



Dear Mr Edwards,

As you continue your listening tour around the UK, we wanted to write as a group of journalists, campaigners, academics, researchers, lawyers and citizens, to raise our concerns about ensuring that powers under the Freedom of Information (FOI) Act, deliver on the promise of transparent and accountable government. We welcome your recent comment that you “look forward to [ensuring the law continues to be relevant in our changing world](#)”.

FOI is a critical tool for rooting out ills – as journalists demonstrate every week. But as [openDemocracy's recent Access Denied report](#) outlines, increases in late responses, stonewalling, public-interest-test delays, repeated misuse of exemptions, as well as opaque and inconsistent monitoring and enforcement mean that the current regulatory approach to FOI is clearly not working.

We understand that the ICO is developing a new policy which aims to resolve these issues. We would welcome the opportunity to meet with you to discuss our longstanding concerns about the need for strong ICO action in this area, and to contribute meaningfully to the formulation of the new FOI monitoring and enforcement policy. Our view is that this policy should:

- Allocate more resources to gathering intelligence from casework and other sources
- Contain clear compliance thresholds which trigger monitoring actions
- Contain clear enforcement protocols for dealing with systemic patterns of poor compliance

We also believe that quarterly updates on implementation of the new policy should identify the public bodies subject to monitoring and enforcement activity.

The ICO's latest annual report shows that the backlog of casework incurred during the Covid-19 crisis is causing significant new delays. The [Campaign for Freedom of Information reports](#) that it currently takes 12 months to open an investigation into some complaints. We ask that the ICO publish data on its FOI casework, as the Campaign has suggested, so requesters can understand the size of the backlog and the progress made in addressing it.



In terms of the longer term evolution of FOI, we were pleased that your predecessor, Ms Denham, understood the urgent need to modernise the Act and extend the legislation to private contractors delivering public services. We hope that you will recognise the importance of this too, and support moves to achieve it.

We are concerned that the ICO has recommended to PACAC the “removal” of the First Tier Information Tribunal. While there is merit in reducing the opportunities for obstructive authorities to introduce new arguments and delays, we are concerned about a potential reduction in accountability. We would welcome a discussion on your policy approach with the FOI community.

The accountability that FOI provides is in real danger of disappearing, which poses a threat to the long-term national interest of this country. It is time for fresh thinking and bold action to deliver FOI transparency in the public interest.

We would be delighted to discuss these issues in further detail with you and, if necessary, to provide additional evidence of the problems we face as requesters. We are also happy to discuss any concerns you may have, and to work constructively for better outcomes.

Yours sincerely,

openDemocracy
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Paul Webster, editor, The Observer
Janine Gibson, assistant editor, FT
Ian Hislop, editor, Private Eye
Jason Beattie, assistant editor, Daily Mirror
Joe Lycett, comedian and campaigner
David Davis MP
Caroline Lucas MP
John McDonnell MP
Margaret Hodge MP
Andy Slaughter MP
Tommy Sheppard MP
Dan Carden MP
Ronnie Cowan MP



Richard Burgon MP
Lord Prem Sikka
Peter Osborne, journalist
Carole Cadwalladr, The Observer
Michael Crick, journalist
Paul Mason, journalist
David Aaronovitch, journalist
Oliver Bullough, journalist and author
Josie Long, comedian and campaigner
Michelle Stanistreet, general secretary, National Union of Journalists
Alan Rusbridger, editor of Prospect and former editor-in-chief of The Guardian
Megan Gibson, executive editor, Foreign, The New Statesman
Susan Hawley, executive director, Spotlight on Corruption
Damian Kahya, editor, Unearthed
Tom Brake, director, Unlock Democracy
Lionel Barber, journalist and former editor of the Financial Times
John Burn-Murdoch, chief data reporter, FT
Ben De Pear, journalist and former editor of Channel 4 News
Jo Maugham, director of Good Law Project
Daniel Bruce, chief executive of Transparency International UK
Dorothy Guerrero, head of policy, Global Justice Now
Mary Fitzgerald, director of expression, Open Society Foundations
The Centre for Investigative Journalism
European Centre for Press and Media Freedom
Open Rights Group
Foxglove
Full Fact
Tax Justice Network
Chris Blackhurst, commentator and former editor of The Independent
Andrew Lownie, author and historian
Anthony Barnett, writer and campaigner
Tom Bower, journalist
Sayra Tekin, director of legal for the News Media Association
Ruth Smeeth, chief executive, Index on Censorship
David Leigh, investigative journalist
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The Ferret
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Ian Cobain, journalist
Dr Ben Worthy, senior lecturer, Birkbeck, University of London
Tim Tate, investigative journalist and author
Tommy Greene, journalist and Bertha Fellow
William Goodwin, investigations editor, Computer Weekly
Chris Garrard, co-director, Culture Unstained
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Ben Lucas, journalist
Jason Evans, founder of Factor 8 - The Independent Haemophilia Group
Louise Crow, chief executive of mySociety
Iain Overton, journalist
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Jon Baines, senior data protection specialist, Mishcon de Reya LLP
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Matt Burgess, journalist
Big Brother Watch
Martin Rosenbaum, journalist
Professor Nigel Ashton, LSE
Dr Paul Lashmar, City University London
Gavin Sheridan, co-founder Right to Know (Ireland)
Warwick Mansell, journalist
Gavin Freeguard
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Lynn Wyeth, director, Info Planet
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Tom Webb, editor, Global Data Review

Miriam Turner, co-executive director, Friends of the Earth England, Wales and N. Ireland

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Tom Warren, journalist

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