

Minutes of Protocol Meeting 17 May 2007

Present

Gerrard Tracey, John-Pierre Lamb, Sue Markey, Jim Wretham, Susan Healy, Paul Damerill.

Policy Issues:

Discussion of areas of overlap between access and re-use-OPSI/ICO.

JW indicated that some people had contacted OPSI claiming that the ICO had re-directed complaints regarding the failure of a public authority to produce information in the correct format. GT said he was surprised to hear this as clearly, format in relation to FOI requests, fell within the ICO remit. GT to clarify current approach with enquiry and helpline teams.

GT advised that ICO had had only one query relating to the FOI/Re-use interface.

Discussion of Data Protection Issues.

There was some discussion around copyright. Also the use of third party data once released under FOI. The view was that DP obligations transferred with the data. GT to clarify with Data Protection.

OFT Reports – OPSI

JW highlighted a Guardian article entitled “Free Our Data” concerning the commercial re-use of personal data and the issue of some Government Departments charging too much for the information.

JW also pointed out that OFT (in its report *Commercial Use of Public Information*) recommends that OPSI’s powers and role are strengthened; this is to be taken by the Secretary of State to Ministers for debate.

Updates:

OPSI updates on complaints made under PSI Regulations.

JW summarised two complaints OPSI had considered. One complaint which has been published regarding Intelligent Addressing / Ordnance Survey. The Advisory Panel on Public Sector Information appeal concluded that the complaint fell outside of the scope of the regulations and OPSI should not have investigated.

OPSI had considered that some of the issues did fall within its remit when it considered the initial complaint. The case may go for judicial review.

The second complaint (not published) related to a company that wishes to produce a mirror image website of a local authority website. The final outcome could set a precedent.

JW noted that OPSI plan to publish a report on UK implementation of the Re-use Regulations in July 2007, ahead of the EC’s own review of implementation of the Directive which is planned for 2008.

GT explained the situation about complaints being dealt with by sector teams and provided statistics. It was also explained that the ICO tries, where appropriate, to close cases informally.

GT explained the outcome of the further Fees regulations consultation is still awaited.

Guidance Updates:

GT advised that guidance on reasonable time limits for internal reviews and public interest test considerations has been published; adding that in future requestors would be encouraged to submit internal review requests within 40 working days.

Vexatious requests; this guidance was being further clarified and updated.

EIR- "who is covered", and "what is environmental information" are currently being drafted

Updates on Publication Schemes:

SM explained how the sector workshops for the Development and Maintenance Initiative worked and indicated that to date it was working well. It is hoped to have model publication schemes in place by the end of December 2007 and to start sending information packs to public authorities. With a focus on "end user" needs.

The first Advisory Panel consisting of 9 panel members is due to meet on the 14th June 2007.

A further meeting is to be arranged between SM, DM and OPSI to discuss publication schemes.

Enforcement:

JPL outlined some of the activities of the Enforcement team.

Enforcement Strategy was published in October 2006. The first Practice Recommendation was issued to Nottingham City Council in relation to the section 45 Code. A practice recommendation has also been issued to Liverpool City Council in relation to the section 45 Code. The Enforcement team is now up to strength and will be more pro-active in its operations. JPL also indicated that future Decision Notices will also be used to raise any points of concern with public authorities.

AOB

SH indicated that TNA is reviewing the section 46 code of practice with a view to revising it. The review has included public consultation so that the views of people from various sectors can be taken into account. A report will be produced and taken to a steering group.

OPSI asked GT "where does the ICO fit in?" and would we like to be part of the steering group. GT to consider and report back.

OPSI hope to complete revision of the code of practice by the end of the year.

Future Meetings

It was agreed to hold future meetings every 6 months with a 12 monthly review of the protocol. Future meetings to rotate between London and Wilmslow.