

Two-and-a-half cheers for the UK's Freedom of Information Act

William Horsley wrote for the Commonwealth Journalists Association [April 2016 Newsletter](#):

British newspapers and press freedom campaigners heaved a sigh of relief after a government-appointed commission stepped back from proposals to impose charges for disclosure requests and, on 1 March, Cabinet Office Minister Matt Hancock announced "We will not make any legal changes to FoI".

The commission was set up last July to consider a number of sweeping restrictions to the public's access to information. Its five-man panel was widely seen as being packed with enemies of FoI, including former Labour Home Secretary Jack Straw and former Conservative leader Michael Howard.

In the autumn, the commission issued a consultation paper that seemed to confirm that it was not only looking at imposing charges – as many public and local authorities wanted – but would also propose extra ministerial powers to veto disclosures and a string of other obstacles and restrictions aimed at ensuring guarantees for the secrecy of internal government deliberations and easing the burdens on public bodies involved in answering FoI requests.

The media united to savage those early plans. A Daily Mail headline screamed a warning about an "insidious plot" to curb the public's right to know.

Chris Graham, who currently fills the role of the independent Information Commissioner, warned that the UK would go back to "the dark ages of private government" if the FoI review led to a blanket ban on advice given to ministers being made available to the public. Others condemned the idea of charges as a "tax on journalism". Public petitions and campaigns snowballed. And during parliamentary hearings critics warned that watering down access to information would strangle investigative journalism. Leaks in the press pointed to angry splits in the cabinet.

So the published outcome of the review is widely seen as at least a partial victory for the supporters of more open government. The commission actually suggests that more categories of information should be proactively released by public authorities. The UK Press Gazette concluded that the government changed tack because it was "scalded" by the intensity of the campaign for the public's right to know.

But might FoI supporters be cheering too soon? The Commission makes more than 20 recommendations, including one for legislation to establish beyond doubt that the government has the power to veto disclosure if it disagrees with a decision by the Information Commissioner to allow information to be published in the public interest.

Maurice Frankel, director of the Campaign for Freedom of Information, told a meeting of the Association of European Journalists that it would be especially important that FoI rules are extended to cover a host of private government contractors. That demand was rejected.

A spectacular victory for openness came in March of last year, when the UK Supreme Court overturned the government's veto over the release of 27 secret "Black Spider letters" which Prince Charles controversially wrote to ministers expressing his personal views on policy matters. Some politicians were furious.

But in an even more crucial test case a ministerial veto has blocked the release under FoI of the legal advice the Blair government received before military action in Iraq in 2003. Such examples prove to the critics that a culture of secrecy still pervades Britain's corridors of power.

Doubts about the government's intentions are fuelled by fresh memories of the efforts of politicians to impose their concept of an independent system of regulation on the free-spirited British press following the Leveson inquiry. And hostilities have resumed again over the government's plans to adopt a new consolidated law that will extend intelligence agencies' powers to collect private communications data, including Internet connexion records of individuals.

Britain's Freedom of Information Act, which came fully into force in 2005, has helped journalists and others to disclose countless major stories, from the MPs' expenses scandal to the scale of civilian deaths in Afghanistan, and from concerns about nuclear plant safety to UK pilots' part in bombing raids over Syria. But the UK's reputation for state secrecy lives on, and now a new phase of the battle is starting.