

PE1512/B

Petitioner Email of 17 April 2014

Dear Mr Hynd,

I would respectfully request that this letter together with the attached document covering research into inaccurate responses to Freedom of Information requests is made available to members of the Petitions Committee.

It would appear from the papers/reports for next Tuesday's committee meeting that a recommendation to close down Petition 1512 has been made even before the petitioner has been heard. The recommendation follows the intervention by the Scottish Information Commissioner. I would suggest the decision by the SIC to lodge a seven-page submission to your committee without invitation is unusual if not highly irregular. I was under the impression that the committee only called for evidence **AFTER** the initial consideration of a petition.

Ms Agnew has been quick to assert and conclude that changes to FOISA to ensure public bodies give truthful and honest answers to requesters would be "unworkable". I thought additional powers to investigate the authenticity of FOI answers would have been welcomed given that the Commissioner has admitted she cannot deal with allegations of inaccuracy at present. Even a few extra words inserted into the Act requiring veracity from authorities would serve a useful purpose.

I attach the findings gleaned from research by the Bureau of Investigative Journalism which suggests almost one in four FOI responses are inaccurate. The conclusion on page two is particularly interesting.

Yours sincerely,

Bill Chisholm

Bureau of Investigative Journalism investigation published November 2010 Local councils are providing inaccurate information in response to Freedom of Information requests.

The Bureau carried out a nine-month investigation into how local councils spend their money. At the core of this investigation were Freedom of Information requests (FOIs) sent to all 433 local authorities in the UK, on a range of topics, including staff perks, redundancy pay outs and sick leave.

The Bureau checked each figure obtained with the councils before publication and discovered that nearly one in four responses to our survey proved inaccurate.

The Freedom of Information Act gives people the right to access official information held by public bodies. Its aim is to make public bodies more accountable. Under the Act public bodies are obliged to provide the information held without alteration. As a result, an FOI request stands as a test of the quality of records kept by councils.

Naming and Shaming

The Bureau checked all information gained before publication. We contacted more than 90 councils to verify the data supplied by FOI officers. But 22 councils said the information provided through FOI was inaccurate.

In its response to our question on sick leave Caerphilly County Borough Council, for example, said the number of staff absent for six months or more was 145 in 2009/10. Asked to verify this data, the council said the figures supplied in response to our FOI had in fact been those for staff on sick leave for two weeks or more, and that the correct figures “would be significantly reduced, and without further detailed calculation, could be at least 50% less”.

Caerphilly Council declined to offer a corrected figure, despite making the following commitment to open government on its website:

“We are firmly committed to promoting openness and transparency in the way we conduct our affairs.”

Getting it wrong

They are not alone. When Lancashire County Council was contacted about the cost of living allowances provided to staff, including car business mileage, it initially replied that it spent £65m on such expenses in 2009/10. Once again though, when we asked for confirmation, that figure changed dramatically, in this case dropping to £10.16m, less than a fifth of the original response.

The council could offer no explanation for this discrepancy: “This figure is significantly less than the figure that was originally given to you and we are currently looking into this matter. We can only apologise for any inconvenience caused due to this error.”

Former Government minister Lord Wills is critical of the way some local authorities have implemented the Freedom of Information Act.

“Some councils are very poor at delivering their obligations under the Freedom of Information Act,” he said.

“I think some genuinely don’t understand it, they don’t treat it as a priority, which is a problem in itself, and they genuinely have not taken the time and trouble to understand how the Act works.

“Some, I’m afraid, inevitably use it to try and conceal information they would rather not come into the public domain. This is wrong and it needs to change.”

The Bureau’s investigation raised serious concerns on council spending in a time of serious budget cuts. Through laborious checking we were able to publish an accurate and detailed investigation. But the failings in the system discovered by the Bureau raise serious concerns about how FOI requests are handled by local councils and the information supplied.