

11th Annual

# Freedom of Information Conference

Keynote Speaker:

**Graham Smith**

Deputy Information Commissioner

Chair:

**Jackie Gray**

Bond Dickinson

**12 CPD** points

“ *Very useful practical tips* ”

Amy Ogborne,  
Information Compliance Manager,  
Bath & NE Somerset Council

“ *All speakers provided helpful insights  
into FOIA pitfalls* ”

Simon Cosgrove,  
Senior Solicitor,  
Maclay Murray & Spens

“ *An extremely well organised  
and informative event!* ”

James Newman,  
Senior Compliance Adviser,  
Transport for London

“ *Thank you for a very worthwhile  
conference* ”

Mark Fletcher,  
Solicitor,  
Department for Business  
Enterprise & Regulatory Reform

“ *Very useful to learn from other FOI  
Officers that they are experiencing  
similar challenges to myself* ”

David Barlow,  
FOI Officer,  
Appeals Service

“ *An excellent, well-balanced,  
thought-provoking conference,  
which really helps to keep up  
to date* ”

Denise Francis,  
Records Manager,  
Science & Technologies  
Facilities Council

Conference presented in association with  
*Freedom of Information Journal*

Wine and Canapés reception sponsored by

*Bond Dickinson*

**Chair: Jackie Gray - Bond Dickinson**

**Keynote Address: Graham Smith - Deputy Information Commissioner and Director of FOI, Information Commissioner's Office**

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## Handling Complaints to the ICO and Tribunal

**Robin Hopkins – 11KBW**

How should public authorities present their arguments to the ICO persuasively? How should they prepare to bring or oppose appeals before the Tribunal? What documents should they submit, and how should they approach witness evidence? How should 'closed' material be handled? Robin discusses the practicalities of ensuring that you present your case as effectively and efficiently as possible.

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## Revised s45 Code of Practice

**Jackie Gray – Bond Dickinson**

In light of the increasing use of commissioning and outsourcing models for public service delivery, concerns have been raised that large amounts of public sector information may be held beyond the reach of FOIA. To address this, the Justice Minister Simon Hughes announced in 2014 that the Government would issue a revised Section 45 Code of Practice with guidance on the use and enforcement of FOIA contractual clauses in public sector contracts. In this session Jackie highlights the changes to the Code (which is due to be published before the end of the Parliamentary term in 2015) and looks at the compliance implications for public authorities and public sector contracts.

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## The View from the Private Sector – the Other Side of the Coin

**Ellis Parry – BP**

**Melissa Gregory – BP**

This talk looks at the steps that one private sector organisation (BP) takes when approached by a public authority which may be disclosing its commercial information in response to a request. It considers the factors that shape the stakeholders' attitude to the proposed disclosures and how these attitudes reflected in the response the public authorities receives.

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## Human Rights, Transparency and the Public Interest

**Liz Fitzsimons – Eversheds**

This session explores the growing tension between the opposing "human" rights to protect private life, correspondence and quiet enjoyment of possessions, and the rights of freedom of expression and to receive and impart information. Liz looks at their increased importance in information law cases and how the public interest in relation to such rights is being dealt with.

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## Network Rail's Journey to FOI

**Mark Farrow – Network Rail**

Network Rail recently became the largest organisation to be made subject to FOI since 2005. Mark Farrow was responsible for their readiness programme and will chart progress from their first commitment to greater transparency in 2011 to coverage by the Act earlier this year, highlighting some of the challenges they've met and reflecting on their first few weeks as a public authority.

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## Journalist v FOI Officer

**Matthew Burgess – Journalist**

There does not have to be a battle over information between a public authority and journalists. There are ways that both sides can work together to utilise what is included in FOI responses. This talk, by a prominent journalist and author, looks at the practical ways that FOI Officers can help journalists, and on the ways that the favour can be returned.

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## Navigating the Interaction of the DPA and FOIA

**Christopher Knight – Barrister, 11KBW**

The exemption in FOIA for personal data continues to be one of the most used, but most complicated, parts of the practitioner's day to day life. This session considers the series of recent cases which provide some clarity (and some confusion) on how and when the personal data exemption can be used.

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## Reusing Public Sector Information

**Malcolm Todd – The National Archives**

In this talk, Malcolm provides delegates with the policy overview of the amended Re-use of Public Sector Information Regulations. This session introduces the topic which Malcolm's colleague Howard Davies will be exploring in greater depth in the Day 2 Workshop 'Understanding the New PSI Regulations'.

## MORNING WORKSHOPS (9.30 am - 12.45 pm)

### **A** New Data Protection Law – Implications for FOI Officers

Peter Given – Bond Dickinson  
Emma Dewar – Bond Dickinson

Data protection law in Europe is in the process of significant change. This session explores where we have come from and where we are going with respect to the draft European General Data Protection Regulation, and its implications for FOI Officers. Specifically, the session will cover:

- An update on the Regulation and an overview of its key features
- Guidance on the new obligations that apply to data handling under the Regulation
- Consideration of how the Regulation is likely to impact on the application of the section 40 exemption of the Freedom of Information Act

This Workshop gives delegates an opportunity to discuss the impact that the new Regulation is likely to have, and how FOI Officers can best adapt in order to prepare for it.

### **B** Being an FOI Officer: Problems and Solutions

Ben Worthy – Birkbeck (University of London)

This unique interactive session looks at common problems faced by FOI Officers and discusses different ways of overcoming them. It provides a forum in which FOI Officers can jointly consider issues that they face, together with possible solutions. The topics for this session will evolve in the Workshop itself, but will include:

- administrative challenges
- dealing with complex requests, and
- how to understand more about requesters themselves

The session also investigates some practical problems from 'real-life' scenarios and is an opportunity for those working with FOI to swap knowledge and tips, and learn from each other.

### **C** Understanding the New PSI Regulations

Howard Davies – National Archives

The new EU Directive amending the Directive on the Re-Use of Public Sector Information is due to be implemented into UK law by July 2015. For many FOI practitioners the original Directive and the Re-Use Regulations 2005 had little impact. However transparency and open data initiatives have moved on significantly, and the amended Directive introduces several changes which will impact public authorities and how they deal with access and re-use requests. This session looks at:

- the current PSI regime, changes under the amended Directive and the impact for FOI practitioners
- latest news and developments on the National Archive's approach and timetable for the revised PSI Regulations
- the UK public sector licensing regime, how to use different licences and the inter-relationship with FOI re-use
- practical guidance on preparing for the changes

## AFTERNOON WORKSHOPS (2.00 pm - 5.15 pm)

### **D** FOIA and the EIRs – Understanding and Managing the Differences

Liz Fitzsimons – Eversheds

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 have many similarities but also contain key differences. This Workshop explains where the EIR regime may, sometimes unexpectedly, apply and where it differs from the more familiar FOI approach. Using case studies and practical examples, the session explores:

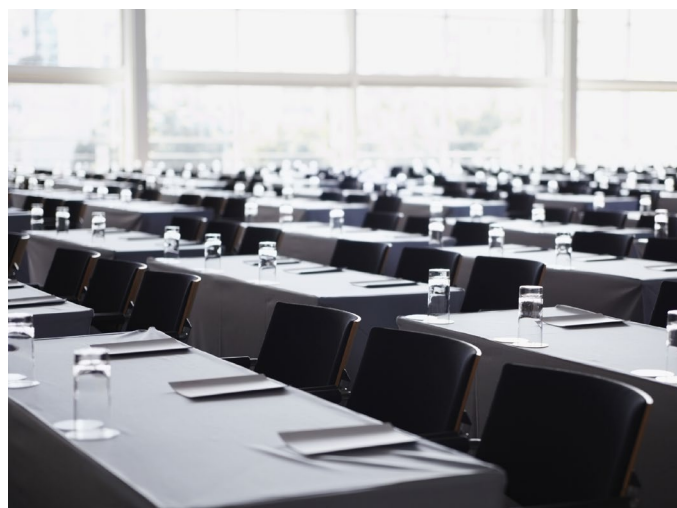
- What information is environmental information
- Who is subject to the EIRs
- Recognising EIR requests
- Responding to EIR requests
- Key EIR exceptions
- EIRs and the public interest
- Enforcement of the EIRs

### **E** Stamped Private and Confidential: Disclosure of Commercially Confidential Information

Susan Wolf – University of Northumbria

The business community provides a huge amount of information to public authorities in a range of circumstances, notably during a procurement or outsourcing process or as part of a system of regulatory approval or control such as the planning process. Whilst the suppliers of this information may regard this as provided in confidence, stamping a document 'private and confidential' is not conclusive. Once the information is held by the public authority it is potentially disclosable to the world at large. This Workshop examines:

- Recent FOIA cases on s 41 and s 43
- What is a trade secret?
- Recent EIR cases on regulation 12 (5)(e)
- The Impact of the government's transparency agenda on the disclosure of commercially confidential information
- The public interest in disclosure



**Christopher Knight** is a barrister at 11KBW. He regularly advises public and private sector clients on data protection issues and recently successfully assisted a local authority defend two potentially serious data breach allegations. He is listed in 2015 Chambers & Partners for Data Protection and for Administrative and Public Law.

**Liz Fitzsimons** is a Legal Director at Eversheds specialising in freedom of information, data protection and EIR. She works for a wide range of clients, both public and private sector, including in the education, health, transport, energy and government arenas. Liz has experience in helping clients with complex and sensitive information requests, internal appeals, defending complaints to the ICO and working on appeals in the Information Tribunal.

**Ellis Parry** is Global Lead for Data Privacy at BP. At BP, Ellis is responsible for devising and implementing BP's global approach to personal information handling, including the maintenance of BP's Binding Corporate Rules. Ellis is also responsible for BP's Corporate Functions' responses when public authorities consult BP under FOIA. Ellis has an MBA. In 2013 he contributed several chapters to Sweet & Maxwell's publication "*Data Protection Law and Practice*" and in 2014 spoke both in the US and EU on the topic of accountability.

**Emma Dewar** is a solicitor in the Projects and Procurement Team at Bond Dickinson LLP specialising in public sector projects, information governance and procurement law and advises a range of clients on their data protection and access to information obligations and best practice considerations.

**Howard Davies** is a Standards Manager at the Office of Public Sector Information in The National Archives since 2009, where he has worked on PSI policy and regulatory issues, and leads on questions of public task. Before that led the team on TNA client managers who oversaw the appraisal and selection of public records.

**Jackie Gray** is Managing Associate at Bond Dickinson LLP. Jackie specialises in freedom of information and data protection, public law and procurement, PPP projects and public sector commercial work. Jackie has advised a wide range of public authorities on FOI & EIR issues including the application of exemptions to specific requests, re-use and licensing of datasets, data protection issues, assisting with internal reviews and advising on appeals to the Information Commissioner and Tribunal. Jackie is a member of the Editorial Board of *Freedom of Information Journal*.

**Malcolm Todd** is Head of Information Policy at The National Archives. He has worked in a variety of information policy and management roles at TNA and the Westminster Parliament for over 15 years.

**Robin Hopkins** is a barrister at 11KBW, specialising in freedom of information, data protection and environmental information. He is ranked as a 'band 1' junior by Chambers & Partners, and edits the Information Law Reports. In recent years, he has appeared in more information rights cases than any other counsel. Robin is a Member of the Examination Board for the Practitioner Certificate in Freedom of Information.

**Mark Farrow** joined Network Rail as their first Head of Transparency in 2011, and amongst other things is responsible for the company's transparency agenda, which has led the rail industry in making available a wide range of its information and data for the first time. Most recently, he led its preparations for becoming subject to the Freedom of Information Act.

**Matthew Burgess** is a digital journalist who has experience writing for all the national newspapers. He runs the FOI Directory website which publicises Freedom of Information contact details, media stories reported from use of the Act and blogs on FOI news. The book covers case law, practical advice for the media making requests, and also interviews with more than 50 journalists and FOI professionals.

**Graham Smith** was appointed Deputy Information Commissioner in 2001 when the functions of the former Data Protection Commissioner were extended to cover freedom of information. Prior to that Graham enjoyed a career in local government, working for 4 local authorities over a 20 year period. He holds a law degree from the University of Sheffield and a Diploma in Local Government Law and Practice. He was admitted as a Solicitor in 1982. Graham joined the Information Commissioner's Office from Oldham MBC, where he was Assistant Chief Executive and Solicitor to the Council. One of two Deputy Commissioners who together head up the ICO's policy and strategy functions, Graham has lead responsibility for FOI and access to environmental information.

**Melissa Gregory** joined BP in January 1989 and has undertaken a variety of roles during her career with BP, including selling Lubricants to Fleet engineers. In November 2002 she joined the BP Data Privacy team and is now one of the team's Regional Privacy Advisers (RPA) covering the UK, Western Europe, Middle East and Africa.

**Ben Worthy** is a lecturer in Politics at Birkbeck College, University of London. He has written extensively on issues around Transparency and Freedom of Information and is currently researching the impact of the UK Government's Transparency Agenda. He was previously Research Associate in Freedom of Information at UCL's Constitution Unit.

**Peter Given** is a Managing Associate specialising in data protection and privacy law. He advises clients on a wide range of data protection matters in a variety of contexts, including in relation to general data protection compliance, data processing and outsourcing arrangements, direct marketing, data subject access requests and cross-border transfers of data.

**Susan Wolf** is Principal Lecturer at the University of Northumbria Law School where she teaches Environmental Law and EU Law. In addition she teaches Access to Environmental Information on the LLM Information Rights Law & Practice which she was instrumental in establishing in 2006.



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**Workshop choices**

**Morning Workshops (9.30am - 12.45pm):**

A: New Data Protection Law – Implications for FOI Officers

B: Being an FOI Officer: Problems and Solutions

C: Understanding the New PSI Regulations

**Afternoon Workshops (1.45pm - 5.00pm):**

D: FOIA and the EIRs – Understanding and Managing the Differences

E: Stamped Private and Confidential: Disclosure of Commercially Confidential Information

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**Fees**

**Public Sector Rate**

Whole Conference (Speakers' Presentations Day plus two Workshops)	£ 795 plus VAT
Speakers' Presentations Day plus one Workshop	£ 645 plus VAT
Speakers' Presentations Day only	£ 495 plus VAT
Two Workshops only	£ 495 plus VAT
One Workshop only	£ 295 plus VAT

**Standard Rate**

Whole Conference (Speakers' Presentations Day plus two Workshops)	£ 995 plus VAT
Speakers' Presentations Day plus one Workshop	£ 845 plus VAT
Speakers' Presentations Day only	£ 695 plus VAT
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- FOI Practical Training - Level 1
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## FOI Qualification

- Practitioner Certificate in Freedom of Information

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- Understanding the EIRs

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