Tony Blair once said: “You idiot. You naive, foolish, irresponsible nincompoop. There is really no description of stupidity, no matter how vivid, that is adequate. I quake at the imbecility of it…it’s like saying to someone who is hitting you over the head with a stick, ‘Hey, try this instead’, and handing them a mallet”.

No, Mr Blair wasn’t talking about dodgy dossiers or invading Iraq. He wasn’t expressing regret for offering assistance to News International red-tops. Or even accepting that invitation to Silvio Berlusconi’s villa. He was, of course, talking about FOI.

He’s not alone. Our current Prime Minister complained to the MPs’ Liaison Committee about what he described as ‘this endless discovery process that furs up the whole of government… Publication of information is better than the discovery process which I think does fur up the arteries on occasions.’

It’s not just Prime Ministers either. In 2010, Ken Thornber, the leader of Hampshire County Council wrote in the Guardian blog (20th January 2010) that he no longer believed his ‘staff should be spending their precious time on…spurious requests’, and if requesters ‘persist, we should have the courage of our convictions and refuse to answer the inquiry.’

Aside from the entertainment that such statements provide to the media and commentators, such public antipathy to FOI has had a significant impact. Inevitably, it makes the job of FOI Officers more challenging. Leadership, of course, is an attribute not exclusive to those who run an organisation. It is just as important for FOI Officers themselves to demonstrate it.

Arguably this is a duty that comes from the legislation itself. In considering exceptions under the Environmental Information Regulations (‘EIRs’), there is an explicit presumption in favour of disclosure. With FOI, it has been argued that there is an implicit assumption of the same — see paragraph 71 of OGC v Information Commissioner. It is rare that colleagues in our organisations will do this when raising concerns with releasing information. It is therefore up to the FOI practitioner to apply it.

There is no better illustration of this than when it comes to considering the
Leadership and trust

Practitioners must ensure that they keep on top of the Commissioner’s guidance and the latest decisions. That is obvious. But as well as that, we need to demonstrate awareness of the sensitivities within our own authority. If we can show that we understand colleagues’ concerns and have the tools at our disposal to reassure them, then trust in us will grow. Over time, our word will come to have authority.

The cost of answering requests is a regular concern. We should use the full range of tools at our disposal to manage the flow. We should not hesitate to seek clarification if a request is too broad, help our colleagues to identify those enquiries that will exceed the appropriate limit as early as possible, and consider whether the burden makes a request vexatious.

Public authority employees and politicians have legitimate concerns much of the time, and being able to propose the use of exemptions with confidence will reassure them. It will not always be appropriate to apply an exemption, of course. However, if we win their confidence in difficult circumstances, they will be readier to trust our word at other times.

Follow the leader

Often FOI Officers are appointed at relatively junior grades within public authorities. It is seen as an administrative role by many. Fellow practitioners will recognise this to be the misconception that it is. Our job is varied and complex. It requires knowledge of an often complicated law, management of a heavy workload, and communication — or people — skills that are more often found at more senior levels. FOI Officers don’t follow. They lead.

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