

GLA13/8.6

DISCLOSURE OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000

18 January 2007

BOARD PAPER REFERENCE – GLA13/8.6 – DISCLOSURE OF INFORMATION UNDER FREEDOM OF INFORMATION ACT 2000

Issue

1. This paper explains how the Authority intends to handle requests for information made under the Freedom of Information Act 2000.
2. CE/GLA (and in his absence the Chairman/GLA) have been appointed 'qualified persons' under section 36(5)(o)(iii) of the Freedom of Information Act 2000. This means they may refuse to disclose information under the Act.
3. All requests for disclosure under FOIA must be treated on a case-by-case basis. However, certain categories of information that might routinely be refused disclosure are being drawn up by the GLA executive, for consideration and decision by the qualified persons. The Board will be invited to comment on these before that decision is taken.

Recommendations

4. To note.

Background

5. In dealing with requests for information, the Authority is required to comply with the Freedom of Information Act 2000 (FOIA). The purpose of the FOIA is to give a general right of access to information held by public authorities.
6. To date, the Authority has received four requests for information under the FOIA:
 - One requested location details of the Authority's office
 - One requested location details for all licence holders and applicants
 - Two requests were from journalists asking for records relating to specific licence holders
7. Each request for information is treated on a case by case basis. In considering a request for information, the Authority will have regard to the exemptions laid down by the FOIA. It is possible to identify the exemptions that are most likely to be taken into account, particularly for processing requests relating to individual licence holders:

- Section 30 of the FOIA – Investigations and proceedings conducted by public authorities. This allows information to be withheld if it relates to investigations conducted by the Authority which may lead to criminal proceedings.
 - Section 40 – Personal information. This exempts an individual's personal information protected under the Data Protection Act.
 - Section 41 exempts information provided in confidence.
 - Section 43 - Commercial interests. Information may be withheld if disclosing it prejudices a person's commercial interests.
8. The Secretary of State has appointed the CE/GLA (and in his absence the Chairman/GLA) as 'qualified persons' under section 36(5)(o)(iii) of the Freedom of Information Act 2000. This allows the Authority to consider applying the exemption under section 36(2) of the Act in cases where disclosure would undermine the operational ability of the GLA, another Government Department or Agency, or prejudice or be likely to prejudice the effective conduct of public affairs.
 9. The Authority will update the Board at the October 2007 Board meeting, and annually thereafter on requests received under the FOIA.
 10. The categories of information that will be considered for refusal for disclosure include Intelligence Reports and Inspection Reports. As indicated above, any such reports disclosed would have prosecution-sensitive, in-confidence, personal and commercially-sensitive information redacted.