann MP

John Healy MP
Terry Healy MP
Barbara Healy MP

Ronald Burrows MP
Michelle Healy MP

Ted Heath MP

Stuart Smith MP

Bill Hatcher MP

Alistair McGrath MP

Alastair McNeill MP

Alistair Mcllwain MP

Dr. David Owen MP

George Park MP

Bill Hatcher MP

Stuart Smith MP

Ronald Burrows MP

Michelle Healy MP

Lady Elizabeth Hale

Robert Roper MP

T. Patchett MP

Tim Primrose MP

Ken McSween MP

David Pendalogan MP

Peter Pickard MP

Guy Bryce MP

Ron Powell MP

Chadwick Powell MP

John D. McKinnon MP

Gavin Brann MP

John Healy MP

Lady Elizabeth Hale

Bill Hatcher MP

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Gavin Brann MP

John Healy MP

Lady Elizabeth Hale

Bill Hatcher MP

Alistair McGrath MP

Alistair McNeill MP

Stuart Smith MP
In Freedom of Information this country lags further behind the rest of the world every year

Freedom of Information Around the World

James Michael looks at how other countries have moved far ahead of Britain in introducing freedom of information legislation and at what lessons Britain can learn from their experiences.

The United States
Before 1966 freedom of information in the USA was encouraged by the First Amendment to the Constitution, which prohibits laws restricting freedom of speech and the press. The 1966 Freedom of Information Act went further to establish a positive people's right of access to government records, and it could be enforced through the courts. The burden was shifted from the inquiring citizen, who before had to give reason for wanting to see records, to the government, which now had to justify secrecy under one of nine general exemptions.

The Act had its loopholes, most of which were closed by amendments to strengthen the Act in 1974 and 1976. Under the Act, much government information is routinely published. If it is not, anyone has the right to demand a document, and can take the government agency to court if the request is refused.

If the government replies on the first exemption — for defence or foreign relations — the court must be satisfied that the document was properly classified to prevent damage to these interests.

The second exemption, for internal personnel rules, has been narrowly interpreted. For example, manuals of tax authorities can only be withheld if they would enable law violators to escape detection.

The third exemption, for records which must be kept under other laws, means, for instance, that individual tax returns are not generally available. It, too, is strictly interpreted.

The fourth exemption is for trade secrets, and is particularly important for consumer and environmental protection groups. One of the very first cases was brought by the Consumers’ Union, which asked for comparative testing of hearing aids by the Veterans’ Administration. The exemption can only be kept secret if it would cause serious economic injury, and, if it is revealed, it is not protected just because a company calls it ‘confidential’.

The fifth exemption protects inter-

governmental communications, but is not as broad as it sounds. It is limited to confidential advice, and does not support secrecy of official information. Also it only protects such advice before a decision is taken; afterwards, even confidential advisory records must be made available.

The sixth exemption is for personal privacy. This means that individuals can usually get records about themselves, but others will be refused access.

The seventh exemption protects law enforcement investigatory records. This was limited in 1974, largely because the Federal Bureau of Investigation was exploiting it. Now law enforcement are protected only if disclosure would create one of six fairly specific kinds of damage to enforcement or criminal law.

The eighth and ninth exemptions are for records about banks and pet trout, and have been widely used.

The Freedom of Information Act is closely related to several other laws passed during the 1970s. The Privacy Act of 1974 gives individuals rights to see and correct records kept on them, and the Federal Data Act, passed in the Freedom of Information Act. The Federal Advisory Committee Act of 1972 makes meetings between government agencies and industry open to the public. The ‘Government in the Sunshine Act of 1976 similarly requires agencies to open their meetings to the public. The Civil Service Reform Act protects civil servants who blow the whistle on their employers.

There have been many British trips to the U.S. to look at American law, some by journalists and researchers who were able to get British information that is not available here. One official report by the Civil Service Department (now dissolved) was published in 1975. Although the report contains strong argument against the Act, the CSP report still only nobody actually knows the cost, despite several studies, and that agencies often equivocate on whether they use the Act most (one request may be for a single page, or for thousands), they divided the searchers for information into five groups: individuals, corporations, public interest groups, governmental agencies, and research institutions.

The Act provides that the Act comes from Government agencies and from companies who want greater protection for commercial secrets. But the test of the law is in its results, which have been thousands of disclosures of records such as warnings of health violations by meat packing plants (or including some British ones), reports on employment of prisoners, and inspection reports on nursing homes.

Europe
Sweden’s open government system is unique in the world. It was established in the 1766 Constitution, and more firmly so since 1869. Unlike the U.S. law, it does not rely entirely on general exemptions (there are seven of them), but also has hundreds of very specific exemptions in the Secrecy Act. Because it has been established so long it is almost taken for granted, and government departments rarely make files of correspondence and reports available for the public to check (although access is possible).

In a civil lawsuit, the government has the burden of proving that the disclosure is against the public interest. If a civil servant refuses to disclose a record, the court would decide whether to order it released. One is to the Supreme Administrative Court, a lesser form, is to the ombudsman.

The Commonwealth
Three countries with British-style constitutions, Canada, Australia and New Zealand, also have open government laws. The Australian Federal Freedom of Information Act passed in 1979 because it was seen as strong as the British law.

The Canadian law, which is three years younger, is based on the British model and has three main features. First, under the new Canadian law, a minister can refuse access to a record, but it is up to him to prove that it should be refused. Second, the Act also states that the act has to be enforced by the courts, which means that the Prime Minister’s Office is fully subject to the courts. And third, the Canadian Act goes much further than the British Act in making the Prime Minister’s Office and other ministers subject to the courts.

In New Zealand, which went into effect at about the same time, relies on the common law for enforcement. Like the Australian Act, but even broader, some exceptions from disclosure are final if a minister or the Prime Minister certifies that disclosure would harm certain interests.

“The tradition of administrative secrecy is deep-seated in both the American and the British Parliament from British and French origins, suspicion of Government....Secrecy is entrenched by law on the part of the public....As the size of the public service grows and the amount of secrecy persists, the citizen is asking quite correctly not only disclosures being made but how they are being made.”

From a report of the Canadian Commission on Freedom of Information 1948

Lessons from Other Lands
Despite differences in history and culture, all three countries have established the same basic requirements for freedom of information legislation. The first is that there must be a central act granting the right to demand access to government documents, without any requirement that people prove that the information is for a good reason. Beyond that, the exemptions from the rules of disclosure must be drawn as specifically as possible, to prevent harm to identified interests such as national defense and personal privacy. Third, when access to records is refused, there must be a right of appeal as a general rule. Fourth, the right is not absolute but is qualified by certain exceptions that are set out in the law, which are the ones that derive from particular needs such as official immunity. Fifth, the courts are the final arbiter of information disclosure, and the government has the burden of proving that it is in the public interest to withhold information.

In other Scandinavian countries, freedom of information is not new. Norway finally passed an act in 1970, replacing an earlier law which required citizens to show a "need to know". It is weaker than the U.S. or Swedish laws, and does not apply to records created before the law went into effect. Individuals who want to see records about themselves also have rights under the Data Protection Act 1978.

Denmark also has a law, but the Danish law is much weaker than the Swedish law (act to the one to Finland). It is enforced almost entirely by the ombudsman. Rights of individuals to records kept on them are now largely enforced under two Data Protection Acts passed in 1979.

France, which has a law for secrecy and centralized authority, took a very large step towards open government in 1978. The Act established a general right of access, subject to 10 broadly-worded exemptions, with a commission to hear complaints from those who are refused access. The commission then makes recommendations to the government departments. If the government is not satisfied, an appeal to the administrative court is possible. Although the law is still fairly new, it has led to disclosure of evacuation plans in cases of accidents at nuclear power plants (British authorities have refused to publish similar plans). The government has released documents in most of the cases in which disclosure has been recommended by the commission. Also in 1978, France adopted one of the most thorough data protection laws in Europe, giving individuals broad rights to see records on themselves, with an independent authority to enforce the laws.

The rather weak law in the Netherlands took effect in 1980. Its exemptions are very broad, and its effectiveness will depend on how they are interpreted. The restoration of the government’s law in 1973 was preceded by similar laws in some of the provinces. The Dutch law is rather similar to the U.K. law, but the law is even weaker than the British law.

In New Zealand, which went into effect at about the same time, relies on the common law for enforcement. Like the Australian Act, but even broader, some exceptions from disclosure are final if a minister or the Prime Minister certifies that disclosure would harm certain interests.

The principle of responsibility — to the electorate and parliament — is a vital one which must be maintained and strengthened because it is the basis of popular control over the direction of government and the destiny of the nation. To the extent that it is eroded, the people themselves are weakened. If the people cannot account to the makers of government for the latter, they will ultimately have no way of controlling public policy or the impact of that policy on their lives...but just as fundamentally...people and parliament must have the knowledge required to exercise their responsibilities on the basis of truth; secrecy inhibits people’s capacity to judge the government’s performance.

The Rt. Hon. Malcolm Fraser, speaking when Prime Minister of Australia, 1979
Friends of the Earth argue secrecy protects polluters

The boundaries of confidentiality need to be considerably redefined, says Peter Jay, former UK Attorney General and currently Chairman of the National Clearinghouse for Voluntary Organisations, the major coordinator of and representative for voluntary activity in Britain.

Mr Jay says that the NVCO is participating in the 1984 Campaign because voluntary organisations cannot help create and inform governmental action to tackle needs without "the fullest information and debate."

"Voluntary organisations also have an over-riding interest in speaking for the weakest and vulnerable members of society. In both these areas excessive secrecy about the facts, or the withholding of data, can impede the process of debate, slow down decision-making, and affect individual rights.

"While there will be some instances when national security and the requirements of privacy override the interests of openness, we believe the boundaries need to be considerably loosened and liberalised."

NCCL's "unequivocal" backing

"Freer access to official information is one of the fundamental principles of democracy and individual liberties and is unequivocally supported by the National Council for Civil Liberties", its newly-appointed General Secretary, Larry Gosin, says in a letter of support to the 1984 Campaign for Freedom of Information.

"NCCL is an old friend of the Campaign for Freedom of Information. In 1977 we supported the original campaign and we shall do it again this year."

"We are a movement for a freer society. The range and amount of broadcasts, telecoms, peak-time television are all examples of invasion kept secret from the person concerned is unprecedented. The question is: do they matter? Is it any answer the fact that official information must not be out of the control of the person whose life it intrudes upon?"

Mr Gosin says that "The NCCL will be supporting the 1984 Campaign and will use all its efforts to help ensure a free, less-secretive Britain in 1984."

Larry Gosin took over his post on January 1, replacing Patricia Hewitt, who is herself a member of the Council for the Campaign for Freedom of Information.

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THREE city councillors in Exeter's Southwaite Ward have called on the council to ensure that residents were consulted and informed about the transfer of local government services to the local government. The councilors felt that the public were entitled to have a say in the decision, and that the public's right to access information should be protected.

In 1982, the GLC was set up to work on a local government reorganisation in Southwaite. However, many of the public were concerned about the transfer of services, especially since the GLC was not able to keep the local government informed. The councilors felt that the public were entitled to have a say in the decision, and that the public's right to access information should be protected.

In addition, the councilors were concerned about the transfer of services to private companies. They felt that the council should be able to keep the public informed about the transfer of services, and that the public should have a say in the decision. The councilors felt that the public were entitled to have a say in the decision, and that the public's right to access information should be protected.
1. LOCAL AUTHORITY MEETINGS

A. Your basic rights

(1) "The right of access to information" under paragraph 1 (d) of the 1960 Act meant the right of the public to attend meetings of the Council or Committees of the Council. The 1960 Act did not cover the case of a meeting of a sub-committee or joint committees. The 1984 Act (Section 1 (3) (b)) gives the public the right of access to meetings of any sub-committee of the Council or its Committees. The 1984 Act also gives the public the right of access to meetings of joint committees. These provisions are relevant to the present case.

B. Limitations on your rights and limits to the limitations

(1) A Council or Committee may, however, quite legally "exempt" a meeting from the provisions of the Act (paragraph 2 (a) of the 1960 Act) if it is "required in the public interest to withhold information..." or for "any other good reason..." The limits to these provisions are set out in the 1984 Act (Section 22). The 1984 Act provides that the public may not attend meetings which are "required in the public interest to be secret or..." The 1984 Act also provides that the public may not attend meetings which are "required in the public interest to be secret or..." The public may not attend meetings which are "required in the public interest to be secret or..." The public may not attend meetings which are "required in the public interest to be secret or..." The public may not attend meetings which are "required in the public interest to be secret or..."

2. LOCAL AUTHORITY DOCUMENTS

A. Minutes

Section 226 (1) of the 1972 Act gives any local government officers or committee of the Council the right to inspect the minutes of a meeting. The 1972 Act requires that the minutes of a meeting be kept by the Council and that they be "required in the public interest to be secret or..." The public may not attend meetings which are "required in the public interest to be secret or..." The public may not attend meetings which are "required in the public interest to be secret or..." The public may not attend meetings which are "required in the public interest to be secret or..." The public may not attend meetings which are "required in the public interest to be secret or..."
This material is extracted from a useful booklet published by the Community Rights Project. The full booklet can be obtained, free of charge, from the "Lawyers and the City" (National Road, London SE1 8U) (Tel: 01-926 8008). The booklet is written by Ron Bailey, to whom the 1984 Campaign is grateful for the opportunity to draw upon it, and for his help generally.

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This is not the complete text of the document. It is just an excerpt provided for illustrative purposes. The full text is available in the original publication for a comprehensive understanding of the subject matter.
Community Rights Project to 'Open Town Halls'

The Community Rights Project was planned separately from the 1984 Campaign for Freedom of Information and its emergence at the same time is no coincidence. However, the Community Rights Project hoped to encourage local authorities to sub-committee meetings, or local authority sub-committee meetings, or local authority committee meetings, and which are considered during any part of such meetings to which the public are admitted shall be made available to the public.

(2) Any such reports covered by sub-section (1) above shall be open to public inspection at the local government committee for the area of the local authority.

(3) Copies of any reports being discussed at local authority meetings, local authority committee meetings, or local authority sub-committee meetings, and which are considered during any part of such meetings to which the public are admitted shall be made available to the public.

(4) Any member of a local authority, or a local authority committee, or member of a sub-committee, may requisition that the recording of any matter on the agenda of the local authority or the local authority committee or sub-committee, as the case may be, is made in writing. Any such document covering any part of the agenda of the local authority or local authority committee or sub-committee which the public have been excluded, shall be subject to the confidentiality that part of that agenda.

(5) With the agreement of sub-sections (1) and (2) above any member of the public may inspect and make a copy of an extract from any local authority reports, memos, letters or other documents which the member may require in the course of his duties as a member of the council.

Any local government officers for the area of a local authority may inspect and make a copy of any minutes or reports, letter, minutes or other documents relating to any item of business to the public at any part of the agenda of any local authority committee or sub-committee meeting unless the local authority or the local authority committee or sub-committee has ordered that such minutes or report, minutes, letters or other documents shall not be available for public inspection.

Any such order as referred to in Section 5 above shall only be made on public inspection of the documents referred to in that Section as would be an invasion of personal privacy or detrimental to the public interest, but not because such public access would be politically or administratively embarrassing to the local authority or any member of the council of the local authority.

7. It shall be the duty of a local authority, or a local authority committee, or member of a sub-committee, to maintain a record of any matter on the agenda of any local authority committee or sub-committee meeting at any time, and of any local government officers for the area of a local authority may inspect and make a copy of any such record.

8. It shall be the duty of a local authority, or a local authority committee, or member of a sub-committee, to maintain a record of any matter on the agenda of any local authority committee or sub-committee meeting at any time, and of any local government officers for the area of a local authority may inspect and make a copy of any such record.

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The story so far...

The Official Secrets Act 1911

It was introduced as an urgent anti-spying measure at a time of national crisis when war with Germany seemed certain. It permitted the government to impose on private citizens absolute and unqualified secrecy orders.

1968

Report of the Fulton Committee on the "Secret Service" and the Lindop Report on Data Protection

The Fulton Committee (1968) recommended that government ministers and senior civil servants should be given immunity from prosecution for actions taken in the public interest. It also recommended that there should be a public interest test to determine whether information should be made public.

1973

Government accepts the Franks approach

The Government accepted the recommendations of the Royal Commission on the Official Secrets Act, which had been set up to consider the question of secrecy in government.

1974

Labour selected for L.D. pledge

The Labour Party selected the question of secrecy in government as one of their pledges for the 1974 General Election.

1976

Government promotes the Official Secrets Act 2 reform

The Government introduced legislation to reform the Official Secrets Act, which was intended to make the law more equitable and to provide better protection for the public interest.

1977

Journalists and others protected under the Official Secrets Act

The Official Secrets Act was amended to protect journalists and others who were involved in the pass-on of classified information.

1978

Government White Paper: Section 2 reform

The Government introduced the White Paper: Section 2 reform, which was intended to provide better protection for the public interest.

1978

Frieden's Bill

The Bill was introduced by Lord Sandys, but it was unable to gain the necessary support in Parliament.

1979

Government Green Paper: Open Access

The Government published a Green Paper on Open Access, which proposed that the government should consider the provision of access to official documents for members of the public.

1981

Frieden Bill fails with amendments

The Bill was introduced by Lord Sandys again, but it was unable to gain the necessary support in Parliament.

1983

Conservative Government

The Conservative Government introduced the Official Secrets Information Bill, which was intended to provide better protection for the public interest.

1984

Frieden Hoyle MP reintroduces the OUTER Circle Policy Unit Bill

The Bill was introduced by Lord Sandys again, but it was unable to gain the necessary support in Parliament.

1985

General Election

The General Election was fought on the issue of secrecy in government.

1986

The Hooley Bill

The Bill was introduced by Lord Sandys again, but it was unable to gain the necessary support in Parliament.

1988

The Conservative Government

The Conservative Government introduced the Official Secrets Bill, which was intended to provide better protection for the public interest.

1989

The Conservative Government

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Hope that senior civil servants may respond positively to many of the objectives of the 1984 campaign have been raised by a discussion paper circulated by the Association of First Division Civil Servants. It examines the problem of "leaks" and concludes that a key reason for them is "the high degree of public concern that has developed rela-
tive to most other democracies."

It says that a "reduction in secrecy would make it easier for govern-
ments to keep secrets - and for citizens to matters which it considers most important to safeguard" and it pro-
poses a number of measures, short of a Freedom of Information Act, to create a more open approach to the publica-
tion of government decisions.

The discussion paper begins with an examination of increased "leaking" of information which it states that the "FACDA could not and should not con-
clude that the publication of information by its members,"

It says that "the number of leaks has increased, and there is every reason to believe that the process of keeping secrets would become more complex."

What the Times said

The Times, in a leading article, warned the Prime Minister and the Cabinet Secretary that they would be advised to "ponder carefully the FACDA's proscription.

The Times warned that "the fax-hole they currently occupy is defensive in intent, but offers no genuine protection. It offers the worst of all worlds. What started as a theory of confidentiality, codes, conventions, and statistics to be made \(\ldots\) amount to a leakers' charter."

The Times rejected the idea of a "further extension, which brings them into a compromise, they do not insist on the maintenance of confidentiality even in those areas where it is justifiable, and a policy contin-
ently on the defensive alone will be no solution."

As regards the content of docu-
ments, the Times said that "it is widely accepted that what over-
classification is a common fault, and that the FACDA is wrong to be so restrictive."

It said that "it is not improper to restrict far too many of its publications that there is a possibility of leaks being made by government."

The Times, in its editorial, said that "the responsible attitude towards secrecy is one that should be forthright. It is fearful-
ful to accept a situation when there is a thumping majority, if Miss Thatcher wishes to consider moving from the less defen-
sive hole to, the safer, higher ground, why not do so in good confidence?"

The Times reminded the Prime Minister that "govern-
ments have to earn the public's confidence in a private firm. It should act itself accordingly."

Folks has to be backed by law

(continued from previous page)

why the factual background, and explanation, should not be made public. It should not be beyond the power of the legislation to distinguish between these two.

Campaign exemptions

Then they say that freedom of in-
formation can lead to disclosure of facts that counter to the public interest. The list of exemptions to our objectives on page 2 demonstrates that we accept that there is a case for confidentiality, and it is possible to legislate in such a way that those matters that should remain confidential do. In the mean-
time, excessive and indiscriminate classifying has under-
mined the credibility of official secrets. Too much secrecy has given secrecy a bad name.

The price we pay

Then they say that this creates a sub-
stantial administrative burden and that the costs of redacting documents will add to the administrative workload and will cost money, but this is the price we have to pay for democracy. The experience of most countries with freedom of information is that it has not been prohibitive. Furthermore, it can be balanced by extra efficiency, reduction of waste, and safeguards from corruption that it might bring.

Finally, they argue that it can be seen that an open society is not a priv-
close - there is no need for legis-
lation that would be needed to protect the lives of those who are in a position to protect the lives of others. Their proposals are merely an attempt to make public and information that would not be made public. They say that this has been some action to increase freedom of information, and that this should not be made public.

They conclude that their campaign has been a success, that they have achieved their end, and that the work of CLEAR to protect our children from the environmental hazard caused by lead in petrol; the work of Friends of the Earth to boost consumer awareness, and the work of our countryside benefits. All of these campaigns have been backed by a number of campaigns that I believe we have been entirely con-
structional in their information and and ready to help the public. The work of CLEAR to help them understand and I believe that these are the reasons for deciding against publica-
tion of information that has been given by "nothing more weighty than political embarrass-
ment."

Even on defence issues, government ought to strike a reasonable balance between openness and security. It was, however, outside the area of national security "what I see little cause to be restrictive about publication."

Looking at ways of improving the flow of information, he said that an information audit merits serious consideration. He said that the formulation of legislation and that in other countries legislation had "allowed the existence of those who fear the damaging effects of too much exposure. And they have not to lead to any signifi-
cant impairment of the efficiency of governments."

Former No. 13

does not even want to keep its doors open.

The 1984 Campaign Comment

The 1984 Campaign Comment on the First Division Civil Servants on two key points first, we believe that just legislation will ensure adequate protection for documents that are beyond the reach of the voluntary directive, will not solve the problem; second, while we would much the government (or any) in the UK to be on the cautious side, we believe that there should be the opportunity for a "public interest" defence in law for those who have disclosed information without authorisation.

That, we said, would keep the spirit of the FACDA discussion document and in the debate about an unnecessary secrecy. It demonstrates that there is much common ground between the campaign of civil servants, and we will do all in our power to maintain a constructive dialogue with the FACDA and other civil servants' unions, and to build on the areas of consensus.

Reith lecturer says 'she should be published'

Sir John Hoskyns, author of two books, has said that there is little cause to be restrictive about publication."

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How the water authorities turned off the taps

Last year you could have shown up at any of the water authorities, watched the proceedings, listened to the scientific or policy papers home with the clear message that your chances are you will be turned away.

Since they were set up ten years ago the new water authorities have been subject to the Public Bodies (Admission to Meetings) Acts which ensure that their meetings would be open to the public. But the right was taken away when the Water Acts of 1983 came into force in October last year.

The new Act was designed to "de- enure bureaucracy" in the water authorities by cutting the size of their boards - primarily in order to eliminate the large numbers of local authority representatives. The new boards will be slimmer - and elected by entirely of government appointees.

Giles Shaw, then junior Environment Minister, said that the change would "move the character of the authority away from the public authority, open forum meeting to an executive body. While local authorities could function with the press watching over them it was not the style of the nationalised industries on whom the new water authority boards would be modelled." In any case, he said, the government's spokesman in the Lords, put it "there is no press access to any new executive board, either public or private. So why should there be now?"

Poor tries to explain

In the Lords, the Local Government Minister, Lord Bellwin, tried to explain that the government had no intention of making it "proper" for the press to be present at meetings of the old, but not the new, water authorities. The new small executive boards of the water authorities will be entirely different in character. It is impossible to function effectively as a member of such a board if at every stage one is concerned that the odd word or look may be seen and in the next meet there, will hit the headlines next day.

"The presence of outsiders at meet- ings of this kind has a profoundly in- luential effect on the discourse," he added. "People will not speak as freely as they might if they know that their comments are being monitored. People will not speak as freely as they might if they know that their comments are being monitored. People will not speak as freely as they might if they know that their comments are being monitored. People will not speak as freely as they might if they know that their comments are being monitored."

Maurice Frankel is the full-time campaigner for 1984 Campa- gn for Freedom of Informa- tion, the year of the 20th anniversary of the Access to Information Act. He is one of the 450 MPs who have been writing to local water authorities asking if they will be open.

Secondly, unlike the nationalised industries, the water authorities have what are essentially public powers of taxation, through the water rates. During the debates in the Lords, one member said that the local authority councillors of different political persuasions had expressed to him "strong opposition to the removal of the press from meetings of a body which will always levy rates through the rates machinery on their ratepayers."

Thirdly, the day-to-day business of the authorities has considerable importance for local communities. This is partly because they can undertake major developments, such as new reservoirs or sewage works, but also because the questions which relate to public health, safety and amenity. Water authorities must ensure that the water is safe to drink and wholesome, that sewage is prop- erly treated and sewers not clogging, that the beaches are not polluted and industrial discharges to rivers are con- trolled, that there are plans to cope with floodwater and the risk of flooding, that fishers are maintained and that people can fish, sail on, picnic near and otherwise enjoy water- courses.

Report by Maurice Frankel

In many water authorities these mat- ters - which enjoy public scrutiny - will now be dealt with in secret. The govern- ment nevertheless maintains that the new arrangements will give the public "substantially more access to the water authorities" that it is at the past. This is done by setting up separate commit- tees to represent consumer and recreation-conservation interests.

The consumer committees will be set up in each division within a water authority, with members representing domestic, industrial, agricultural and other consumer interests. In Parlia- ment the government promised that these committees would be 'totally independent' - the reality is some- thing less than that.

Although outside bonfire will now be there, apart from the consumer represen- tatives, all appointments are made by the water authorities who also control the business of the committees. The Department of the Environment has also made it very clear, when it is to find itself in need to appoint a member as chairman - as it has - that if it doesn't a member may be imposed on them as de facto chairman.

Such consultative bodies have long been familiar in the nationalised indus- tries. In October 1983, as the new Water Act came into force, the Lon- don Electricity Consultative Council published a report which may well serve as a precedent for the new water consumer bodies may face.

It was the result of several years of research and study and reports on the nationalised industries had found that: "Relations between government officials and their users had not been particularly close. This was not because of the topics would benefit from a wide- informed press will have full access to offi- cial papers. The secretive journal- ism or news editor will have worked through the papers in search of sublime items in a process which inevitably imports very little of value. The user would not be expected to deduce what he could not usefully learn - and he says he want it."

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Sir Keith Joseph, the Education Secretary, has refused to publish a departmental analysis of research which claimed that a combination of grammar schools and secondary moderns performed better than comprehensives in examinations. The Guardian reports.

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The Lancet, the highly respected medical journal, has criticized Whitehall for delaying publication of a report linking the food we eat with heart disease.

The Sunday Times had disclosed last month that a government committee of ministers, scientists and doctors that diet is one of the main causes of many diseases and set objectives for the government and food industry to pursue over the next five years to improve food.

The Lancet says the food industry "is no more interested in giving up that much than it is in telling us all what it read and seems to have got the Department of Health to agree to an order that they halve delay the report. It is, the Department should think again, quickly.

An Emergency Planning Offi- cer, asked whether the government of plans for the event of nuclear attack, refused to do so because he failed to see how this reply to Ministers from public interest, The Guardian reports.

Out of the 15 local authorities, only 15 replied to the question put to them by the editor of the Defence Information Guide, who said that several had already said that they would not allow their civil defence plans to be inspected. He added: "The public have a right to know what protection they get in each county, although a lot of people don't want to know and say they will take their chances."

The Transport Ministry has refused a Friends of the Earth researcher a copy of a report entitled "Safety of Cyclists. An Analysis of the Problem and Inventory of Measures to Make Cycling Safer". The DoJ said: "Unfortunately we are unable to provide you with a copy of this report because it is a document restricted to representatives of the member nations. We should be pleased to send you on any other cycling matters."

Friends of the Earth was able to obtain a copy from another source.

Mrs Thatcher has personally blocked the publication of an unofficial history of government secrecy operations during the Second World War although earlier volumes of history, commissioned by the Cabinet Office, have already been published.

consumer move is welcome

The government is insisting that the consumer committees which will emerge will be open to the public. Sir Keith Joseph, the Education Secretary, has refused to do so because he failed to see how his department's analysis of research which claimed that a combination of grammar schools and secondary moderns performed better than comprehensives in examinations. The Guardian reports.

Silliest Secret of the Month

The Campaign for Freedom of Informa- tion is launching a "Silliest Secret of the Month" award. Journalists, voluntary organisations, civil servants, politicians, and members of the public, are invited to submit to the Campaign any particularly absurd or mundane cases of official secrecy.

If you have evidence of a particularly silly secret, send it to the Campaign at 2 Northdown Street, London N1 9BG.
'Our right to know'

The case for greater freedom of information in Britain has been made frequently and at the highest level.

The Committee on the Civil Service, chaired by Lord Fulton, reported in 1968 that "the administrative process is surrounded by too much secrecy. The public interest would be better served if there were a greater amount of openness."

The Committee of Inquiry into the Official Secrets Act, chaired by Lord Frankfort, reported in 1972 that "its scope is enormously wide. Any law which impinges on the freedom of information in a democracy should be much more tightly drawn.

In March 1979 a government Green Paper admitted that both official reports were correct. On secrecy generally, it stated that "administration is still conducted in an atmosphere of secrecy which cannot always be justified."

Of the Official Secrets Act, it said that "the catch-all effect of Section 2 is no longer right and we intend that it should be replaced".

Thus, the two main objectives of the 1984 Campaign for Freedom of Information — right of access to information and reform of the Official Secrets Act — have already been well-argued.

The broad aim of the Campaign for Freedom of Information is to strengthen democracy and the position of the individual in Britain. Essential to democracy is the correct balance between the ability and freedom to govern of those appointed and elected to do so, and the ability and freedom of the citizens to maintain surveillance over, and influence the policy and practice of their servants. That balance can only be achieved if there is near-to-equal availability of information for both the public and its servants (equal except in specifically-defined and generally-accepted circumstances).

The imbalance of access to information between governors and governed in Britain is now of such size and scope that it seriously undermines the health of our democracy. The sources of power and influence are obscured. Public servants are not properly accountable. Public participation is seriously hampered. Justice is often not seen to be done. Inefficiency and error are made more likely.

Furthermore, we do not have the necessary exchange of information that is essential if governors and governed are to share a common understanding of the complexities of contemporary life and to forge a more positive partnership to achieve solutions to our problems. As a former head of the Number 10 Downing Street Policy Unit recently said: "Open government, in this sense, is not a fashionable option, but a precondition for any serious attempt to solve Britain's underlying problems."

However, freedom of information is not just an issue about national policy. This is an issue that is relevant to the lives of ordinary people. It is unacceptable that parents cannot see the school files of their own children, that patients cannot see their own medical records, that tenants of housing authorities cannot see their own files or applicants on waiting lists are denied access to their records. Far too much information in the possession of local councils, and far too many decision-making meetings, are secret for no sound reason. Meetings of such bodies as water authorities take place behind closed doors when there is no justification for such secrecy. Nationalised industry will not share information with consumers.

It is appropriate that in 1984 the people of Britain demand what is theirs by right — the information collected at their expense and necessary for the health and survival of their democracy.

We would stress these points:

• Our democracy will be strengthened, not weakened, by greater freedom of information.
• Almost all that we seek is already available in many other countries, including Commonwealth countries whose democratic traditions come from Britain, and it has not affected them adversely.
• It is possible to introduce freedom of information legislation that would fundamentally change the balance of power between non-accountable bureaucracies and the people and their representatives without in any way endangering those areas where confidentiality is still necessary.

This is not an academic issue. We need greater freedom of information for practical and urgent reasons. The time has come to reverse the trend towards oppressive secrecy. It will lead not to more inefficiency, but to less; it will save more money than it costs; it will create greater understanding between people and their administrators and not less; it will improve the quality of public participation and reduce not just the concentration of power, but the strain of responsibility on governing institutions; it will create a greater sense of security and improve public health and safety; it will create greater faith in the justice of our law and institutions.

It will reinforce the qualities of honesty and integrity in public life, for as Milton wrote, "Whoever saw truth put to flight in free and open encounter?"