

The Freedom of Information (Extension) Bill: Statement of purpose

The Freedom of Information (Extension) Bill will seek to make housing associations, local safeguarding children boards, Electoral Registration Officers, Returning Officers and the Housing Ombudsman public authorities for the purpose of the Freedom of Information Act 2000, whilst making information held by persons contracting with public authorities subject to the Freedom of Information Act 2000.

The Bill will address a major loophole in the Freedom of Information Act, whereby the above bodies and individuals are exempt from the Act, despite holding valuable information which should be available to the public. The Bill will correct this anomaly, and ensure that the public can obtain important information from these bodies and individuals via an FOI request, subject to the Act's exemptions.

At present, the Freedom of Information Act does not generally apply to information held by contractors about public services they provide to both local and central government, including social care, health, public transport, school inspections and privately run prisons.

Contractor-held information is currently only available where the contract makes clear that it is held on the public authority's behalf. Where the contract is silent on the point the information will be outside the reach of the Freedom of Information Act.

The kind of information which has been withheld from the public as a result of this loophole includes information about the number of attacks at privately run prisons, whistleblowing policies of NHS contractors, incentives to issue parking tickets, the cost of TV licensing prosecutions and penalty fares on the London Overground.

The Bill's provisions on contractors will seek to ensure that all information about the provision of public services under contract could be obtained via an FOI request to the authority concerned, subject to the Act's exemptions.

Housing associations are also outside the scope of the Freedom of Information Act at present. However, the Grenfell Tower fire has highlighted the need for public access to information held by the providers of social housing. The Bill will seek to correct this serious omission by making housing associations public authorities for the purpose of the Act, thereby enabling the public to see information about, for example, building regulations, refurbishment and fire safety procedures.

The Bill will also bring local safeguarding children boards under the Freedom of Information Act. These boards include representatives of social services, the police, the NHS, education bodies and others. However, the information held by the safeguarding boards is said to be held purely on behalf of the board itself and not used for the authority's own purposes. Bringing safeguarding boards under the Act would allow more access to information about their work on child abuse, domestic violence and female genital mutilation.

The Bill will also bring Electoral Registration Officers, Returning Officers and the Housing Ombudsman under the Act.

The Freedom of Information (Extension) Bill will be published in advance of the bill's second reading debate (scheduled for 15 June 2018).