

# Ten years of FOI — a personal account

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**Paul Gibbons aka  
FOIMan, consultant and  
blogger, looks back on ten  
years of FOI**

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**I**t's time to celebrate, to look back on what Freedom of Information Officers have achieved. Why? Because it's fourteen years since the Freedom of Information Act ('FOIA') received Royal Assent on 30th November 2000. Hang on though...fourteen years? That's a strange number to mark, isn't it? Instead, let's focus on the more aesthetically pleasing anniversary of ten years since the right to know came into force on 1st January 2005.

In practice, the date that is etched into the memories of those of us who were bracing for the impending flood is 4th January 2005 — the first working day on which FOI requests could be received. All those working parties, the procedures I'd hurriedly finalised in the run up to Christmas, the staff briefings, and it came down to this. What would we see? Would the organisation grind to a halt under a deluge of requests? Would the world ever be the same again?

I think many of us experienced the same thing. A sense of anti-climax as a few requests trickled in that first day. Then a rapidly increasing volume over the first few weeks — January 2005 held the record for some time — before gradually settling down to more manageable numbers. Despite a few moans from colleagues, the public sector world remained resolutely on its axis, and business continued more or less as it had done before.

The early questions set the pattern for much that was to come. The first issue I advised on was whether information was held. The request was for the minutes of a meeting of the Labour Party Group on the London Assembly. Although there wasn't much in the way of precedent to go on then, I decided that the information wasn't held, as the Greater London Authority ('GLA') held it 'on behalf of' the Labour Party.

## Practical difficulties

One immediate practical difficulty I encountered was how to define an FOI request. The Mayor's correspondence was coordinated by the public relations team using a document management system, and this had been customised to assist with the processing of FOI requests. All correspondence was

imported into the system, classified, and allocated to a team to answer. If it met criteria set by me, the PR department staff would mark it as FOI.

The difficulty was in establishing criteria that could be consistently applied and would ensure that colleagues understood what was required of them. Unfortunately, the Mayor's political adviser regularly disagreed with how correspondence was marked. 'THIS IS NOT FOI' formed the succinct content of several emails I received from him. His problem was that he didn't want politically difficult questions to be responded to under statutory requirements that allowed little room for the arts of the spin doctor. My problem was that under any strict interpretation of the Act, all of this correspondence was subject to those requirements. I tweaked the criteria, but it was an argument that would be repeated many times over the years.

Then there was the way that actions I had innocently promoted came to be reported in the Press. Like many other organisations — and keen to exploit FOI as a means to promote better records management — I had encouraged colleagues to review their records and destroy information that was no longer required. Early in 2005, I had to brief the Mayor after London Assembly Members decided to make this a political issue. In March 2005, you could subsequently read in *the Sunday Times* that 'KEN LIVINGSTONE, the London Mayor, has admitted that his office had a 'shredding week' to destroy documents ahead of new disclosure rules under the Freedom of Information Act.'

## It should never happen to an FOI Officer

As an FOI Officer, you never know what will happen next. It's one of the joys (and occasionally trials) of the job.

Imagine being asked for all correspondence regarding pandas. Your reaction would probably be like mine — to scoff but make some initial enquiries. In my case, in that particular incidence, it emerged that we did.

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The requester had asked for all correspondence between the Mayor and London Zoo regarding any attempt to bring pandas to the UK. As it transpired, London Zoo, or the Zoological Society of London ('ZSL') as it is officially known, was seeking to use the Mayor's frequent visits to Beijing in the run up to the Beijing Olympic Games to develop links with Chinese zoological authorities. Their hope was that it would be possible to persuade the Chinese to send a pair of pandas to London. This feat would only be achieved through sensitive diplomacy. Therefore, the newly-elected Mayor Johnson was carefully briefed by ZSL officials on the correct etiquette.

They were horrified at news of our FOI request. Discussions were at an early and highly sensitive stage. I became familiar with the niceties of international panda diplomacy. Some information was eventually released, and I heard nothing further of the Mayor's delicate diplomatic mission. Keen observers of panda movements may, however, have noticed that a pair of pandas later did arrive in the UK. They are in Edinburgh Zoo.

The GLA was a lead authority in both bidding for and delivering the London 2012 Olympic and Paralympic Games. It may be no surprise then that many of the FOI requests we received related to the Games. It may be a surprise to learn though that I nearly wrecked them. According to the London Organising Committee for the Olympic Games ('LOCOG') and the International Olympic Committee ('IOC') itself, disclosure of the Host City Technical Manuals — documents which specify requirements for venues and facilities for all host cities — would irreversibly damage relations between the IOC and London, and jeopardise a successful Olympic Games. Nonetheless, following the intervention of the Information Commissioner, the Manuals were released and subsequently published by the requester online. Whatever happened to those Games?

Perhaps the most surreal experience of the last ten years was sitting in a

meeting room of Buckingham Palace, discussing an FOI request that the GLA had received for correspondence between the Mayor of London and the Prince of Wales. I can confirm that tea was served with a certain well-known brand of biscuit. My abiding memory is of trying to maintain focus whilst bear-skin bearing guards played popular tunes outside the window to crowds who had just witnessed the changing of the guard as a mysterious suited man was ushered hurriedly into the building by a footman.

### The tide is high

Over ten years, those requests — surreal or otherwise — have kept on coming, and one thing has been constant — the volume keeps rising. No matter which part of the public sector I have worked in, more requests have been received year on year.

I've been relatively lucky. The number of requests received by GLA was low compared to those received by colleagues in local and central government. Neither of the Mayors I served under have been shy of drawing attention to themselves, and there were occasional spikes whenever they attracted controversy. Overall though, we managed to answer a respectable proportion of requests on time.

In both the NHS and higher education, where I later worked, it had apparently taken longer for people to realise that they could use FOI to obtain information. Inevitably though, as the political spotlight focussed on these sectors around the time of the last election, the numbers of requests shot up, and never subsided. In my last full year as an FOI Officer, the volume of requests was up by 40% on the previous year.

### A lot to be proud of

After ten years as an FOI Officer, this year I've had a little time to reflect — and the dominant feeling is one of pride. I think that's a feeling that my fellow FOI Officers should share.

Despite those rising volumes of requests, we haven't drowned. Our organisations, though not without grumbling, have in the large part done what was required. This has happened without a vast increase of resources.

Furthermore, the culture we work in has gradually changed. A couple of years ago I found a letter in a file that pre-dated the right to know. It was from an academic asking for figures to assist with a study. They were not sensitive, they were readily available to the official who received the letter.

The response, however, was in the negative. The request was refused simply because, as the respondent stated, they were under no obligation to provide it. That wouldn't — couldn't — happen now. We often forget what public authorities were like before FOI. Things have changed for the better.

FOI Officers have been a significant driver of that change. We trained our colleagues, and had an answer for the cynical. We developed and adjusted procedures that integrated demanding new requirements. We absorbed the latest guidance and decisions, and often pushed our organisations to disclose more than they were comfortable with. We found ways to protect information when its disclosure would have unfairly damaged individuals or organisations, including our own.

When the Justice Select Committee concluded two years ago that 'Freedom of Information has been a significant enhancement of our democracy', it was right. Much of its success is down to the hard work of a largely silent minority — the FOI Officers.

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