



## **PES (2005) 02 Annex A**

### **Background**

#### *Freedom of Information Act*

The public access rights in the Freedom of Information Act 2000, which come into force on 1 January 2005, make clear that there are only a few exceptions where it is permitted to withhold information if requested, for example, if the data may be viewed as being particularly sensitive e.g. in terms of National Security, or if the data would reveal information about particular individuals or enterprises that would infringe their privacy. The use of exemptions would need to be defensible in any particular case. The Act is available at <http://www.hmso.gov.uk/acts/acts2000/20000036.htm>. The main DCA website about FoI is at <http://www.dca.gov.uk/foi/index.htm>. Your department will have a FoI co-ordinator and may have a FoI intranet site.

In the Act you will be able to see in full the various areas for exemption. The partial list below gives you some idea of the sorts of areas exemptions cover:

- Section 22 - Information intended for future publication
- Section 24 - National security
- Section 26 - Defence
- Section 29 - The economy/ financial interests of the Government
- Section 36 - Prejudice to the effective conduct of public affairs
- Section 40 - Personal information
- Section 43 - Commercial interests
- Section 44 - Prohibitions on disclosure

#### *National Statistics Protocols*

Under Principle 4 – Accessibility – of the National Statistics Code of Practice:

“(g) As much detail as is reliable and practicable will be made available, subject to legal and confidentiality constraints.

(h) People involved in producing National Statistics will listen to and respond openly to all enquiries ... and make all records open to scrutiny on request subject to resources and legal and confidentiality constraints.”

These principles are further developed in the Protocol on Release Practices. The following extract includes specific reference to the accessibility of underlying data: paragraph 7(a)“But there is usually a huge wealth of data underlying each release, which is a public good and which should be made as available as possible.”

The National Statistics protocols are available at the following link:

[http://www.statistics.gov.uk/about/national\\_statistics/cop/protocols\\_published.asp](http://www.statistics.gov.uk/about/national_statistics/cop/protocols_published.asp). Departments may like to review these protocols in the context of this PES paper request and consider their implications with regard to the data they submit to HM Treasury. This should include not only the Protocol on Release Practices but also the Protocol on Data Access and Confidentiality.

Although most of departments' data on the PES database are not National Statistics in themselves, many of the subsequent outputs, including the annual CRA exercise, are ultimately National Statistics. Therefore all of the underlying associated data should also be treated as National Statistics. So, in practice most outturn data should be treated as National Statistics; plans data are not covered by National Statistics.

In National Statistics terms, departments are the owners of certain data that are supplied to HM Treasury. Departments already recognise that the Treasury puts the data we collect to a number of purposes, including:

- internal analyses;
- publication in Treasury publications;
- transmission to the Office for National Statistics for use in preparation of the national accounts and other statistical publications; and
- release to Other Government bodies, Parliament and the public in response to ad hoc PQs and requests for information.

Departments should appreciate that responding to enquiries under FoI is a further use to which the Treasury may put data that are supplied to us.

### ***Public Access to Environmental Information***

Under the Environmental Information Regulations 1992, the public has a right of access to environmental information held by public authorities. Requests for information may only be refused in certain limited circumstances and the basic presumption is that information will be released unless there are compelling and substantive reasons to withhold it.

More information is available at <http://www.defra.gov.uk/environment/pubaccess/index.htm>.

## **PESA Branch**

### **Public Service Delivery Analysis (PSDA)**

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