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SECRETS

Access to Personal Files Bill gets its chance in House of Commons

All-party team of three push Private Members' measure

Archy Kirkwood, the Liberal MP who introduced an Access to Personal Files Bill under the Ten Minute Rule Procedure in 1985, has come sixth in the Ballot for Private Members' Bills and will now introduce the measure in the House of Commons early this year.

He will lead the all-party team that has been promoting the measure for nearly three years, the other members being Steve Norris (Conservative) and Chris Smith (Labour).

The Campaign for Freedom of Information will conduct a fresh campaign to demonstrate public support for the measure.

The Bill will have its Second Reading on February 20. Provided it is not blocked at that point, it will then be sent to Committee, and from there to the House of Lords, returning to the Commons in the summer.

Given the wide political, public, and institutional support for the measure, it has every chance of success. It faces only two obstacles:

First, it must have governmental sympathy if it is not to be blocked either by a direct vote in the Commons or by delaying tactics.

Second, adequate time has to be found for its Committee stages.

Still, Archy Kirkwood believes that there is every reason for optimism and is currently engaged in talks with Ministers, with Members of all parties, and with professional and voluntary organisations affected by the Bill.

The Bill applies to medical, educational, housing, social work, fostering, care, parole, probation, welfare and credit records, and also to files about pensions, benefits, grants and assistance provided to individuals. An addition to his earlier Bill is the right of employees to inspect files kept on them by employers.

The Bill will allow individuals to discover whether there are records held about them, to obtain the records, and to correct them if necessary.

There are some reasonable exemptions.

Archy Kirkwood, Liberal Member of Parliament for Roxburgh and Berwickshire, and Liberal Spokesman on Health, Social Services, and Social Security, introduced the Access to Personal Files Bill under the Ten Minute Rule Procedure in 1985, and now has the major responsibility for piloting the full Private Member's Bill through the House of Commons.

Steve Norris, Conservative Member of Parliament for Oxford East, and Parliamentary Private Secretary to William Waldegrave, has been a supporter of the Access to Personal Files Bill for the past three years and has campaigned vigorously on its behalf. He will lead the Conservative support for the Kirkwood measure.

Chris Smith, Labour MP for Islington South and Finsbury, introduced an earlier version of the Access to Personal Files Bill in the House of Commons in 1984, under the Ten Minute Rule Procedure, and has been another enthusiastic supporter of the proposal. He will lead the Labour support for the Private Member's Bill.

MPs can count on impressive support

Archy Kirkwood and the other Members of Parliament promoting the Access to Personal Files Bill have impressive support in the House of Commons.

Earlier in the year the three MPs wrote to backbenchers to seek their support in principle for the Bill, and received over 150 sympathetic replies. What was particularly notable is that more than 50 Conservatives said that they would support the Bill.

They can also point to a major public opinion poll, carried out by the MORI organisation, showing that there is overwhelming support for access to personal files: 73% of the sample wanted access to medical files, and 67% to education files.

More than 80 national organisations, both professional and voluntary, have indicated their support for the measure. *(More details, page 6)*

'Yes Minister' writers win f.o.i. award

Antony Jay and Jonathan Lynn, authors of the television programme 'Yes, Minister' are two of the recipients of the 1986 Freedom of Information Awards, presented this year by the Rt Hon Dr David Owen MP, Leader of the Social Democratic Party, at a ceremony at the City Conference Centre.

The Award was for their unique and unparalleled contribution in wittily exposing the cynicism of Whitehall secrecy.

Details of other Award winners and Dr Owen's speech, page 2.

Bill makes sense of Data Protection Act

If passed, the Access to Personal Files Bill will make much more sense of the Data Protection Act.

Under the Data Protection Act, people will from this November have the right of access to information held about them on computer.

This creates an extraordinary inconsistency, for whether or not individuals have a right of access to their files will depend entirely on whether or not they are kept on computer or by hand.

For instance, a family on one side of a street may be able to see their children's school files, because their children attend a school that has computerised its records, but a family living opposite may not have that right, because their children attend a school that still keeps its records manually.

Thus, the Access to Personal Files Bil will do much for legislative consistency, as well as strengthening the rights of individuals.

What Govt. has said . . .

Social Work

"The Secretary of State shares the increasingly held view that people receiving personal social services should, subject to adequate safeguards, be able to discover what is said about them in social services records . . ."

DHSS Circular LAC (83) 14,1983

Housing

"Public sector tenants sometimes believe that their landlords' files contain misleading personal information. In this area, and subject to proper safeguards, they ought to be able to check that mistakes are not being made."

Sir George Young, then Parliamentary Under Secretary of State at the Department of the Environment, 6.12.84

Medical

"We recognise that whatever principles of access are adopted in relation to personal health informatoin held on computer, the public expectation will be that similar principles should eventually be applied to manual records."

DHSS Circular Letter DA (85) 23, 3.9.85

David Owen becomes third major party leader to present awards

Speaking at the presentation of the 1986 Freedom of Information Awards, the Rt Hon Dr David Owen MP, leader of the Social Democratic Party, further committed the SDP/Liberal Alliance to the introduction of a Freedom of Information Act and repeal of Section 2 of the Official Secrets Act.

The main theme of his speech was to argue that Freedom of Information rather than being an obstacle to good government, is essential to it.

He said: "When it is said that freedom of information is not consistent with good government, what the defenders of secrety really reveal is that their concept of *efficient* government is one that is not inconvenienced by challenge or questioning. They want a government that is able to push through its policies without having to adequately explain them or their reasons for the rejection of alternatives.

"The case for an open approach, in which the arguments behind the announced policies, and the background economic and technical information are, wherever possible, available to the public, and thus open to challenge and question, is that the quality of information behind decision-making will inevitably be improved.

"Too many decisions are taken in government on the basis of information provided by people or organisations with a vested interest in the decision and their claims and counter claims are rarely subjected to public scrutiny. In an open system, such submissions should normally be available to others, and thus would need to be able to stand the test of critical examination. Such openness is likely to have a dramatic effect on the balance and accuracy of such submissions. Furthermore, those who take a different view will have a better opportunity of presenting their case as well. Commercial secrecy is only exceptionally a valid reason for privacy and in the US, it is noticeable how much readier companies are to argue their case publicly. Also, security classifications are much more relaxed in the US than the UK.

"Greater prior discussion of the background to decisions should create greater public understanding of their complexity and of the inter-relationships between them. Inspired Government leaks through the lobby system is a corrupting influence on good government. Good managers find it is easier for the workpeople to accept painful measures like unemployment or wage restraint if there has been open decision making.

It is also far easier for the dogmatists and the ideologists to sell their simplistic certainties in an atmosphere of manipulated news, managed news and ministerial evasion."

Owen 1987

"A Freedom of Information Act and the repeal of Section 2 of the Official Secrets Act . . . I'm glad to say will feature in the SDP/Liberal Alliance manifesto."

The Rt Hon Dr David Owen
Leader of the SDP
FoI Award Speech 1987

Kinnock 1986

"I repeat here . . . the next Labour Government will, as a matter of priority, repeal Section 2 of the Official Secrets Act and replace it with a Freedom of Information Act".

The Right Honourable Neil Kinnock.
Leader of the Labour Party.
FoI Awards speech, 1986.

Steel 1985

"The case is now overwhelming . . . we must replace the discredited Official Secrets Act with positive freedom of information, with tightly drawn exemptions."

The Right Honourable David Steel.
Leader of the Liberal Party.
FoI Awards speech, 1985.

The main set of Freedom of Information Awards for 1986 were given to professional and public authorities who have voluntarily acted to allow individuals to have access to their own files.

Dr Anthony Bird, a GP in a working class area of Birmingham, received an award for access to medical files. Since 1977 his practice has encouraged patients to see their medical records. Patients are given their medical folder when they enter reception and are invited to read the contents and raise any questions about it with the doctor.

Records are withheld in only a small number of cases where access would be harmful to the patient — only 12 of 4,000 patients. Dr Bird, his colleague Dr Mohamed Walji, and staff at the pratice have done much to dispel myths about access to medical files by their participation in evaluations of their policy and publication of papers on their experience.

Fiona Green and David Lane, Directors of two London educational guidance centres, at Southwark and Islington, received Awards for their policy of allowing children complete access to all information on their files.

Set up by ILEA's Schools of Psychological Service, the Educational Guidance Centres offer short term programmes of intervention with children showing severe behavioural problems at school.

The Centres attempt to reach a common understanding with the children they work with on the nature of the problem involved. A 'contract' between child, Centre staff and teacher is negotiated, the central feature being the child's right of access to all information on his or her file.

The Centres believe that the relationship of trust established in this way is of such importance that they will not accept information which they cannot show to the child.

Oldham Metropolitan Borough Council received an Award for their policy of allowing social work clients to see their files.

Another award-winner, the **London Borough of Haringey**, opened its housing records to tenants and applicants for housing in 1979 — long before most other authorities.

The policy is advertised on posters in housing offices and advice bureaux and in a leaflet received by all tenants. Since 1979 some 400 requests for access, involving some 1000 records have been received. This is significantly more than the norm, which frequently involves no more than half a dozen requests a year — probably because few tenants know there is an access policy.

All requests go to the council's internal ombudsman, who also attempts to obtain the consent for disclosure of any non-housing staff or professionals who have contributed to the record. He will also take up on the applicant's behalf any complaint arising from the contents of the file.

As part of their approach Oldham have piloted, in conjunction with the British Association of Social Workers, a new system of social work recording which avoids some of the features that individuals who saw their files might find objectionable. For example, a record is not automatically started on anyone coming into contact with social services — eg a person seeking advice or information Records kept include an account of the problem *as seen by the individual* as well as by the social worker, an account of any agreed work, but also an indication of any steps taken that were contrary to the individual's wishes. Social workers are instructed to indicate any recorded hypotheses, surmises or judgements as such so they are not assumed by others to be established fact.

New files were started for all existing clients when the policy was introduced, and basic documentation from previous files transferred onto them. Information which cannot be shared — primarily information supplied by outside agencies who do not agree to the disclosure — are kept in a separate removable section of the folder, so that the main part of the file can be assumed to be 'open'.

Oldham's policy is that written documentation should be shown as it arises, so that access does not require formal applications. Any refusal to disclose information requires the consent of a senior officer, can be appealed, and would normally be reviewed at monthly intervals. The access policy is advertised in posters and leaflets in social services offices.

School records

Mrs Mary Metcalf, head of **Haggerston School**, also received an award.

Haggerston is a girl's comprehensive in London's east end which has implemented ILEA's policy on access to school records. Although parents rarely come in specifically to see them, the file would be available when they come to discuss any matter with staff and would frequently be referred to with an invitation to the parents to see for themselves.

Teachers are specifically encouraged to record positive achievements, so the file provides a balanced picture — rather than a catalogue of complaints. Parents can see the notes forwarded by the primary school, results of standard language and numeracy tests, attendance records, notes from teachers to the head, correspondence and records of telephone conversations and meetings, education welfare officer reports, and references sent by the school to prospective employers or colleges.

The school also uses a new method of pupil assessment which has replaced traditional school reports. These are in three parts. The first contains the teacher's comments. The second is the pupil's own self-assessment, covering the same headings as the teacher and highlighting what the pupils sees as her own strengths and weaknesses. The third is completed by parents who are encouraged to identify any problems they may want to draw to the school's attention. The 3-part assessment is sent to parents who are encouraged to come into the school to discuss with staff and their child ways of dealing with any difficult areas.

Honour for Harman

Harriet Harman MP received an Award for her battle to establish the rights of journalists to report on documents read out in open court.

She has just completed a five-year battle begun when she was legal officer of the NCCL and involving appeals to the Court of Appeal, the Law Lords, and finally the European Commission on Human Rights.

In 1982 Hariet Harman, then legal officer of NCCL, acted against the Home Office on behalf of a prisoner. An order for 'discovery' made by the court forced the Home Office to disclose embarrassing internal memoranda about the setting up of special 'control units' in prisons. Most of the information from the 800 pages of Home Office documents was read out in open court. Afterwards, David Leigh — then a Guardian reporrter — obtained copies of the documents from Ms Harman and quoted them in an article critical of the setting up of the special units.

The Home Office took Ms Harman to court for revealing the documents to Leigh, arguing that they could only be used for the litigation itself — and not disclosed for any other purpose. The High Court found that she had been in contempt of court. David Leigh could have reported on the contents of the documents had he taken notes as they were read out in court, or he could have obtained (at great expense) a transcript of the court proceedings. But he was not entitled to see the documents themselves. Ms Harman appealed to the Court of Appeal and the Law Lords, both of whom upheld the finding of contempt.

The decision led to calls for a change in the law to reverse the finding. The government set up a committee to look into the law under a High Court judge, but suspended it before it could report. It is thought a majority of the committee favoured changing the law.

Ms Harman then appealed to the European Commission on Human Rights in Strasbourg, and their preliminary decision went against the British government. The Commission announced this June that the government had agreed to amend the court rules to allow reporting of discovered documents — the first time the government has conceded a case in Europe without fighting all the way to the European Court.

Police whistleblower

Ron Walker, a serving police officer and former detective, who last July publicly revealed details of the way Kent Police were deliberately obtaining false confessions from convicted criminals in order to improve their clear-up rates for unsolved crimes, was given a special award.

Clear-up rates in some Kent Police Sub-divisions had improved from around 25% to 70% in one year. Walker, who was a detective at the time, knew that colleagues were achieving these rates by persuading convicted criminals to confess to crimes they had never committed after being told they would have to face no additional charges.

Some of the confessed crimes had been carried out while the supposed offender was already in prison; in other cases the real offender had since been detected; and some crimes for which confessions were obtained had never been committed at all.

Mr Walker only went public with his complaints after he was satisfied that his internal complaints were not being properly investigated.

Lobby rebels praised

A joint Award was given to Andreas Whittam Smith, Editor, and Anthony Bevins, Political Editor, of *The Independent*, for their decision when the newspaper was launched, not to participate in the lobby system.

The Guardian was also commended for subsequently deciding it, too, would no longer support the system.

Guardian reporter Richard Norton-Taylor was given the Media Award for outstanding coverage of issues to do with secrecy and freedom of information.

Access to Personal Files Bill

Why this Bill must be passed

by Archy Kirkwood MP

One of the least visible aspects of the work of a Member of Parliament is the case-load of appeals for help from constituents who are having difficulty with one public authority or another.

I have been struck by the number of occasions an injustice has been caused, or a constituent has been blocked in achieving his or her rights, because of errors or even unfair opinions recorded in their files, and undetected because they have not had the right of access to them.

The Access to Personal Files Bill is, therefore, not just about 'rights' in a theoretical sense. It is about the quality of decisions taken about people based on records that are kept for a reason — so that different agencies, authorities, officials or professionals can inspect them and reach conclusions about the people concerned. If errors creep into these files, it follows that erroneous action can be taken, sometimes the cause of inappropriate or unfair treatment.

It is when you think about it extraordinary that files are opened on individuals by people who are, after all, often their servants, and often shown to other professionals or public servants, and yet the individual themselves have no right to know what is in the file, to check that it is correct, and if necessary to see that inaccuracies are eliminated.

Such a right is taken for granted in many other countries, including Commonwealth countries such as Canada, Australia and New Zealand.

Increasingly such a right now exists in different parts of the UK. It really cannot be acceptable that whether or not we have a right to see our files depends entirely on what local authority area we live in. Some education authorities now allow access to school records — others do not. Some housing authorities allow access by tenants, or by those on their waiting lists — others do not. Some social workers allow access by clients of the social services — some do not. Whether the right exists or not seems to depend on the initiative or even the progressive nature of local education, housing, or social services committees.

The inconsistency does not stop there. Under the Data Protection Act we will all have the right from this November to see records kept about ourselves on computer. Thus, you could have two friends who deal with the social services in neighbouring local authority areas. But only one of the two will have access to their file, because only one of the local authorities has computerised its records.

Thus one of the side-effects of my Bill will be to create proper consistency in our legislation in this area.

But I believe the benefits extend far beyond that, and even beyond the greater accuracy that is likely to result.

I believe the very existence of records known to be secret can breed suspicion and mistrust, whereas knowledge that the record exists,, and the opportunity to see it, can create a more fruitful relationship between the individual and the authority.

I believe the right of people to see and question what is written about them creates a necessary safeguard against the unsubstantiated speculation and prejudiced comment that often appears on records.

Above all, I believe that many people are unable to share in decisions about their own lives because information about their real circumstance or condition is not fully shared with them.

Let me deal with one or two of the objections that are likely to be raised about the Bill:

First, it will be said that it is costly. In fact the authorities already allowing access to personal files have not found this to be so, and there is no reason why it should be, because the Bill does not allow for retrospective access, and this would be the main cause of additional costs. It is said that for some patients, it can be harmful at a particular time in their treatment for them to be confronted with information about their medical problems. We have allowed for that by allowing information to be withheld for a period of time if in a doctor's opinion disclosure would result in a risk of serious physical or mental harm for the applicant.

"Frank" records

It is said that open records are less frank and therefore less useful. Unfortunately, often the 'frank' comment is the instant judgement or the unconsidered off-the cuff remark that could not be substantiated if challenged. If those who keep records know they may be seen by their subjects they may be more thoughtful about what they write. The quality of records should improve.

The fact is that access is being given to many people, both in this country and abroad, and it works perfectly well. There fears do not stand examination.

I am pleased that I have all-party support for my Bill and I hope it will be given adequate time in the House of Commons to pass into law for the benefit of every man, woman and child in the country.

Members of Parliament who support the right of access

In response to a questionnaire circulated by three Members of Parliament, Archy Kirkwood, Chris Smith and Steve Norris, the following Backbenchers have indicated they supported the Access to Personal Files Bill in principle:

Conservative

Jonathan Aitken, Richard Thain Alexander, David Amess, David Atkinson, Robert Banks, Henry Bellingham, Keith Best, David Bevan, Sir Richard Body, Sir Bernard Braine, Michael Brown, John Browne, Alistair Burt, Kenneth Carlisle, William Cash, Michael Colvin, Derek Conway, Den Dover, Alex Fletcher, Janet Fookes, Roy Galley, Ian Grist, Jeremy Hanley, John Hannam, Robert Harvey, Jeremy Hayes, Kenneth Hind, Richard Holt, Andrew Hunter, Charles Irving, Geoffrey Johnson Smith, Michael Knowles, David Knox, Geoffrey Lawler, James Lester, Piers Merchant, Charles Morrison, Colin Moynihan, David Mudd, Anthony Nelson, Steve Norris, Phillip Oppenheim, Tim Rathbone, Peter Rost, Andrew Rowe, Michael Shersby, Robin Squire, Anthony Steen, David Sumberg, Neil Thorne, Kenneth Warren, Bowen Wells, Michael Woodcock, Timothy Yeo.

Alliance

David Alton, Paddy Ashdown, Malcolm Bruce, Alex Carlile, John Cartwright, Clement Freud, Geraint Howells, Simon Hughes, Roy Jenkins, Sir Russell Johnston, Charles Kennedy, Archy Kirkwood, Michael Meadowcroft, David Owen, Elizabeth Shields, Cyril Smith, David Steel, Richard Wainwright, Jim Wallace, Robert Maclennan.

Labour

Jack Ashley, Margaret Beckett, Stuart Bell, Andrew Bennett, Gerry Bermingham, Jeremy Bray, Ronald Brown, Dale Campbell-Savours, Dennis Canavan, Lewis Carter-Jones, Thomas Clarke, Robert Clay, Ann Clywd, Harry Cohen, Bernard Conlan, Robin Corbett, Jeremy Corbyn, Lawrence Cunliffe, Tam Dalyell, Ron Davies, Terry Davis, Eric Deakins, Don Dixon, Dick Douglas, Gwynetth Dunwoody, Alexander Eadie, Kenneth Eastham, John Evans, Frank Field, Mark Fisher, Martin Flannery, Michael Foot, Reginald Freeson, Ted Garrett, Norman Godman, Bryan Gould, Peter Hardy, Stuart Holland, John Home Robertson, Greville Janner, Ted Leadbitter, Ronald Lewis, Terry Lewis, Anthony Lloyd, Edward Loyden, John Marek, Michael Martin, Joan Maynard, Hugh McCartney, Michael McGuire, Allen McKay, Kevin McNamara, John McWilliam, Austin Mitchell, Alfred Morris, Martin O'Neill, Gordon Oakes, Robert Parry, Terry Patchett, Peter Pike, Nick Raynsford, Martin Redmond, Geoffrey Robinson, Jeff Rooker, Ernie Ross, Robert Sheldon, Clare Short, Dennis Skinner, Chris Smith, Clive Soley, Roger Stott, Jack Straw, Stan Thorne, Michael Welsh.

Other

Dafydd Wigley

Why Conservatives should welcome the Bill

by Steve Norris MP

I hope Archy Kirkwood will receive strong support from my colleagues in the House of Commons. Indeed, the Bill already has impressive all-party support, including the backing of more than 50 Conservative MPs.

We tend to assume too readily that everyone knows that organisations of all kinds hold records on those they deal with. In fact it comes as a shock to many people suddenly to find out that a part of their lives which they had thought to be private or perhaps of no consequence is being recorded on some file, maybe even monitored. One consequence of the 'multi-disciplinary' approach which is, quite appropriately, adopted in the health, social work and some other fields is that personal information about an individual circulates between a great number of different agencies — yet virtually the only person who cannot see it is its subject. It is time that was changed.

I hope the Government will welcome this Bill, which is entirely consistent with its philosophy of strengthening the rights of the individual. The Bill is not merely in line with the Government's own legislation on data protection — its approach in some ways is actually preferable. It provides a simple right of access that will be valued by many people at some point in their lives — without the cumbersome process of registration which the Data Protection Act imposes on record holders.

The main impact of the Bill on those who keep records will not be financial — giving access costs very little. Nor will it involve new bureaucratic procedures. The real effect will be on the quality of record-keeping, for records will inevitably have to be compiled in a more professional manner, and that in the end will benefit the record-holder too.

A recent MORI poll threw up one finding which I found most significant. While there was widespread support for a general Freedom of Information Act, the level of support amongst Conservative voters was actually *higher* than amongst the general public (69% in favour as opposed to 65%). The principle of freedom of information, and not merely in relation to personal information, has a natural place in Conservative thinking. It is no accident that the recent FOI laws passed in Canada, Australia and New Zealand were either intitiated by, or implemented under, Conservative governments.

I found great interest from my colleagues in the Commons when I wrote to them about the Access to Personal Files Bill but I was struck by the response of a few who said "I cannot go along with this. I have constituency files with things written in them that I would not want people to see. It would be dangerous." I understand this — no doubt many of

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Why Labour MPs will be in aye lobby

by Chris Smith MP

For most people, "freedom of information" is a worthy-sounding concept which they support but which rests in the heady realms of government action rather than being directly relevant to their own experience. The part which is of direct concern, however, is the ability to see what is being written about them personally by a variety of authorities, councils, government departments, and companies in files held on them. At present, citizens have no statutory right to see their own files. It is vitally important for democratic socialists in particular — believing as we do in the dignity and rights of all citizens as equals — to help to secure this right of access. The Private Members' Bill stands a good chance of success, and deserves unequivocal support.

There are many practical reasons — as well as a basic moral one — for legislating to give a right to access to files. For a start, a right of access (albeit limited) does already exist for personal information held in computerised form. It does not exist, however, for records held on paper. As a matter of equity, provision should be brought into line.

A right of access would also enable errors in files to be corrected. Frequently wrong information, sweeping condemnatory assumption, or totally misleading details are included on someone's file — and an ability to discover these to challenge them and to have them put right or omitted would be beneficial not just to the individual corcerned but to the quality of administration as a whole.

Most importantly, perhaps, the secrecy of files is all too often justified by a paternalistic assumption on the part of the provider of a service that "the professional knows best". This is a dangerous myth. A service — be it medical, governmental, educational, or administrative — is best provided by means of a *partnership* between the provider and the client, not by a hierarchical do-as-you-are-told relatiohship. When I first proposed an Access to Files Bill in Parliament, I received a letter from a team of doctors in a Birmingham Health Centre, who wrote:

"Since 1977 it has been the policy of this practice to hand patients their medical records when they come for an appoitment with one of the practioners, or when they ask to see them in the surgery. The practioners like them to read the notes before the consultation if the patient wishes to."

This puts the point very well. Surely it is better for all concerned — patient and doctor, citizen and social worker, tenant and housing worker, parent and education authority — for this sort

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All you need to know about the Access to Personal Files Bill

The Access to Personal Files Bill would allow people . . .

- **to discover whether certain types of records are held about them**
- **to inspect and be supplied with copies of such records**
- **to have inaccuracies corrected**
- **to be compensated for any damage or distress caused by inaccuracies**
- **to appeal to the court if a record holder fails to comply with the Bill's requirements.**

These provisions are similar to those in the 1984 Data Protection Act, which comes fully into force in November 1987. From that date people will be able to see and correct what is held about them on **computerised** records. The Access to Personal Files Bill would apply similar provisions to certain types of records held on paper.

The scope of the Bill

The Bill applies to health records, education records, housing records, government benefit etc records, local authority records (including social work, fostering and care records, parole records, voluntary and private welfare records, credit records, employment records, and specified information on immigration records.

'Records'

A 'record' is defined as any information kept about an individual to which anyone other than the person who has recorded the information has had or may have access.

This allows a doctor or social worker etc to keep informal rough notes, which they may use as reminders when preparing an entry for the formal record. Such notes would not have to be disclosed so long as they were genuinely private to the person who kept them. The moment they were shown to anyone else, or filed where colleagues of the record holder might be able to consult them, they would be regarded as part of the formal record and available for access under this Bill.

Retrospection

In general, only records compiled **after** the Bill becomes law would be available.

However, parts of earlier records could be disclosed in one of three circumstances:

(1) if an earlier document was physically amended after the Bill came into force

(2) if a document prepared after the Bill came into force relied on an explicit reference to an earlier document which could not be understood without seeing the earlier document. (For example, if an entry said "I recommend that the action proposed in my 1978 report should now be taken", then the 1978 report would have to be made available.)

(3) if part of the earlier record was subsequently used as the basis for a decision or action affecting the applicant then **after** the decision that part of the record (but not the whole file) would have to be made available.

Where a document prepared before the Bill came into force was disclosed, the identity of its author or anyone contributing to it would not have to be revealed. (This brings the Bill roughly into line with the Data Protection Act. There is no bar on retrospective disclosure under the Act, but the identity of anyone who has contributed to the record cannot be disclosed without that person's consent.)

Applying for records

People would apply for records in writing. They would be entitled to find out what classes of records the record-holder keeps, and whether the record-holder has a record on them.

They would also be able to find out whether information about themselves appeared on some other person's file. They would have to specify the names of anyone whose record they wanted checked: the record-holder could not be asked to search all its records.

People would be able to inspect, or obtain a photocopy of any records about themselves. But they would not be able to obtain information about anyone else — even if it appeared on their record — without that person's permission.

Records would have to be provided within one month of receipt of an application. The applicant would have to be told of any changes made to the record after the application for access had been received. Any abbreviations or codes on the record would have to be explained. The record holder could make a reasonable charge for any photocopies supplied, but no other changes could be made.

Exemptions

Certain information on a record would not be disclosed. There are exemptions to cover information which, if revealed, would affect the privacy of others; disclose the identity of informants; expose others to serious harm; cause serious harm to the applicant; or breach legal professional privilege.

Information would not be released where its disclosure would . . .

(a) affect the privacy of other identifiable individuals.

If the file contained information about other family members, neighbours or anyone else, that information could not be disclosed without the permission of the person concerned.

Archy Kirkwood MP

A guide to the Bill by Archy Kirkwood and Maurice Frankel

Maurice Frankel

(b) reveal the identity of members of the public who had provided information about the subject of the record on the understanding that their names would not be revealed to that person.

Authorities responsible for protecting children from abuse depend on being able to receive reports of suspected incidents from members of the public. People may only be prepared to make such reports if they know their identities will not be disclosed. And if one housing tenant made a complaint about another, the identity of the complainant would not be disclosed.

While the **identity** of informants would be withheld, the actual **information** they provide would not. On the contrary, the person against whom a complain is made is entitled to know what is alleged in order to be able to reply to an unjustified or even malicious complaint.

This exemption only protects the identity of **members of the public** who provide information. The identity of a person acting in a professional capacity — a doctor, social worker, health visitor — would not be withheld. Unlike members of the public they are under a professional obligation to provide such information and could not refuse to do so merely because it would embarrass them to be identified. But any information which if disclosed might expose them to risk of physical attack would qualify for exemption under paragraph (c) below.

(c) expose someone other than the applicant to a risk of serious physical or mental harm.

This allows information to be withheld from someone who may have made specific threats and would be likely to attack someone identified or referred to in the record.

(d) in the opinion of a doctor, expose the applicant him or herself to a risk of serious physical or mental harm.

However, in such a case the applicant would be able to nominate a doctor of his or her own choosing for a second opinion. That doctor would be free to disclose the record if thought fit. If the decision was unfavourable the applicant would still have a final right of appeal to the court.

This approach was endorsed in 1983 by an Interprofessional Working Group chaired by Sir Douglas Black, then president of the British Medical Association.

It is only in exceptional cases that information might have to be withheld. Access could not be denied merely because a record-holder thought it might be upsetting for the applicant to see. There would have to be — in a doctor's opinion — a risk of "serious physical or mental harm". In the case of social work records this decision could be made by a social worker. As a safeguard against overcautious record-holders trying to protect someone from information they are perfectly willing to face, the applicant would have the right to a second opinion from a doctor/social worker of their own choosing.

An alternative under consideration would be to allow access to be **deferred** for a specified period where immediate disclosure miht be harmful — but not to allow it to be prevented altogether. This would allow time for an immediate crisis to pass, or for treatment or counselling to be provided. But it also recognises that ultimately people who are determined to know the truth about this history or health — and are prepared to face any difficulties this knowledge may bring — should not be denied it.

(e) breach legal professional privilege.

The legal advice a record-holder obtains in connection with possible litigation would be exempt from disclosure. Such advice is generally protected from disclosure both in legislation and in the rules governing court proceedings.

Any of the above types of exempt information would have to be removed from a record before it was disclosed or deleted from any photocopies supplied. The record-holder would be required to tell applicants that information was being withheld; to give the reasons; and to notify them of the right to appeal to the court against the decision.

Correction of records

The Bill allows anyone who finds that their record contains incorrect, incomplete, misleading or irrelevant information to have it amended. This is in line with the provisions of the Data Protection Act.

If the record-holder does not accept that the record requires amendment it must give its reasons in writing, and notify applicants of their right to appeal to the court.

Applicants would also have the right to have a statement giving their own views about a disputed matter entered on the record. This would ensure that anyone who subsequently consults the record sees that some part of it is disputed.

Where a record has been amended under this procedure the record holder would be required, at the applicant's request to notify anyone who had previously had access to the relevant information of the change. Details of disputed — but uncorrected — information would also have to be passed on.

To make this possible, record holders would be required to keep a log of those to whom information from the record has been given. The log, like the record itself, would be available for access.

Right of appeal

Anyone who believed a record holder had unreasonably refused to supply or amend a record, or whose request had not been dealt with within the specified time period, may appeal to the county court or, in Scotland, the Sheriff for an order requiring the record-holder to comply with the Bill's requirements.

Compensation

A person would be entitled to compensation for any damage or distress caused by incorrect, incomplete, misleading or irrelevant information. It would be a defence for the record holder to show that it had taken all reasonable steps to ensure the record's accuracy. (The Data Protection Act also contains a right to compensation for damage caused by inaccuracies.)

However, a person who found that something uncomplimentary had been written about them on their file would not be able to sue the record holder for defamation. Record holders are protected by 'qualified privilege' from such actions, provided that what they have recorded was written in good faith and made available only to be sued for comments made with malice, or if defamatory material had been improperly disclosed — for example to a newspaper.

Nor could the record holder be sued for breach of confidence by someone who had provided it with information about the applicant to which the applicant was subsequently given access under the Bill.

Representatives

People may apply for their own records or authorise someone else to apply on their behalf.

The Bill sets no minimum age limit for applicants. This is in line with the Data Protection Act, which also specifies no age limit, and with the advice of the DHSS to local authorities on access to social work records which states "requests from children or young people should be treated in the same way as requests from adults" [Circular LAC (83)14].

The parent or guardian of a young person below the age of 16 would be able to apply for the young person's record, but the record holder would not be permitted to disclose any information provided by the young person in confidence. Information whose disclosure would damage the confidential relationship between the young person and the record holder (this might go beyond information that was provided directly by the young person, such as advice or treatment given) would also be withheld. Information which if disclosed to the parent might expose the child to risk of serious harm, for example from a violent parent, would also be witheld from the parent.

Applications may be made on behalf of people who, because of mental illness or handicap cannot apply for themselves or authorise others to apply for them. Such applications would, however, require the consent of the court which would have to take into account the welfare off the person and any wishes he or she may express to it.

After an individual's death, the executor of the will, or administrator of the estate, would be entitled to the person's records; dependents — because they would be entitled compensation if death was caused by negligence would be able to obtain records relating to the cause of death.

Contracts

People could not be required either to surrender, or make use of, their rights under the Bill. Any contract which attempted to make them do so could not be enforced.

For example, a doctor would not be able to accept patients or a school accept pupils — on condition that they sign away their right to apply for their records.

And no individual could be required to obtain their records in order to pass them on to someone else. The Bill would prevent an employer making it a condition of employment that employees use their rights under the Bill to obtain their medical records and submit them to the employer.

Steve Norris

... cont. from page 3

those whose records are subject to the Bill will too — but I do not agree with it. I would not claim that my own practice was exemplary, but I set myself a target some time ago of writing up the records I keep when a constituent consults me as if they could be seen by the person concerned. I did this not out of any selfless desire to meet the standards I advocated for others but so that if I lost the files on a train and they were picked up and reached the local newspaper offices before me, there would be nothing in them that I would be ashamed of. I suspect most records can be written in this way, and nothing of importance would be lost.

I am impressed by the number of doctors, psychiatrists, social workers, teachers, employers and others who already allow access and who find that, providing some obvious safeguards, of the kind the Bill contains are taken, it does not cause problems. The fact that they are doing so successfully seems a convincing answer to those who appear anxious about the proposals. On the contrary, those who give access find that if anything it is of positive value, by removing suspicion and improving relationships with those they work with. That is why I believe this is a measure that should be welcomed not just by the public — but by those who keep records too.

Chris Smith

... cont. from page 3

of shared trust to exist. It makes for better treatment and better administration.

This is an important issue, and I hope that the Access to Personal Files Bill will indeed reach the statute book in 1987. Too much has been done in Britain over the past few years to place restraints on individual freedom. Here is a chance not just to lift some of those restraints, but to endorse a fundamanetally liberation principle. I hope parliamentarians, and especially my colleagues in the Labour Party, will seize the opportunity.

Measure has backing of more than 80 national organisations

The Access to Personal Files Bill starts its parliamentary campaign with massive backing from local authority, consumer and voluntary welfare organisations.

A draft Bill was circulated to voluntary and other organisations some time before the private members' ballot in the House of Commons last November. Some 80 leading national organisations replied to say that they supported the principle and general approach of the Bill.

Those who support the Bill include:

Local authority bodies such as the Association of District Councils, the Association of County Councils policy committee and the Convention of Scottish Local Authorities.

Professional bodies such as the Royal College of Midwives and the Health Visitors' Association.

Consumer bodies such as the Consumers' Association and the National Consumer Council.

Women's organisations, including the Standing Conference of Women's Organisations, the Co-operative Women's Guild and the Scottish Women's Rural Institutes.

Civil rights groups such as the NCCl and the British Institute of Human Rights.

Religious welfare organisations such as the Salvation Army Social Services, the Baptist Union of Great Britain and Northern Ireland and the Jewish Society for the Mentally Handicapped.

Voluntary bodies including the National Council for Voluntary Organisations, the Royal National Institute for the Deaf, the Royal Association for Disability and Rehabilitation, the National Foster Care Association, and MIND — and many other groups concerned with the welfare of children, the elderly, the ill and the disabled.

"A free democratic society requires that the law should recognize and protect the right of the individual to the information necessary to make his own choices and decisions on public and private matters, to express his own opinions, and to be able himself to act to correct injustice to himself or his family. None of these rights can be fully effective unless he can obtain information!

Rt Hon Lord Scarman PC, KT, OBE. Granada Guildhall Lecture 1984

Access already voluntarily given

Many authorities and employers have been allowed access to the reocrds they hold for some years. Those who have, or are now introducing, access policies include:

(1) Social Work

Avon, Barnet, Barnsley, Berkshire, Bexley, Camden, Cheshire, Cleveland, Coventry, Croydon, Devon, Dudley, Ealing, East Sussex, Enfield, Greenwich, Hackney, Haringey, Harrow, Hillingdon, Isle of Wight, Islington, Kingston-upon-Thames, Lambeth, Lancashire, Lewisham, Manchester, Merton, Newham, North Tyneside, Oldham, Solihull, Stockport, Surrey, Wakefield, Walsall, Wiltshire and Wirral.

(2) Education

Brent, Cheshire, Clwyd, Derbyshire, Devon, Dorset, Ealing, Havering, Inner London Education Authority, and Leicestershire.

(3) Housing

Barnet, Birmingham, Brent, Chelmsford, Copefield, Ealing, Haringey, Harlow, Kingston-upon-Hull, Lewisham, South Somerset and Wrekin.

(4) Employment

Army, BBC, British Gas, British Coal, Swan Hunter Shipbuilders, Number of Local Authorities.

Organisational supporters

Action for the Victims of Medical Accidents
Advocacy Alliance
Apex Charitable Trust
Associaton for Children with Heart Disorders (Scottish Branch)
Association for Neighbourhood Councils
Association of County Councils — Policy Committee
Association of District Councils
Association of Scottish Local Health Councils
Baptist Union of G B & Ireland
BASSAC
British Institute of Human Rights
British Youth Council
BASW (Scottish Ctte)
Brook Advisory Centres
Campaign Against Censorship
Child Poverty Action Group
College of Health
Confederation of Indian Orgs
Conservation Society
Consumers' Association
Convention of Scottish Local Authorities
Co-operative Women's Guild
Disabled Housing Trust
Education Otherwise
Exploring Parenthood
Family Rights Group
Family Service Units
Family Welfare Association
Health Visitors' Association
Howard League for Penal Reform
International Disability Education and Awareness
International Voluntary Service
Maternity Alliance
Mind
Multiple Sclerosis Society in Scotland
National Association for Maternal and Child Welfare
National Association for the Childless (Scotland)
National Association for the Welfare of Children in Hospital
NAWCH (Scotland)
National Childbirth Trust
National Consumer Council
National Council for Civil Liberties
National Council for the Welfare of Prisoners Abroad
NCVO
Nat. Deaf-Blind Helpers League
National Federation of Community Organisations
National Federation of Community Organisations
National Federation of Kidney Patients' Associations
National Foster Care Association
National League for the Blind and Disabled
National Union of Students
Partially Sighted Society
Patients Association
Pedestrians Association
Pensioners' Voice
Prison Reform Trust
Ravenshead Foundation
Retired Executives Clearing House
Richmond Fellowship for Mental Welfare and Rehabilitation
Royal Agricultural Benevolent Institution
Royal Association for Disability and Rehabilitation
Royal College of Midwives
Royal Nat. Institute for the Deaf
Salvation Army Social Services
Scottish Consumer Council
Scottish Co-Op Women's Guild
Scottish Council for Civil Liberties
Scottish Homosexual Rights Group
Scottish Old Age Pensions Assn
Scottish War on Want
Scottish Women's Rural Institutes
SENSE
Shelter and SHAC
Spinal Injuries Association
Standing Conf of Women's Orgs
Volunteer Centre UK
Women's Health Information Ctre

Education

"It can be argued that the development of a close and productive working relationship between teachers and parents is in some cases inhibited by the existence of a belief on the parents' part that information about themselves and their children, to which they have no right of access, is being stored and used by the school . . .

"In principle, parents should have access to all records maintained by schools about their children . . . pupils aged 18 and over should, in principle, have access to their own records."

National Union of Teachers 1984

"The right of access will serve to strengthen the relationship between educational establishments, parents and pupils, or remove an obstacle to improving it. We conclude also that more open access would improve the quality and value of the records schools and colleges keep."

Assistant Masters and Mistresses Association, report of a working party to the Executive Committee, 1985.

Social Work

"Individuals should have a right (subject to any legal restrictions) to see and copy personal information held about them. We believe that the practical difficulties of allowing clients to have access to their case records are less than they may at first seem . . . we believe that client access should be the norm and not the exception."

British Association of Social Workers, 'Effective and Ethical Recording', 1983.

Voluntary Welfare Agencies

"Clients should be encouraged to participate in the construction of the record so that they may amend errors of fact and challenge interpretation . . . It is good practice for agency workers to take notes during interviews and to type up the notes that will form part of the record and send them to the client and invite comments."

"Clients' Rights" (1984), report of a National Council for Voluntary Organisations working party.

Health

"We support the right of patients and clients to have access to all information which i held about them on their behalf . . . However there are some situations in which the unregulated release of the entire clinical or social record could cause distress or even harm . . . an acceptable mechanism must therefore be devised for the exercise of a proper discretion . . . Any subject who is dissatisfied with this arrangement should then have a right to seek access through an independent health professional of his choice, practising in the same discipline or speciality . . . There may in the last resort remain a legal right to seek access to information which has still been withheld . . ."

Report of an Interprofessional Working Group, chaired by Sir Douglas Black then President of the BMA and including representatives from the health and social work professions, 1983.

Other countries far ahead of British files policy

Other countries are far ahead of Britain in the rights individuals have to see personal information about themselves.

In Australia, Canada, New Zealand, France, Denmark, the USA, Netherlands, Norway and Sweden, freedom of information legislation gives individuals the right to see records about themselves held by government departments and in some cases other public authorities.

Germany and Luxembourg, though they do not have FOI laws, allow individuals who are directly affected by administrative proceedings to see their own administrative files.

In France, in addition to the FOI right, a person is entitled to reasons for any administrative decision adversely affecting them. And the French data protection act gives a right of access to manual as well as computerised records, in both the private and public sectors.

Australia: access 'lessens mistrust'

"The Department of Social Security identified the following positive benefits (from access to personal information) . . . a general right of access has served to lessen mistrust and dissatisfaction with decision-making and improved the quality of decision-making and its documentation . . . (it enables) clients who are adversely affected by a decision to see the full facts of the decision before deciding to seek a review. In some areas this has reduced the number of appeals."

Report (1983-84) by the Australian Attorney-General on Australia's Freedom of Information Act.

Canada: open records 'no less valuable'

"The legislation does not appear to be leading to less useful records, double-records or no records.

"The primeval human urge to record information seems to overcome any apprehensions of danger or embarrassment from the Privacy Act. While the realization that personal information can be seen under the Act is undoubtedly a stimulus to more professional, less capricious or subjective evaluations, there have been no complaints of less valuable records because of less candor."

Report (1984-85) by the Canadian Privacy Commissioner on access to personal information under Canada's Privacy Act.

Campaign Comment

Whether we believe the Prime Minister was wise or unwise to seek to stop the publication in Australia of the book by former MI5 operator, Peter Wright, there can be no question that she has painted herself even further into a corner as a defender of excessive secrecy.

When the *'Sunday Telegraph'* carries a headline "Mrs Thatcher and Secrets Stupidity" and *'The Mail on Sunday'* one stating "Court jest shows why our secrets law must change" it becomes clear that her obstinacy over secrecy and her refusal to consider freedom of information has become her Achilles heel.

Edward Pearce in the *'Telegraph'* writes that Mrs Thatcher has been drawn into the Civil Service's "own passion for self-agrandising secrecy". "Mrs Thatcher finds herself flattered into firing their bullets, defending their honour, being subsumed into their nonsense . . . she is fighting and losing a battle which is neither her's nor our's. All sense demands that she cuts her losses and rejoins the camp of free speech . . ."

The leader in *'The Mail on Sunday'* says "there can hardly be anyone left who does not agree that our Official Secrets' Act and the whole paraphanalia that goes with it is so lunatic in its wide embrace that it is possible for anyone to take it seriously . . . as soon as this case is over Mrs Thatcher should call in Sir Robert Armstrong and tell him that, like the United States of America, we intend to trust the people; to assume they are grown-ups, capable of making judgements on the truth as it is presented to them. Knowledge is power, and if democracy means anything at all, it means that power should remain with the people. And where it has been removed it should be returned forthwith".

We repeat, these are not the demands of so-called 'radical' or 'leftist' newspapers or journals — they are the views of Mrs Thatcher's most fervent media supporters.

All of this underlines a point we have tried to make since our Campaign was launched in 1984 — that not only is there no philosophical reason why a Conservative administration should oppose freedom of information, or further entrench secrecy, but there actually should be a philosophical drive to open the system up, to create greater public accountability, and thus strengthen the people in relation to the state.

In so many other aspects of her administration, Mrs Thatcher has tried to reduce the power of the state. Privatisation is but one case in point. Yet, when it comes to control of information, she has won a reputation of being the most secretive Prime Minister since the War, now condemned for her passion for the cover-up by her friends as well as her critics.

Given that the Prime Minister herself, her autocratic style, her way of wielding power, is likely to be a key issue at the general election, can she really afford to continue to stand in the way of the substantial consensus that now exists for reform of the Official Secrets Act and for Freedom of Information?

In particular, can she afford for herself and her Ministers to block the Access to Personal Files Bill now coming before the House of Commons as a result of Archy Kirkwood's success in the Private Member's Ballot?

This Bill will allow individuals to have the right of access to their own files, and to correct them if they are inaccurate.

Such a right is already voluntarily granted by some progressive local authorities.

Such a right will exist as from November of this year for all those whose records are kept on computer.

To block the extension of this right to everybody — to deny every man, woman and child in the country the chance of strengthening their position in relation to the state — would be an extraordinary reinforcement of the principle that our servants have become our masters, and an indication that the Prime Minister's obsession with secrecy has now, in the words of the *'Mail on Sunday'*, become 'lunatic'.

The fate of the Access to Personal Files Bill is therefore a genuine test of whether there is any concern for the individual and any political sensitivity left either in Downing Street or within this Conservative administration.

Mrs Thatcher, Mr Hurd, Mr Baker, and Mr Fowler should overule any conservative, out-of-date prejudices held by their civil servants — particularly those in the Home Office — and see this Bill has fair passage.

Campaign for Freedom of Information

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Secret Facts

Magistrates have been told they have no right to sit anonymously — but other equally bizarre examples of court secrecy continue.

In October 1986 the High Court ruled in favour of *The Observer* in the case it had brought against Felixstowe magistrates and their clerk, for refusing to reveal the names of magistrates in court. The practice — which had been adopted by a growing number of other magistrates' benches — was held to be contrary to the law, and costs were awarded against the Felixstowe bench.

But other areas where the press is improperly denied information about court proceedings have been identified by the Guild of British Newspaper Editors.

One involves the abuse of orders preventing the press naming children who appear in court. There are obvious cases where publicity — for example for the child victim of sexual abuse — would be harmful. In such cases the court can prohibit the press from identifying the child, under section 39 of the Children and Young Persons Act 1933. In some cases this may prevent the press from naming the accused, where this would inevitably lead to the identification of the child (eg if the accused was the child's parent).

However, sometimes orders are made when the child concerned is beyond protection — in some cases when the child is dead. The effect may be to grant anonymity to the person accused of causing the child's death. Such orders have recently been made in Camberwell, Lincoln and Bristol.

In Bristol, the order was made in relation to a man accused of murdering his own child.

In Camberwell, a man whose three children died in a fire after being left alone in their home was charged with wilful neglect. The magistrate made an order forbidding the naming of the children. Although it was pointed out to him that the children were beyond protection he refused to lift the order.

In these cases the press was forced quite unjustifiably to conceal the names of the defendants. Courts have no lawful power to grant anonymity to accused persons in such circumstances.

Lord Zuckerman attacks secret decision

A powerful attack on secret decisions making in government has been launched by Lord Zuckerman, who between 1960 and 1971 was first Chief Scientific Adviser to the Ministry of Defence and later to the Government as a whole.

In his recent book *'Star Wars in a Nuclear World'* (William Kimber, 1986) he writes that he has recently come to believe that the national interest is prejudiced by the secrecy that surrounds nuclear and other technical decisions. "Discussion of highly important technical matters with strategic and economic overtones within a small circle that not only has a vested interest in the subject, but which is also shielded politically from informed and critical debate, does not necessarily result in advice that leads to the wisest political decisions" he says.

He warns that the British system of closed decision-making makes it too easy for "pet projects" to be developed and pushed through, backed by advice to government which "is so often tinged by some vested interest which is not easily uncovered in an environment of bureaucratic secrecy".

He observes that the US government, after considerable detailed public discussion decided not to proceed with the development of a supersonic passenger aircraft, whereas the British government "after secret and much more limited discussion" launched the financially disastrous Concorde project. He adds: "We have lost grievously because many costly and finally abandoned projects have been left in the secret hands of (small) technical groups with a vested interest in the outcome. We could hardly do worse than continue as at present."

Fire and pollution hazards remain secret

New government proposals for legislation on fire safety and air pollution reveal a dismayingly negative approach to disclosure.

The 1971 Fire Precautions Act contains a dangerous and unacceptable secret clause which prevents fire inspectors warning the public and employees that a hotel, shop, factory or office is unsafe. An inspector who reveals information commits an offence and can be fired.

In 1985 the Home Office published plans for reforming this legislation. One proposal was that fire inspectors should in future be required to provide employees with information about hazards. But there were no plans for informing the public.

Consumers' Association and others called on the government to widen the disclosure provisions. Not only has the government now refused, it has actually abandoned its original plans for limited disclosure.

The Fire Safety and Safety of Places of Sport Bill had its Second Reading in the Lords in December 1986. The Bill would allow fire authorities to pass information to health and safety inspectors and local authorities — but it would still prohibit disclosure to employees or anyone else.

The dangerous complacency comes from a government which claims to favour maximum public openness about environmental hazards.

Consumers' Association has told the government it is "frankly appalled" at this aspect of the proposals, and has called on it to introduce disclosure provisions for both employees and the general public.

Inadequate departmental reporting

There are "inadequacies in the information provided to Parliament" on financial matters, according to the National Audito Office. In future, the NAO says, each government department should produce its own annual report.

In its report *Financial Reporting to Parliament* (HMSO, 1986), the NAO acknowledges that the Treasury has made progress in providing information, but concludes that government financial reports "do not yet give comprehensive information on the economy, efficiency, or effectiveness with which departments have operated".

Departments' aims and objectives, and success in achieving them, are not adequately described, the NAO says. When Parliament is asked to approve the Estimates for expenditure it is rarely given information on the level of service implied by the cash provision — nor subsequently on the actual service provided.

The Treasury told the NAO that while it was encouraging departments to expand on their reporting it was opposed to mandatory annual reports. The NAO nevertheless concluded that such reports — though they would have to be introduced gradually — "would seem a natural instrument for improved departmental accountability which will make Select Committees more effective in their scrutiny of departments' activities.