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Issued on behalf of Sweet & Maxwell

Growing number of Freedom of Information Act requests refused and delays dealing with requests lengthen

- 21% of requests refused
- 18% of requests not answered within deadline

The Government is increasingly refusing to disclose information under the Freedom of Information Act (FOIA) and is taking longer to respond to requests, despite facing criticism of the way it handled the disclosure of data on MPs' expenses, says Sweet & Maxwell, the legal information provider.

According to figures released by the Ministry of Justice, 21% of 'resolvable' requests for information under the FOIA were withheld in 2008 compared to 18% in 2005 when the Act came into force.¹

The figures also show that the percentage of requests not responded to in the 20-day deadline rose from 16% to 18% over the last year.

According to Marcus Turler, author of *Freedom of Information Manual*, published by Sweet & Maxwell, Government departments still have a deeply rooted 'need to know' culture and are struggling to come to terms with the 'right to know' principle enshrined in the FOIA.

Marcus Turler, a Partner at commercial law firm Field Fisher Waterhouse, comments: "Public sector bodies are increasingly refusing to disclose information or dragging their feet over dealing with requests as a way of managing their reputations. There is a feeling within some public sector bodies that information on their poor performance which is disclosed is too often used as a stick to beat them with, which is reinforcing this reluctance."

"The culture within the public sector has always been that information should be disclosed on a 'need to know' basis which is at odds with the 'right to know' principle enshrined in the Act. Public sector bodies still too often think 'why does this person want this information?' when dealing with requests under the Act."

He adds: "What's worrying is that public sector bodies are actually getting worse at dealing with requests when you would expect them to be improving their performance. The Act has

¹ Freedom of Information Act Annual Report 2008

been in force four years now. Rather than becoming faster and more open in dealing with requests, the trend is going in the opposite direction.”

Marcus Turlle, author of *Freedom of Information Manual*, published by Sweet & Maxwell, says that part of the problem is that there are no penalties if public sector bodies withhold information unjustifiably or fail to disclose information within the 20-day deadline.

He says: “There is very little disincentive for public sector bodies not to comply with the spirit of the Act. They cannot be fined for withholding or taking too much time to disclose information just because it might be embarrassing to them. Too many perfectly valid requests are taking years to process and all too frequently by the time the information is obtained it is out of date.”

The Freedom of Information request to obtain information on MPs expenses was first submitted in January 2005 and it took more than four years before the information was disclosed.

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Notes to Editors:

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Press enquiries:

Marcus Turlle
Partner
Field Fisher Waterhouse
Tel: 020 7861 4258
Mob: 07917 018476

Paul Arvanitopoulos or Nick Mattison
Mattison Public Relations
Tel: 020 7645 3636
Mob: 020 7645 3636