

[GB] Freedom of Information Act Enters into Force

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The right to access information held by public authorities is a significant, albeit indirect, right affecting the media industries. It resonates most particularly in the context of gathering information to facilitate news, current affairs and investigative journalism output. Long regarded (whether justifiably or not) as a very "secret society", five new access to information rights held by public authorities came into force in the UK, including Scotland (a distinct legal jurisdiction) on 1 January 2005. The Council of Europe has long promoted the principle of access to information, most notably in its 2002 Recommendation, "On Access to Official Documents". The legal sources are:

- the Freedom of Information Act (2000), applying to central government bodies and to English, Welsh and Northern Ireland public authorities and the House of Commons, the House of Lords and to the Welsh and Northern Ireland assemblies;
- the Freedom of Information (Scotland) Act (2002) applying to the Scottish Executive, the Scottish Parliament and Scottish public authorities;
- the Environmental Information Regulations (2004) providing a separate right of access to environmental information held by UK public authorities. Wider in scope than the Freedom of Information Acts, the Regulations apply to some private bodies, including utilities and contractors providing environmental services on behalf of authorities;
- the Environmental Information (Scotland) Regulations (2004) provide a similar right of access to environmental information held by Scottish public authorities and certain private bodies;
- amendments (as provided by the Freedom of Information Laws) to the Data Protection Act 1998, improving people's rights to see personal information about themselves held by public authorities throughout the UK, in particular where the data are stored on unstructured paper records. The laws are promoted and enforced by two separate, independent Information Commissioners. Of direct media interest is that, under UK Freedom of Information Law, Schedule 1, both the BBC and Channel4 are specifically listed as bodies covered by the law. However, in both cases, the information only applies if it is held "for purposes other than those of journalism, art or literature." Exactly how this exception will apply in practice and decisions is sure to be an issue of interest over the next

months and years.

UK Freedom of Information Act 2000

<http://www.hmso.gov.uk/acts/acts2000/20000036.htm>

UK Freedom of Information Act 2000, Schedule 1

<http://www.hmso.gov.uk/acts/acts2000/00036--u.htm>

Freedom of Information (Scotland) Act 2002

<http://www.scotland-legislation.hmso.gov.uk/legislation/scotland/acts2002/20020013.htm>

Environmental Information Regulations 2004

<http://www.hmso.gov.uk/si/si2004/20043391.htm>

Environmental Information (Scotland) Regulations 2004

<http://www.scotland-legislation.hmso.gov.uk/legislation/scotland/ssi2004/20040520.htm>

