Chapter 12: Giving reasons for decisions


In this paper—which responds to the Justice Committee's post-legislative scrutiny report on the Freedom of Information Act 2000 published in July 2012—the Government sets out some tentative proposals concerning the operation of the Act, which include the following:

- The circumstances in which a FoI request may be turned down under s 12, because complying with the request would cost more than a prescribed amount of money, may be revised. In particular, the Government is minded to explore the possibility of including the time (and so cost) involved in examining and considering information to determine whether it is suitable for public release and whether, and if so what, redactions should be made.
- The Government is considering reducing the prescribed maximum amounts of money applicable under s 12 (currently £600 for central government and Parliament, £450 for other public authorities).
- The Government will address the position in which one person or group makes unrelated requests to the same public authority with such frequency as to impose an inappropriate or disproportionate burden.
- The Government is minded to consider amending (which appears to mean tightening up) the Code of Practice concerning requests that can be refused as vexatious under s 14 of the Act.
- The Government is minded to review and possibly revise the policy on the use of the Ministerial veto power under s 53 of the Act. (For background on the veto and its use, see this House of Commons Library paper.) The Government, in its paper, says (at 18-19) that 'it is clear that a perception exists that [the Act] currently provides inadequate protection' for policy formulation, and that such a perception could become 'self-perpetuating', thereby inhibiting 'the ability of officials to provide free and frank advice'. The intention appears to be that the policy may be revised so as to give greater confidence to Ministers and officials that it will be used so as to carve out a 'safe space' for policy formulation.

The Campaign for Freedom of Information has issued a critical response to the Government's paper.