

§ Law in Context

PATRICK BIRKINSHAW

# Freedom of Information

The Law, the Practice and the Ideal

CAMBRIDGE

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PATRICK BIRKINSHAW



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# Freedom of Information

Enacted in 2000 and in operation in the UK since 2005, the Freedom of Information (FOI) Act has revealed information that has generated calls for constitutional reform. A massive ‘information jurisprudence’ has developed through the decisions of the Information Commissioner, the Information Tribunal and the courts. Governments’ responses to the war on terror have involved increased resort to claims of national security and accompanying secrecy, but these developments have to exist alongside demands for FOI and transparency. FOI has to balance access to and protection of personal information, and major amendments have been made to the Data Protection Act in order to balance the competing demands of transparency and privacy. This detailed discussion of FOI laws and personal data laws examines the historical development of secrecy, national security and government, and their modern context.

**Patrick Birkinshaw** is an experienced and widely published public lawyer. He is also Director of the Institute of European Public Law at the University of Hull.

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*Editors:* William Twining (University College London)  
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## Preface

In the Introduction to this book I give an outline of some of the developments in the law relating to freedom of information since the last edition. My discs were sent to the publishers early in May 2009 but I was able to incorporate some developments until October 2009. I would like to thank Dan Metcalfe who, as the Law School's research assistant, provided invaluable work on examining the decisions and appeals of the Information Commissioner and the Information Tribunal.

October 2009

## Table of statutes

### Australian statute law

- Australian Security and Intelligence Act 1979, 66
- ASIO Legislation Amendment (Terrorism) Act 2003, 67
- Freedom of Information Act 1982, 486
- Freedom of Information Amendment Act 1983, 486
- Intelligence Services Act 2001, 67
- Intelligence Services Amendment Act 2004, 67
- Ombudsman Act 1976, s. 9(3), 490

### Canadian Statute Law

- Access to Information Act 1982, 126, 480
- Canadian Security Intelligence Services Act 1984, 65
- Canadian Department of Public Safety and Preparedness Act 2005, 66
- Privacy Act 1982, 484

### EU statute law and treaties

- Amsterdam Treaty, Art. 1, 382, 398
- Charter of Fundamental Rights, Art. 42, 398
- EC Telecommunications Data Protection Directive, Art. 5(2), 58

#### EC Treaty

- Art. 10, 382, 389
- Art. 28, 385
- Art. 169, 385
- Art. 190, 438
- Art. 226, s. 41, 186
- Art. 251, 381, 382
- Art. 255, 172, 382, 383, 399
- Art. 286, 279

#### European Convention on Human Rights (ECHR)

- Art. 2, 34, 184, 242, 275, 278, 320, 404, 406, 407
- Art. 3, 274, 275, 425, 429, 435
- Art. 3(a), 457
- Art. 3(b), 457
- Art. 5, 35, 433, 435



- Art. 5(4), 425, 437
- Art. 6, 5, 240, 242, 278, 404, 409, 426, 433, 434, 435, 436, 456, 457
- Art. 6(1), 457
- Art. 8, 14, 58, 62, 90, 111, 237, 240, 242, 272, 273, 274–278, 285, 287, 295, 406, 407, 425, 426, 435, 448, 449, 454, 498
- Art. 8(1), 315
- Art. 8(2), 315
- Art. 9, 454
- Art. 10, 14, 44, 54, 89, 90, 95, 96, 103, 105, 106, 114, 189, 242, 275–8, 285, 401, 405–7, 412, 413–20, 444, 445, 447, 449, 454, 498
- Art. 10(2), 406
- Art. 11, 222, 405, 406, 454
- Art. 13, 274, 406, 426, 435, 454
- Art. 13, para 113, 5
- Art. 14, 35
- Art. 15, 35
- Art. 30, 425
- Lisbon Treaty
  - Art. 6, 398
  - Art. 10, 398
  - Art. 11, 398
  - Art. 15, 399
- International conventions
  - African Charter on Human and People's Rights Art. 9, 498
  - American Convention on Human Rights Art. 13, 498
  - International Covenant of Civil and Political Rights Art. 13, 498
  - Organisation for Economic Co-operation and Development (OECD)
    - Convention on Bribery, Art. 5, 34
  - Universal Declaration of Human Rights Art. 19, 498
- Irish Statute Law
  - Freedom of Information Act 1997, 494
  - Freedom of Information Act 2003, 494
  - Official Secrets Act 1963, 494
- New Zealand statute law
  - Bill of Rights Act 1990, s. 7, 493
  - Local Government and Official Information Act 1987, 493
  - Official Information Act 1982, 492
  - Official Information Amendment Act 1987, 493
  - Privacy Act 1994, 493
- South African Statute Law
  - Promotion of Access to Information Act 2000, 500
- UK statute law
  - 1 Will and Mary Sess. 2, chapter 2 (Bill of Rights), 74
  - 13 Eliz. I, c. I (1571), 69

- 27 Geo. III, c. 13, 77
- 50 Geo. III, c. 117, 77
- Administration of Justice Act 1960, s. 12, 411
- Animals Scientific Procedure Act 1986, s. 24, 242
- Anti-terrorism, Crime and Security Act 2001
  - Pt 8, 85
  - Pt 11, 61
  - ss. 17–20, 48
  - s. 23, 35
  - s. 116, 48
  - sch. 4, 48
- Atomic Energy Act 1946, ss. 11, 13, 85
- Atomic Energy Authority Act 1954, sch. 3, s. 6(3), 85
- Census Act 1921, s. 8(2), 241
- Children Act 1989
  - s. 1(1), 126, 447
  - s. 3(j), 447
  - s. 8(1), 447
  - s. 19, 279
  - s. 22(4), 277
  - s. 26, 279
  - s. 26(2)(d), 277
  - s. 26(3), 277
  - s. 42(3), 458
  - s. 47, 279
  - s. 97, 411
- Children and Young Persons Act 1933, ss. 39 and 49, 411
- Civil Aviation Authority Act 1982, s. 23, 242
- Civil List and Secret Service Money Act 1782, 38
- Clean Air Act 1993, s. 77, 169
- Commissioners for Revenue and Customs Act 2005
  - s. 18, 238, 239
  - ss. 18–20, 241
  - s. 23, 239
- Communications Act 2000, s. 393, 264
- Communications Act 2003, s. 321(2), 406
- Constitutional Reform Act 2005
  - s. 139, 241
  - sch. 14, 407
- Consumer Credit Act 1974, s. 159, 291
- Contempt of Court Act 1981
  - s. 4(2), 410–12
  - s. 6(c), 412

- s. 10, 142, 413–20
- s. 11, 411
- Copyright, Designs and Patents Act 1988
  - s. 30, 95, 450
  - s. 163, 469
  - s. 171(3), 95, 450
- Counter Terrorism Act 2008, ss. 19–21, 48
- Crime and Disorder Act 1998, s. 37(1), 126
- Criminal Justice Act 1988, s. 159 (1), 411
- Criminal Justice Act 2003, Pt 5, 457
- Criminal Justice and Immigration Act 2008, s. 77, 314
- Criminal Justice and Immigration Act 2008, s. 144, 273, 289
- Criminal Justice and Police Act 2001
  - s. 77, 314
  - s. 82, 273
- Criminal Justice and Public Order Act 1994, s. 44, 411
- Criminal Procedure and Investigations Act 1996
  - Pts I and II, 457
  - s. 29(1), 106
- Crown Proceedings Act 1947, s. 28, 450
- Data Protection Act 1998 (DPA)
  - Pt I, 298
  - Pt II, 290, 294, 298
  - Pt III, 294
  - Pt IV, 293, 294
  - Pt V, 294
  - s. 1, 281
  - s. 1(1)(a)–(d), 293
  - s. 2, 284, 292
  - s. 3(2), 301
  - s. 4, 287
  - s. 7, 185, 289, 291, 296, 298, 303
  - s. 7(1)(a), 290
  - s. 7(1)(b), 291
  - s. 7(1)(c), 293
  - s. 7(1)(d), 291
  - s. 7(2)(b), 313
  - s. 7(5), 291
  - s. 7(6), 291
  - s. 7(9), 291, 312
  - s. 8(2), 291
  - s. 8(7), 291
  - s. 9, 291
  - s. 10, 292, 303

- s. 10(1), 303
- s. 10(4), 312
- s. 11, 292, 303
- s. 12, 292, 303
- s. 12(8), 312
- s. 13, 292, 312
- s. 14, 312
- s. 14(1)–(3), 297
- s. 14(6), 293
- s. 15(2), 292
- s. 16(1), 310
- s. 17, 299, 300, 302
- s. 17(3), 310
- s. 22, 310
- s. 24, 310
- s. 27(1), 287
- s. 27(3), 294
- s. 28, 36, 294–6
- s. 28(2), 294, 295
- s. 28(4), 295
- s. 28(6), 295
- s. 28(8), 296
- s. 28(9), 296
- s. 28(11), 294
- s. 30, 296
- s. 31, 296
- s. 31(3)(c), 297
- s. 32, 297
- s. 33, 289
- s. 33A, 293
- s. 34, 132, 284, 297, 298
- s. 35, 298
- s. 38, 294
- s. 40(1), 311
- s. 42, 299, 312
- s. 43, 295
- s. 45, 297, 312
- ss. 48–9, 216
- s. 51(3), 311
- s. 53, 311
- s. 55, 294
- s. 55A–E, 15, 273, 289
- s. 58, 131, 144
- s. 59, 131, 144, 241
- s. 59(1)(b), 144

- s. 59(2), 131
- s. 59(2)(c)(i), 144
- s. 59(2)(d), 241
- s. 59(2)(e), 241
- s. 68, 282
- sch. 1, 303
- sch. 1(2)(1)(b), 307
- sch. 1, Pt I, 286
- sch. 1, Pt II, 287–9
- sch. 2, 287, 290, 294, 302, 307, 308
- sch. 2(6), 191, 199, 299, 303, 304, 305, 306, 309
- sch. 2(6)(2), 299
- sch. 2(6)(i), 310
- sch. 3, 287, 290, 294, 301, 305
- sch. 7, 294
- sch. 9, 312
- sch. 12, 282
- sch. 56, 312
- sch. 58, 313
- Deregulation and Contracting Act 1994
  - s. 75, 170
  - sch. 15, 170
- Employment Act 1988, s. 30, 347
- Employment Relations Act, sch. 8, 46
- Enterprise Act 2002
  - s. 237, 243
  - ss. 239–43, 243
- European Communities Act 1972, s. 11(2), 85
- Finance Act 1989
  - s. 182, 239
  - s. 182(5), 239
- Financial Services Act 1986
  - s. 180, 238
  - s. 180(l)(r), 97
- Financial Services Act 2000, s. 233, 297
- Financial Services and Markets Act 2000 (FSMA)
  - s. 171, 239
  - s. 207, 229
  - s. 208, 229
  - ss. 341–6, 362
  - s. 348, 232, 238, 239, 240, 241, 243
  - s. 349, 238, 239
  - s. 391, 238
- Food Standards Act 1999, s. 19(l)(a), 164

## Freedom of Information Act 2000 (FOIA)

- Pt I, 129, 132, 176
- Pt II, 172, 173
- Pt V, 175
- s. 1, 118, 125, 127, 129, 145–6, 157, 174, 175, 207, 219, 220, 240, 285
- s. 1(1), 218, 245
- s. 1(1)(a), 136, 159, 168, 173, 300, 304
- s. 1(1)(b), 173, 246
- s. 2, 155, 165, 172, 175, 177, 178, 308
- s. 2(1)(b), 163, 224
- s. 2(2)(b), 163
- s. 2(3), 136
- s. 3, 145, 249
- s. 3(1)(b), 230
- s. 3(2), 146–7, 305, 306
- s. 5, 141, 249
- s. 6(1)(a), 230
- s. 8(2)(a), 134
- s. 10, 199, 219, 235
- s. 11, 175, 180
- s. 12, 142, 146, 147–9, 150, 155, 157, 172, 223, 231, 232, 238, 246, 247, 259, 310
- s. 13, 134, 157
- s. 14, 148, 149, 155, 157, 172
- s. 14(2), 148
- s. 16, 128, 142, 148, 150, 223
- s. 17, 132, 157, 173, 175, 184, 191, 199, 203, 211, 220, 234
- s. 17(1), 203, 238
- s. 17(1)(c), 182
- s. 19, 132
- s. 21, 136, 150, 157, 179, 182, 192, 193, 245
- s. 21(1), 203, 245, 246
- s. 22, 136, 157, 183, 235, 241, 260, 265
- s. 22(1),
- s. 23, 55, 129, 158–9, 162, 183–5, 214
- s. 23(1), 136, 183
- s. 23(2), 137, 185
- s. 23(5), 184, 185
- s. 24, 55, 129, 159, 162, 183, 184, 214, 217
- s. 24(1), 183, 213, 214
- s. 24(2), 184, 185
- s. 24(3), 137, 185
- s. 24(4), 295
- s. 25, 159

- s. 26, 159, 185, 235
- s. 27, 159, 183, 185–7, 213
- s. 27(1), 159, 187, 213
- s. 27(1)(a), 183, 185
- s. 27(1)(c), 186
- s. 27(2), 187
- s. 27(4), 184
- s. 27(5), 159
- s. 28, 136, 159, 187
- s. 28(3), 136
- s. 29, 160, 187, 222, 235
- s. 30, 125, 151, 157, 160, 162, 188–9, 223, 262, 457
- s. 30(1), 136, 189
- s. 30(1)(a)(i), 188
- s. 30(1)(b), 188
- s. 30(2), 160, 162, 188
- s. 30(2)(b), 189
- s. 30(5), 162
- s. 31, 6, 148, 157, 162–3, 189–93, 214, 232, 239, 262, 457
- s. 31(1), 136, 191, 192
- s. 31(1)(a), 191, 192, 229
- s. 31(1)(b), 192
- s. 31(1)(d), 190
- s. 31(1)(g), 188
- s. 31(2), 162, 163, 232
- s. 32, 136, 160, 193
- s. 32, 240
- s. 32(1), 193
- s. 32(2), 219
- s. 32(2)(a), 193
- s. 32(4), 160
- s. 33, 136, 160, 193–5, 204
- s. 33(3), 136
- s. 34, 160, 195
- s. 34(3), 160
- s. 35, 136, 150, 161, 163–6, 186, 188, 194, 195, 196–209, 229, 235, 256, 257, 258, 259, 300, 308
- s. 35(1), 204, 207
- s. 35(1)(a), 186, 196, 199, 200, 201, 202, 203, 204, 205, 207, 209, 300, 307
- s. 35(1)(b), 196, 201, 203, 209, 224, 300
- s. 35(1)(c), 203, 224
- s. 35(1)(e), 209
- s. 35(2), 208

- s. 35(3), 203, 209, 224
- s. 35(4), 208
- s. 35(5), 163, 168, 300
- s. 36, 136, 161, 163, 165, 166, 167–8, 200, 203, 207, 209–17, 218, 220, 228, 229, 235, 237, 240, 259
- s. 36(1)(a), 201
- s. 36(2), 168, 212
- s. 36(2)(b), 212, 228
- s. 36(2)(b)(i), 202, 212, 307
- s. 36(2)(b)(ii), 210, 211, 213, 214
- s. 36(2)(c), 211, 212, 216
- s. 36(3), 136
- s. 36(5), 168
- s. 36(7), 212, 306
- s. 37, 217, 228
- s. 37(1), 161
- s. 37(1)(a), 136
- s. 37(1)(b), 136, 228
- s. 38, 161, 189, 191, 192, 211, 214, 217, 218, 303
- s. 39, 161, 245
- s. 39(1), 245
- s. 39(1)(a), 246
- s. 39(3), 246
- s. 40, 6, 148, 151, 161, 189, 190, 191, 192, 199, 211, 214, 216, 217, 218, 219, 220, 223, 232, 237, 239, 240, 294, 298–310
- s. 40(1), 299, 304, 305
- s. 40(2), 210, 212, 215, 228, 234, 241, 301, 302, 303, 304, 305, 306, 307, 310
- s. 40(2)(a), 203
- s. 40(3), 301, 303
- s. 40(3)(a)(i), 303, 304, 309
- s. 40(3)(a)(ii), 303
- s. 40(5), 299, 301, 304, 305
- s. 40(5)(b)(i), 300
- s. 40(7), 307
- s. 41, 151, 161, 189, 191, 199, 200, 203, 211, 214, 216, 219–24, 231, 235, 236, 240, 265, 266, 303, 304, 307, 308
- s. 41(1), 221, 241
- s. 41(1)(a), 203, 222
- s. 41(1)(b), 203
- s. 42, 136, 161, 189, 190, 202, 209, 224–9, 239, 240, 261, 262
- s. 42(1), 203, 224
- s. 42(2), 136



---

s. 43,	136, 148, 161, 168–9, 199, 203, 208, 214, 216, 219, 222, 223, 228, 232, 237, 238, 241, 265, 266, 304, 307, 308
s. 43(1),	221, 236
s. 43(2),	179, 203, 220, 221, 229, 233, 234, 235, 236, 301
s. 43(3),	136
s. 44,	102, 148, 161, 172, 232, 237–43, 264, 303
s. 44(1)(a),	241
s. 45,	127, 128, 133, 138, 170, 174, 176, 204, 247
s. 46,	128, 138, 150, 176
s. 47,	179
s. 48,	157
s. 50,	176, 179
s. 50(1),	179
s. 51,	132, 176, 209
s. 51(5),	132, 209
s. 51(5)(a),	209
s. 52,	147
s. 53,	3, 124, 155, 166, 177, 178, 201, 207, 246, 322
s. 53(4),	177
s. 53(6),	178
s. 54,	178
s. 54(2),	178
s. 54(3),	178
s. 57,	143, 176
ss. 57–8,	216
s. 58(1),	137
s. 58(2),	137
s. 59,	223
s. 60,	158
s. 60(2),	158
s. 60(3),	158
s. 60(4),	159
s. 64,	36
s. 64(2),	44
s. 68,	282
s. 69,	283
s. 70,	283, 293
s. 72,	132, 297
s. 74,	161, 178, 245
s. 75,	172
s. 76,	139
s. 78,	131, 177, 310
s. 80,	245