



Playing Catch Up : are information rights keeping pace with 21st century challenges?

Privacy and Access 20/20: A New Vision for Information Rights

Oct 10- 11, 2013, Vancouver BC

Kevin Dunion, Centre for Freedom of Information,

School of Law, University of Dundee

k.dunion@dundee.ac.uk



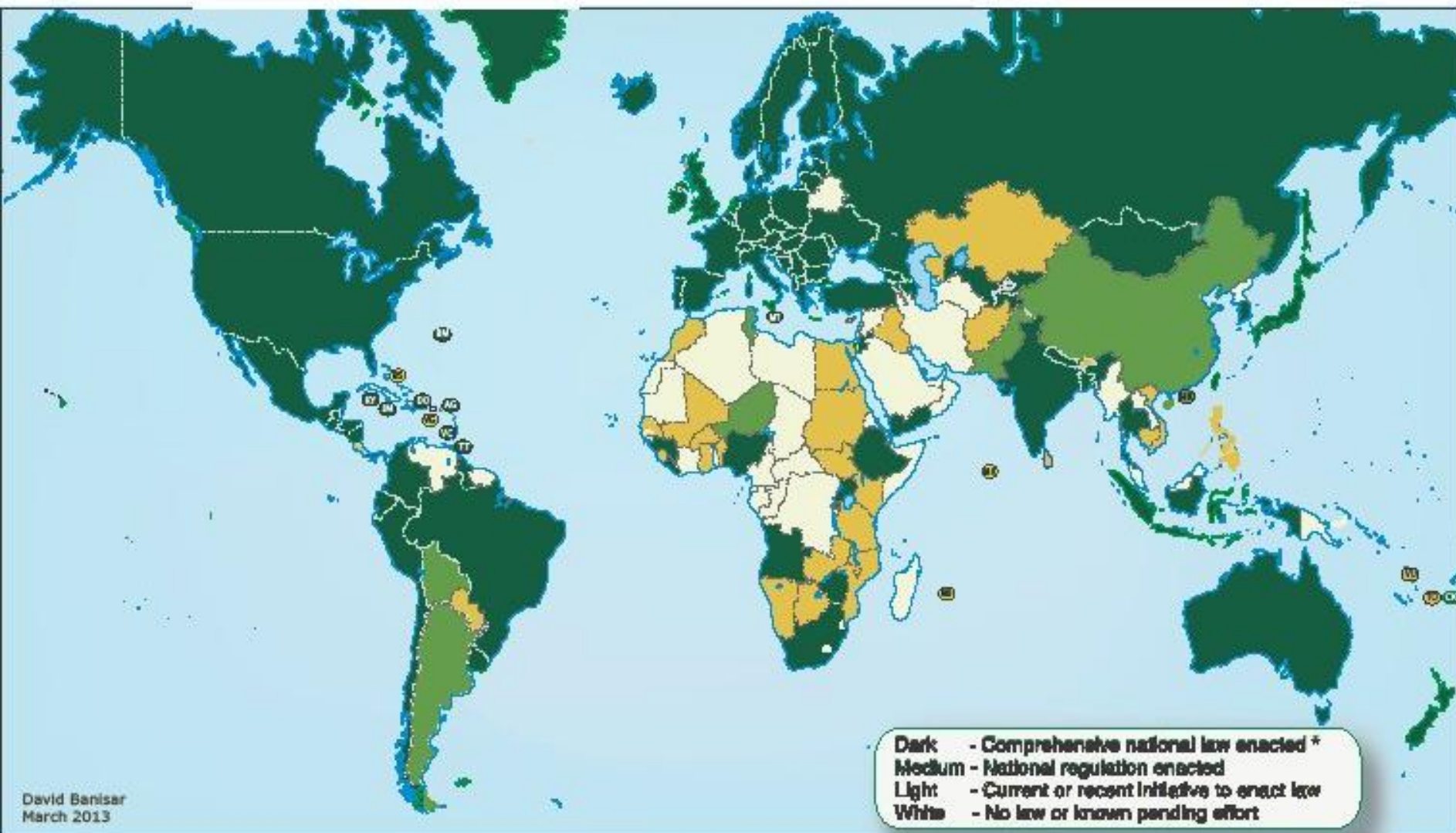
In the Experience of Information Commissioners

Results of the Information Commissioners' International Exchange
Network Surveys 2013

September 2013



National Right to Information Laws, Regulations and Initiatives 2013





What's the problem?

- Collateral damage - right to information is being squeezed as a consequence of changes in the delivery of public services
- Avoidance measures being adopted by some of those in authority
- Agenda shift towards big data and away from FoI



Collateral damage

Erosion of rights to information, following changes to delivery of public services



Losing rights to information





Local services contracted out

- Public functions are being delivered by new agencies; trusts and charities beyond scope of FoI laws.



National Crime Agency to 'relentlessly pursue' organised crime

COMMENTS (670)



The NCA replaces the Serious Organised Crime Agency, formed in 2006

Information kept out of harm's way?

New public bodies being excluded from Fol requirements



Avoidance measures

Observing the letter of the law – no more ...and often a lot less



Basic Fol avoidance

1. Do not write it down
2. Do not retain the information
3. Delete in anticipation of Fol request
4. Delay responding to a request for information



Ant Haskins

"I don't want to talk to him! Put him on 'delete'!"



Michael Gove's Official Used Private Email To Pressure School Into Becoming Academy



The Huffington Post UK | Lucy Sherriff, Felicity Morse & Chris Wimpress | First Posted: 31/8/11 17:29 GMT | Updated: 21/9/11 02:22 GMT



Whose information is it anyway

1. Exchanging information using personal e-mail accounts ; Dropbox folders
2. Holding official information on personal assets – phone, tablets, sim cards



Laying down the law

- “Whether information is accessible turns on the nature of the information and its relationship to government business, not on the ownership of a device or account” (Western Australia)
- “The relevant issue when considering whether to grant access to information or not is the subject matter; not the device used.” (Sweden)

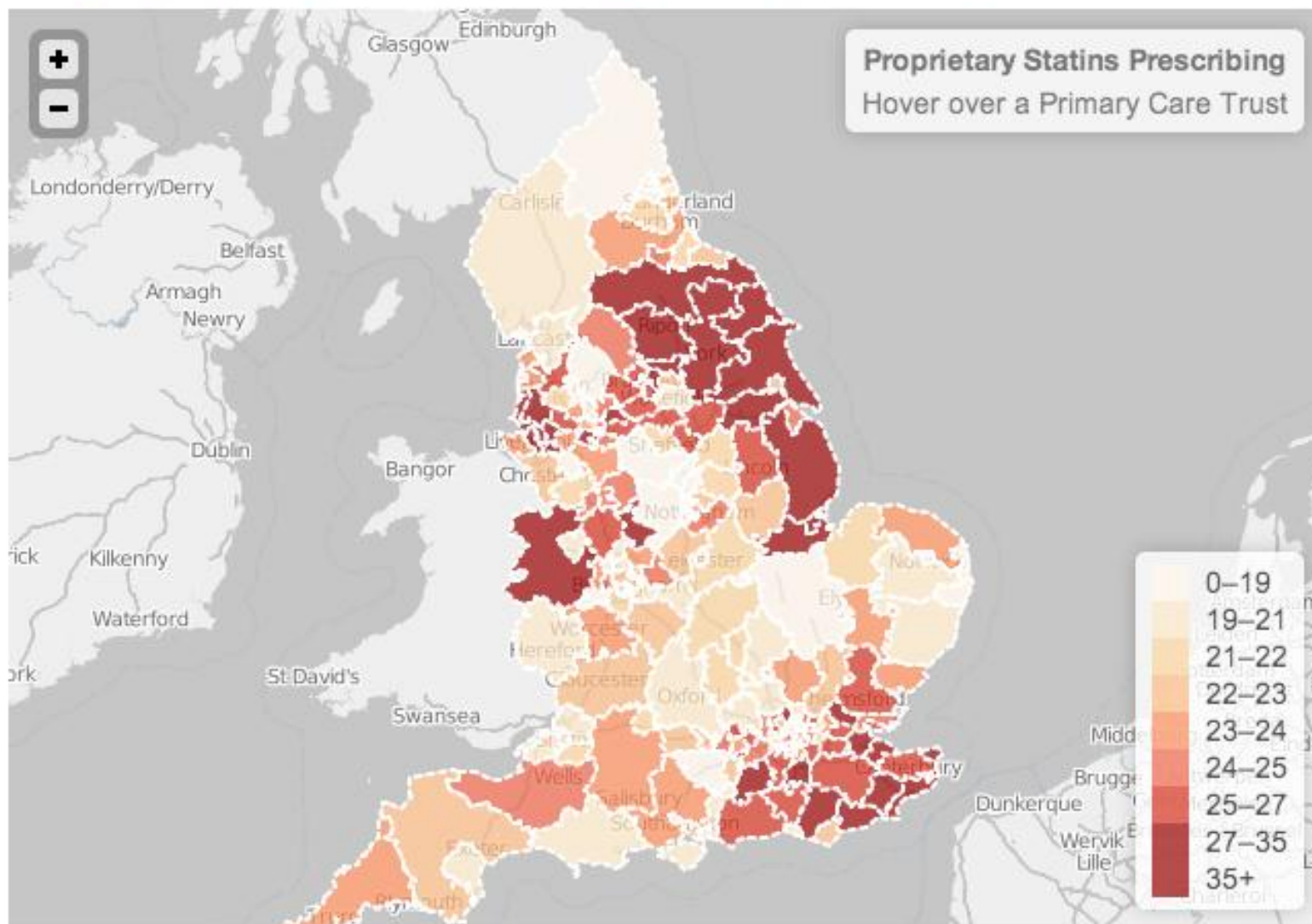


Access to data v right to information

Does public access to more data reduce the need for individual requests for information?



Percentage of proprietary statin prescribing by CCG Sep 2011 - May 2012







Lazy authority?

Parent exposes poor policy of health authority, which delays tests on children for 'lazy eye' (amblyopia) a treatable eye disorder



Local knowledge prevents rural school closures

School closure plans based on flawed information halted. Independent commission calls for “transparent, accurate and consistent information”



Catching up -What might future proofing involve?

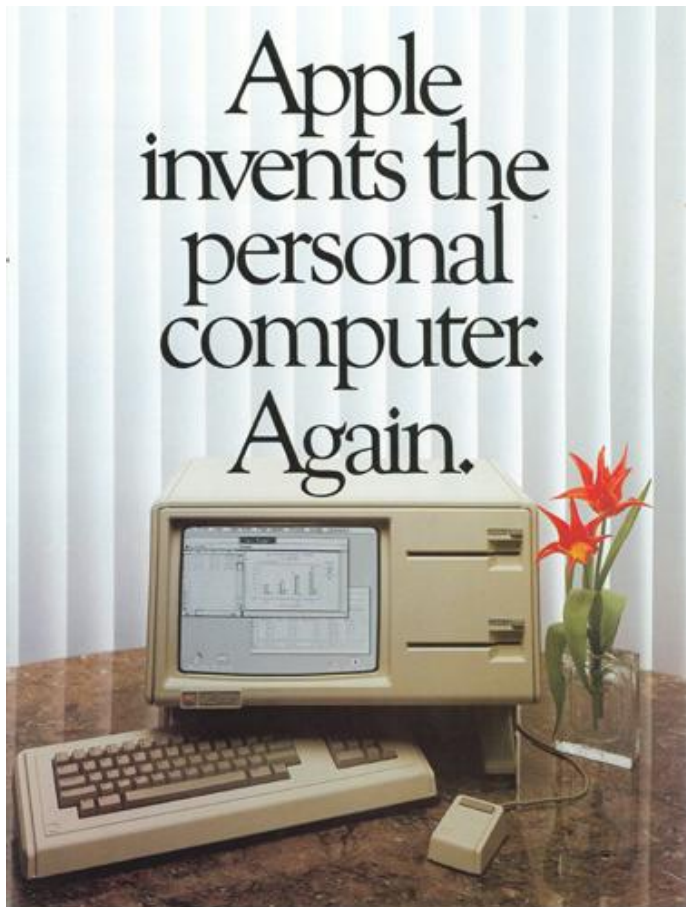
Ensuring the law is fit for current and future purpose

Exercising leadership beyond what is legally required

Culture shift

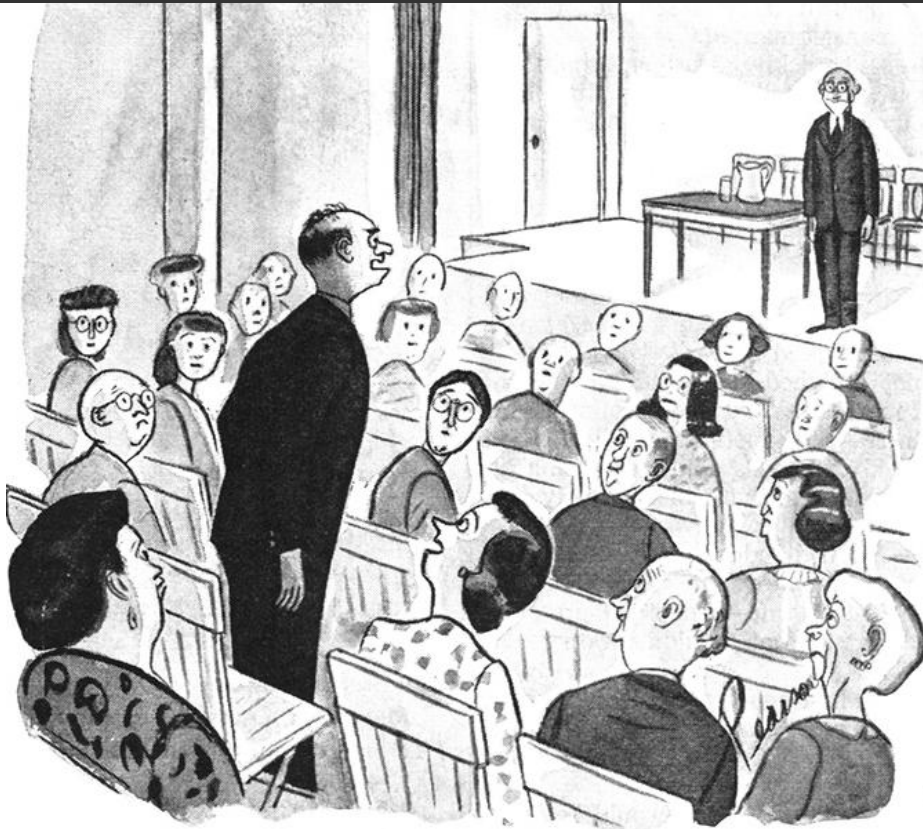


Time for an upgrade...





Transformative leadership



“Just how are we going to have this brave new world with all the same old people in it?”



The need for culture shift



Centre for Freedom of Information



Centre for Freedom of Information

www.centrefoi.org.uk

in•for•mat•ics (in'fər-r
mation science. [INFORMA
in•for•ma•tion (in'fər-r
study, experience, or in

Thank you.

Professor Kevin Dunion, Centre for Freedom of Information
School of Law, University of Dundee

k.dunion@dundee.ac.uk