



Department for
Constitutional Affairs
Justice, rights and democracy

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To: Alisdair Roberts
Campbell Public Affairs Institute
Syracuse University

No. of pages (inc this): 8
Date: 30 July 04.

Fax: 001 253 541 9867

From: Robert Murphy

Tel: 0207 210 8070

Subject: Code of Practice on Access to Government Information request

Dear Professor Roberts

Thankyou for your email of 14 July, in which you request copies of:

- The minutes of the FOIPG meeting of 25 April 2004;
- The background paper on a proposed disclosure log referred to in paragraph 26 of the January 24 minutes.

I regret that the background paper that you request is not readily available electronically and I shall endeavour to send you the requested information at the earliest opportunity next week.

The FOIPG minutes have been redacted in parts to remove details of internal discussion, under Exemption 2 of the Code of Practice. It is our view that the disclosure of the information in those areas could reasonably be expected to harm the frankness and candour of internal discussion.

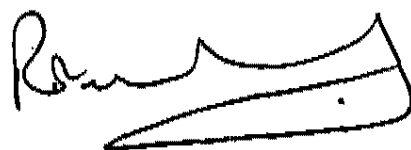
The minutes have also been redacted to remove personal information, under Exemption 12 of the Code of Practice. It is our view that the disclosure of the information would represent unwarranted disclosure of personal information and would constitute an unwarranted invasion of privacy.

The minutes have also been redacted to remove information covered by the legal professional privilege under Exemption 4(d) of the Code of Practice.

Under the Code of Practice you may, if dissatisfied, ask us to review the Department for Constitutional Affairs' treatment of your request. If you wish to do so, please write to Mosun Hassan, Access Rights Unit, Department for Constitutional Affairs, Clive House, 70 Petty France Lane, London SW1H 9HD or email her at Mosun.Hassan@dca.gsi.gov.uk.

If you should remain dissatisfied following this internal review, the Code provides for you to take your complaint, through a Member of Parliament, to the Parliamentary Commissioner for Administration (the Ombudsman). Complaints will be investigated at her discretion.

Kind regards

A handwritten signature in black ink, appearing to read 'Robert Murphy', with a long horizontal flourish extending to the right.

Robert Murphy
Information Rights Division

Minutes of the Freedom of Information Practitioners' Group Meeting

Monday 19 April 2004, 14:00 – 16:00, Clive House

- (i) The Group were informed that the venue for the meeting had been changed to allow more *interactive discussion*.
- (ii) The Chair announced that the meeting was being recorded for minuting purposes and asked for any objections from the Group. No objections were raised.
- (iii) The Group were informed that FOI qualifications and accreditation presentation by University College London had been postponed.

1. Minutes of the previous meeting

- (i) It was put to the Group that the minutes of the meeting should be reduced in size to capture the essence of discussion and action points only. *Support was voiced for this suggestion.*
 - (ii) The Chair announced that DCA had received few comments on the Fees Charging Systems paper. Any further comments were requested as soon as possible.
 - (iii) The Group were updated that the Fees working group met for the last time on 14 April 2004. DCA will shortly produce and circulate a paper to the Group prior to the next meeting.
- Action point:** DCA to produce and circulate a paper on fees regulations to the Group by the next meeting.
- (iv) The Group were informed that Sir Hayden Phillips will be writing to Permanent Secretaries imminently offering for DCA to visit Departments and raise awareness. DCA announced that they would be happy to give sole presentations or joined presentations with Departments based on preference.

2. FOI updates – report from Department for Constitutional Affairs

Guidance on exemptions

- (i) It was announced that DCA are changing the way in which the exemption guidance will be produced in the future. The completion date will now be advanced from September to July [REDACTED]
[REDACTED] (EXEMPTION 2: INTERNAL DISCUSSION AND ADVICE)
- (ii) DCA have also addressed the concerns of coherency expressed by the Group.

An analysis of the feedback from the Group showed that practitioners wanted examples of applying the guidance and guidance on how to deal with mixed requests. DCA confirmed that they are endeavouring to meet this.

(iii) DCA agreed with the suggestion that the guidance on section 35 (formulation of government policy) and section 36 (prejudice to effective conduct of public affairs) need to sit together. It was explained that the original intention was for DCA to produce guidance on section 35 and the Information Commissioner's office to produce guidance on section 36 but the need to produce the guidance together had now been recognised and would be taken forward by DCA.

(iv) It was confirmed that DCA would now be producing guidance on all the exemptions, but the Information Commissioner's office would continue to produce guidance for the wider public sector as originally intended. DCA stated that they would ensure any guidance produced would be compatible with that produced by the Information Commissioner's office.

(v) The Group were informed of the new work plan for producing guidance. DCA intend to centralise editorial control on the remaining guidance chapters in order to reduce the amount of sub-Group meetings and meet the revised timeline. The Group were reassured that practitioners would still be involved with the production of guidance. DCA also clarified that they will be working closely with the Government legal service to ensure all guidance produced is legally sound and watertight.

(vi) DCA stated their intention to circulate all guidance to the practitioners, members of the guidance sub-Groups (who are not members of the FOI Practitioners' Group) and the Access to Information Project Board for final comments in Mid June. Publication of the complete body of guidance should then take place by the end of July.

(EXEMPTION 2: INTERNAL DISCUSSION AND ADVICE

(vii) [A DCA OFFICIAL] stated that he would be happy to liaise with any Departments wishing to 'opt in' on specific exemption guidance chapters.

(EXEMPTION 12: PERSONAL INFORMATION)

(viii) DCA confirmed that they will liaise with DEFRA over the incorporation of the Environmental Information Regulations (EIRs) into the guidance.

Action point: DCA to liaise with DEFRA over the incorporation of the EIRs into the guidance.

(ix) All practitioners were thanked for their comments and contributions in producing the guidance to date.

Networks Strategy

(i) The Group were thanked for their responses to the questionnaire circulated recently. DCA announced that they are currently analysing responses and a detailed analysis will be produced shortly. Any Departments who had not yet responded were urged to send their returns as soon as possible.

(ii) The Group were informed that initial analysis of responses had shown positive feedback for a change in venue and support for the establishment of Mini Groups of FOI practitioners to meet and discuss topical FOI issues. DCA announced that they would facilitate these Mini Groups but welcome offers from other Departments to participate in and chair these Groups. It was announced that a list of topics would be circulated by 30 April.

Action point: DCA to identify Mini Group chairs, draw a list of topics based on questionnaire responses and communicate proposed actions re mini groups by April 30th.

(iii) DCA updated the Group on their plans to establish a network for FOI qualifications and an electronic network. The Group were informed that DCA had met with IT consultants and were planning to set the first phase of the electronic discussion forum by the end of May. It is intended that this network should originally be a password controlled forum but options for an open discussion forum post FOI implementation controlled by a panel of experts would be considered later in the year.

(iv) DCA was asked whether the membership of the mini groups would be voluntary and also where the membership would be drawn from. In response, the FOIPG was informed that membership would be entirely voluntary. In addition to the membership of the FOIPG, DCA intended to use its database from last year's roadshows to increase participation, although this would only involve people from within central government.

(v) DCA announced that they would circulate an electronic discussion forum paper by 30 April.

Action point: DCA to circulate an electronic discussion forum paper to the Group by 30 April.

3. Generic User specification

(i) The Group were updated on the progress of the generic user specification. Consultants have been appointed since the last meeting of the FOI practitioners on 1 March and a workshop has been conducted. DCA stated that a draft of the generic user specification was circulated to practitioners for comments on 8 March and this draft will also be circulated to local authority chiefs and placed on DCA's website.

(ii) DCA clarified that each Department is different and will therefore need to identify their own requirements. It is aimed that this specification will act as a reference tool to aid Departments in compiling their own requirements.

(iii) Members of the Group were urged to exercise caution when appointing IT consultants to ensure that they can provide an adequate system to meet the requirements of the Department. DCA has not introduced an accreditation scheme in this context.

(iv) The Group were reminded that a launch event had been provisionally booked for 26 May 2004 and comments and suggestions were welcomed from practitioners as to what form the event should take. Support was voiced for the launch event.

Action point: All members of the Group to send any comments and suggestions on the form of the launch event to [THE DCA] [REDACTED] (EXEMPTION 12 – PERSONAL INFORMATION)

(v) DCA assured the Group that measures will be taken to ensure consistency in dealing with round-robin requests.

Action point: DCA to send Home Office the most recent version of the specification.

(vi) The Group were assured that DCA will inform them once final clearance on the monitoring requirements has been received [REDACTED] (EXEMPTION 2 – INTERNAL DISCUSSION AND ADVICE)

4. Access to Information Logo presentation

(i) A presentation on the progress of the ATI logo was given to the Group by the independent consultant appointed to take forward this work.

(ii) The Group were informed that a logo has been developed and following a tender for bids, the Circle Design consulting company were appointed. It was announced that this process is now nearing completion. Circle Design had been appointed primarily on the basis that they had a good understanding of the need associated with FOI, and had articulated a clear process including deliverables and milestones.

(iii) The Group were informed that three logo designs were originally produced and two focus groups and a public consultation were conducted to trial these logos. The focus groups preferred 'Access to Information' as opposed to 'Freedom of Information'.

(iv) It was agreed that the logo should stand independently and not carry the stamp of DCA or the Information Commissioner's office.

(v) It was confirmed that the logo will be issued as an electronic file so all practitioners and public bodies will have access to a copy. DCA aim to make the logo, style guide and guidelines on using the logo available in early May.

(vi) DCA confirmed that all awareness raising coasters and pens will bear the ATI logo.

(vii) The logo will have its own colour palate and Departments will be encouraged to *keep the colour palate for independency*. The FOIPG was informed that Departments would not be confined to using any one particular colour scheme of the three colours available in the colour palate.

(viii) Departments were encouraged to make use of the logo as *early as possible* following release and not to wait until January 2005.

5. Customer Consultation, qualitative performance measurement and FOI

(i) The possibility of Departments engaging in more qualitative work on customer consultation was put to the Group. It was suggested that Departments could test each other via a 'mystery shopping' approach. *Further suggestions included the setting up of user groups, seminars and focus groups.*

(ii) The Department for International Development (DFID) informed the Group of their intention to set up a series of seminars aimed at encouraging Departments to take complaints forward beyond the initial problem.

Action point: DCA to issue DFID e-mail on this subject to practitioners with the minutes.

(iii) DCA announced that they had been considering issuing 'mystery shopping' style requests and agreed to present the outcomes to the Group.

Action point: DCA to present outcomes of the 'mystery shopping' exercise to the Group.

(iv) The Office of the Deputy Prime Minister proposed to take a similar approach in November 2004.

(v) Any Departments considering this approach were invited to share their outcomes as widely as possible.

6. Communication between DRO and FOI officers

(i) The National Archives (TNA) gave a talk to the Group, presenting the need for *collaboration between Departmental Records officers (DRO) and FOI officers*. It was emphasised that the most important issue to be resolved in this context was the need to improve internal communications within individual Departments. As a result this made it difficult for TNA or DCA to fully influence the process.

(ii) TNA informed the Group that they will shortly be issuing a DRO letter in conjunction with DCA and will keep the Group updated on the responses.

Action Point: TNA to present findings of the responses to the DRO letter at the next FOIPG.

7. FOI updates from members of the Group

(i) DEFRA informed the Group that they launched an Access to Information drive on 24 March 2004. This drive was initiated to raise awareness and identify where resources need to be located. Full support of the Management Board has helped to run this exercise.

(ii) The Health and Safety Executive have arranged a workshop to help with the procedures involved in tracking requests. HSE agreed to report back on their findings at either the IT monitoring systems launch event or a future meeting of the Group.

Action point: HSE to report back on the findings of their workshop at either the IT monitoring systems launch event or at the next meeting of the FOI practitioners (to confirm which event with DCA in advance).

8. Any other business

(i) The Group voiced support for the change in venue and DCA agreed to investigate the possibility of holding all future meetings at Clive House. It was suggested that DCA should chair from the centre as opposed to one side.

Action point: DCA to investigate the possibility of holding all meetings of the Group at Clive House.

(ii) Due to limited space at Clive House, all practitioners were urged to confirm attendance with DCA 48 hours in advance of a meeting to avoid entry refusal.

Action point: All practitioners to confirm attendance with DCA 48 hours in advance of a meeting.

[REDACTED]

(EXEMPTION 2: INTERNAL DISCUSSION)

Action point: DCA to liaise with DEFRA over the timeline of the EIRs guidance and report back at the next meeting.

[REDACTED]

(EXEMPTION 4 (d): LEGAL PROFESSIONAL PRIVILEGE)