***ICO strategy consultation: Freedom of Information and Environmental Information***

*The Information Commissioner is seeking feedback on her draft strategy: Openness by design - 2019 to 2022. The draft strategy sets out the Information Commissioner’s goals for the regulation of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Reuse of Public Sector Information Regulation 2015.*

*The strategy is now out for public consultation and will remain open until Friday 8 March 2019. The Information Commissioner welcomes feedback on any aspect of the strategy. Alternatively, you might also want to consider the specific questions set out below.*

*Please send us your comments by 8 March 2019.*

***Privacy statement***

*For this consultation we will publish responses received from organisations but will remove any personal data before publication. We will not publish responses from individuals. For more information about what we do with personal data please see our privacy notice*

*Please note that we are using the platform Snap Surveys to gather this information. Any data collected by Snap Surveys for ICO is stored on UK servers. You can read their Privacy Policy here.*

***Do you agree with the vision we have set out for the regulation of access to information rights?***

The UK OGN does not agree with the current vision in the draft ICO strategy document. The draft vision lacks ambition and needs to refocus its underlying reasoning. The vision unfortunately focuses on implementation of the law to ensure more trust and confidence in institutions, which understands the problem to be one of citizens’ perception. It should focus its vision on improving compliance with information rights legislation by institutions and public authorities.

***What if anything would you like to change in the proposed vision?***

Unlike the reasoning underlying the current text, the vision to implement access to information rights should be to ensure open and accountable public authorities and institutions, and participation in civic life. This means that the text needs to reflect the ICO’s role in ensuring that institutions are open, accountable and participatory through their implementation of the UK’s information rights laws, and not primarily to ensure trust in institutions. Trust and confidence are earnt by being open, accountable and participatory. The vision could also be linked more with the aims and aspirations of the Sustainable Development Goals.

**Do you agree with our five proposed goals?**

**yes**

**What, if anything, would you like to change about the goals?**

The goals should focus on effective implementation of the right by public authorities, rather than a focus on increasing the public’s trust and confidence.

*Please note this section is optional and you do not have to rank every priority.*

***Strategic Priorities***

*Looking at the strategic priorities under each of the five goals, are there any areas of work that you think are more important than others?*

*Please rank them from 1-6 with 1 being the most important and 6 being the least important. Please explain the reasons for your answers.*

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| *Goal #1 Improve standards of accountability, openness and transparency in a digital age* | | |
| *Develop, pilot and roll out a self-assessment toolkit for public authorities to support them in making improvements to information handling practice and openness* | 6 |  |
| *Build on our initial learning from Data Protection Impact Assessments and asses the feasibility of ‘openness’ or ‘transparency’ impact assessments and audits offered as an advisory service provided by the Information Commissioner’s Office.* | 5 | This is a preferred option than the option for self-assessment by public authorities as it will help to ensure a more uniform approach to assessing implementation of the law. It would be more conducive to increasing public trust and confidence in institutions versus institutions judging their own openness or transparency. |
| *Increase the impact of FOIA enforcement activity through targeting of systemic non-compliance, consistent with the approaches set out in our Regulatory Action Policy* | 1 | Enforcement of the law should be the top priority. Proactive targeting of enforcement is a more effective way to ensure the law is appropriately implemented rather than by only responding to complaints and appeals. |
| *Working in partnership with technology experts, FOIA practitioners and stakeholders we will scope and publish a technology review to shine a light on how public authorities are using technology in relation to searches for information* | 2 |  |
| *Working in partnership with public authorities and civil society organisations, research and promote new digital approaches to proactive disclosure of information, including making the most of open data opportunities* | 3 | While digital approaches can help to increase public access to information, this cannot come at the cost of implementing the law with relation to requests from the public. It is also important to determine what kind of information is being proactively published, and whether this is the kind of information that would make the most of proactive disclosure. |
| *Use insight from our casework and intelligence from the external environment to scope and publish a series of thematic reports and own- motion studies that make recommendations for change to drive improvements in understanding, accountability, openness and transparency.* | 4 | While thematic reports are useful, the ICO could also consider institution-specific reports and investigations, which may have a particularly effective role in improving implementation of the law, particularly in institutions which are not performing as well as the average (for example, on answering requests within the timeframes). |

*Goal #2 Provide excellent customer service in our independent review services for the public and public authorities*

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| *Devise, pilot and roll-out a programme of customer feedback.* | 1 |  |
| *Use the feedback to inform the development of a new service charter setting out expectations for the public and public authorities.* | 2 |  |
| *Review and implement improvements to our core processes and systems to meet customer needs and improve the efficiency and quality of the services we provide.* | 3 |  |
| *Review and develop new guidance consistent with our Regulatory Action Policy, prioritising those areas of greatest impact and promoting external guidance alongside the publication of our Decision Notices* | 4 | What is meant by impact, and how would this be measured? |

*Goal #3 Raise awareness of access to information rights and make them more accessible*

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| *Drawing on the learning from the recent ICO ‘Your data matters’ campaign, we will develop, deliver and evaluate a series of targeted information rights campaigns to raise awareness of FOIA and EIR rights and show how access to information makes a difference* | 2 |  |
| *Develop new engagement channels to promote guidance, support and good practice for public authorities including the organisation of practitioner workshops* | 3 |  |
| *Review and refine our policies, processes and systems to make it easy for people to bring their cases to us and for public authorities to comply with the requirements of the law* | 1 | The UK FOI Act is already used by many thousands of people. There are problems with the time it takes for people to receive replies from authorities and for cases taken to the ICO to be dealt with in a timely fashion. It would make sense to prioritise this area of work before seeking to conducting awareness raising campaigns. Examples of successful practice can be sought from around the world and through peer learning via the ICIC. The EU Ombudsman uses a simple question and answer process to help citizens figure out whether they can take their access to documents case to the Ombudsman. |

*Goal #4 Promote the reform of information rights legislation so it remains fit for purpose*

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| *Continue to build and promote the case for changes to the scope of FOIA and EIR legislation working closely with colleagues in government and Parliament, public authorities, the private sector, civil society organisations, the media and the public;* | 1 | The ICO must continue to push for legislative change and reform to the FOIA and EIR so that they more effectively address the challenges of modern governance. Any changes or reform should be to strengthen the law so that it ensures access to information held by public authorities. This is important for the UK to keep up with international development on these topics and for the UK to become a global leader on access to information rights. |
| *Engage and consult with our stakeholders to review other potential areas for legislative change.* | 2 | This is important in order to keep the UK FOI Act up-to-date with the latest challenges and changes in the UK but also globally, and particularly in relation to changing technology. |
| *Work with other regulators and The National Archives to explore the practical application of duty to document frameworks.* | 3 | This is an area of work that is being dealt with in other countries and parts of the UK (Scotland). The UK can learn from the experiences and impact of such frameworks in other countries to identify best practice. This must be driven by a desire to ensure accountability and the opportunity for public participation in legislative and policy making, not only for the historical record. |

*Goal #5 Develop and sustain new international partnerships*

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| *Promote standards of openness and transparency globally and aim to embed good practice by providing the secretariat for the International Conference of Information Commissioners.* | 2 | These standards of openness and transparency also need to be applied in the UK. The ICO could also use the opportunity as secretariat of the ICIC to bring learning from other countries to the UK to improve domestically the legislation for and implementation of information rights. |
| *Work in partnership with UNESCO and international colleagues to contribute towards promotion of information rights as part of the achievement of the United Nations Sustainable Development Goals framework.* | 1 | The ICO should work in partnership with UNESCO and others to promote information rights to progress the SCDGs globally. This also means the ICO needs to make a concerted effort to also advance progress on the SDGs, particularly on Goal 16, in the UK as well. |
| *Continue to promote access to information rights as part of the wider work of the Open Government Partnership.* | 3 | The ICO will need to pressure the UK government on incorporating meaningful domestic commitments on information rights in future National Action Plans. |

**What impact do you think our proposals will have on equality and human rights?**

There is great potential for access to information legislation to have a positive impact on equality and human rights. It can be used, particularly by civil society groups, the media and others, to identify systemic problems in these areas that need addressing in government policy, spending and decision making. It can also be used to identify the impacts of government policy in these areas.

There is no obvious positive equality and human rights impact from these proposals, other than general benefits as would be gained by the wider population. For there to be specific gains for equalities groups or human rights groups, the ICO should consider specific measures in its strategy to address this, or thinking about particular aspects of the Sustainable Development Goals agenda which could link in. Consulting with specific groups on this could help to improve the strategy’s impact on equality and human rights.

**Are there any other points you want to make about the proposals in this document?**

NA