

10th Annual

Freedom of Information Conference

Keynote Speaker:

Graham Smith

Deputy Information Commissioner

Chair:

Robin Hopkins

Barrister, 11KBW

12 CPD points

“ Particularly useful was the helpfulness of the PDP staff, as was the linking of speakers’ topics.”

Barbara Tyldesley
Senior Legal Assistant
Environment Agency

“ The topics were useful and the speakers were good. This conference could not be improved.”

Kayi Emadi
Information Rights Adviser
Ofcom

“ Very useful practical tips.”

Amy Ogborne
Information Compliance Manager
Bath & NE Somerset Council

“ Excellent speakers - really useful.”

Wendy Raymond
Freedom of Information Officer
Medical Research Council

“ Very enjoyable and helpful. The speakers were obviously experts in the subjects.”

Emma Gedge
FOI & Data Protection Officer
Norfolk Fire & Rescue Service

“ I liked the range of issues covered and the use of examples.”

Leigh Hopkins
Public Affairs Officer
Health Protection Agency

“ Very useful and informative day.”

Caroline Lynch
Governance Officer
Royal Berkshire NHS FT

“ It’s always helpful to hear from the Information Commissioner’s Office. Excellent.”

Lara Bolch
Information Adviser
Department for Transport

Conference presented in association with
Freedom of Information Journal

Wine and Canapés reception sponsored by



Chair: **Robin Hopkins - Barrister, 11KBW**

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

To Hold or Not to Hold

Paul Gibbons – Information Rights Consultant (better known as ‘FOIMan’)

Of all the issues raised by FOIA, whether your organisation holds information or not might well appear to be a simple question. But public authorities, the Information Commissioner and Tribunals are struggling with this issue on a regular basis. In this session, Paul Gibbons, aka ‘FOI Man’, highlights key decisions that have looked at this issue and what their practical implications are for public authorities and FOI Officers.

FOI and Datasets

Jonathan Baines – Complaints and Information Rights Officer, Buckinghamshire County Council

Since 1st September 2013, public authorities have been legally obliged to make certain datasets available for re-use. In this session, Jonathan will analyse the nature of datasets and what public bodies must now do in order to comply with the new provisions, including the publication requirement, fees and the issues surrounding personal data.

Handling Requests from Journalists from a FOI Officer's Perspective

Lynn Wyeth – Information Governance Manager, Leicester City Council

There will always be FOI requests for information containing personal data, and it's critical that information professionals know how to balance transparency and privacy. This talk covers the latest thinking on how to manage this balancing act.

Recent Cases of Significance

Hazel Grant - Partner, Bristows

There have been some recent decisions that directly affect the work of FOI Officers. In this talk, Hazel Grant examines the practical implications of the most significant cases, including key decisions on the personal data exemption such as *Kelway v UT, Northumbria Police and IC* and *Oates v IC and DWP*, and the scope of information access laws such as *Fish Legal v IC* and *UCAS v IC and Lord Lucas*.

Section 36: How to Stop Worrying and Learn How to Love the Exemption

Bilal Ghafoor – Non Departmental Public Body

This session looks at the little used section 36 exemption - when to consider using it, getting the qualified person to engage, writing a solid public interest test and understanding what the ICO is looking for.

FOI and Open Data

Dr Ben Worthy – Lecturer, Birkbeck College

Freedom of Information now sits alongside a growing range of online transparency initiatives as part of the UK government's 'Transparency Agenda'. This talk covers the similarities and differences between the two transparency approaches and looks particularly at the two key questions of who uses them and what impact they have. It concludes by looking at what is likely to happen in the future.

'Vexatiousness', 'Repeated Requests' and 'Manifestly Unreasonable'

Damien Welfare – Barrister, Cornerstone Barristers

Practitioners have to judge whether to refuse vexatious or repeated requests, or their equivalent under the EIRs. The landmark decision of the Upper Tribunal in Dransfield has provided the first precedent on the meaning of the law, changing it from the previous understanding. This talk analyses what these terms mean and provides FOI Officers with practical guidance.

"An excellent, well-balanced, thought-provoking conference."

Denise Francis
Records Manager
Science & Technologies Facilities
Council

"Well organised - thanks."

Judith Downing
Head of Information Compliance
Hampshire County Council

"A very comprehensive package. Well chaired and developed"

Ian Todd
Director
Risk Management Authority

MORNING WORKSHOPS (9.30 am - 12.45 pm)

A Vexatiousness, Repeated Requests and Manifestly Unreasonable

Damien Welfare, Barrister at Cornerstone Barristers

The Workshop will pick up from the talk on this subject on the first day, examining *Dransfield* and other key decisions, and the Commissioner's new guidance, in greater detail. The Workshop will cover:

- the four "broad issues" identified by the Upper Tribunal
- its description of the meaning of vexatiousness, and the ICO's guidance on identifying it
- its emphasis on the test of proportionality, and guidance on how this should be applied
- the relationship between vexatiousness and the cost limit in s.12
- responding to round robins, fishing expeditions and campaigns
- refusing a request
- the ICO's guidance on repeated requests
- how the "manifestly unreasonable" exception under the EIR relates to these FOIA grounds of refusal

B Requests for Personal Data

Ben Hooper, Barrister, 11KBW

Individuals can seek other people's personal data under FOIA and the EIRs, and they can ask for their own personal data under the DPA. This Workshop explores the practical difficulties that arise when dealing with these types of requests, and provides an overview of recent developments. In particular, the session covers:

- the latest thinking on the scope of "personal data", and practical considerations to bear in mind
- dealing with FOIA and EIRs requests for personal data: the steps to take and the tests to apply
- common issues that arise when responding to such requests
- subject access requests under the DPA and the Information Commissioner's 2013 Code of Practice

C Training non-FOI staff in FOI

Jonathan Baines, Complaints and Information Rights Officer, Buckinghamshire County Council

It is not only good practice, but arguably an essential compliance requirement, to ensure a basic understanding of Freedom of Information amongst many of the authority's staff. In this session, Jonathan Baines looks at:

- who should be trained, and what they need to know
- appropriate training tools for different groups of staff
- putting together slides, exercises, case studies, and taking examples from "real life"
- session length and timings
- getting the audience on-side and keeping them engaged

AFTERNOON WORKSHOPS (2.00 pm - 5.15 pm)

D Commercial Confidentiality – an increasing challenge in the age of transparency

Liz Fitzsimons, Legal Director at Eversheds

FOI has had an inevitable impact on the public and private sectors' approach to confidentiality of procurement information and contracts. This Workshop provides practical guidance, and key tips on effective strategies, when handling issues of commercial confidentiality when responding to FOI requests, including:

- considering key cases and developments from the last year
- explaining key differences between the approaches in FOIA and the EIRs
- illustrating the different scope of and requirements for s41 and s43(2) FOIA
- looking at contradictory decisions and danger areas

E Re-Use of PSI: More Changes Ahead

Jackie Gray, Director at Bond Dickinson LLP
Howard Davies, Standards Manager, The National Archives

The new EU Directive amending the Directive on the Re-Use of Public Sector Information will 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. This session, which builds on the Day 1 speaker presentations, looks at:

- the current PSI regime, changes proposed 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, including tips from the Health and Social Care Information Centre based on its experience to date

F IP Rights and the FOI Officer

Christine Rinik, Senior Lecturer, Intellectual Property, University of Winchester
Marion Oswald, Head of the Centre for Information Rights, University of Winchester

FOI Officers and Information Managers are increasingly asked to involve themselves in decisions around the identification, protection, use, exploitation and disclosure of copyright works and confidential information. This Workshop assists participants to increase their understanding of the current law regarding copyright, confidential information and trade secrets, and to identify and avoid potential hazards when dealing with protected works. Topics include:

- what works attract protection
- rights of the owner
- pitfalls of disclosure
- fair dealing and other relevant exemptions

Jonathan Baines advises his employer Buckinghamshire County Council on various information governance issues. He acts as a Special Adviser to the Editorial Board of *Freedom of Information Journal*. In his spare time Jonathan is a prolific blogger and tweeter on all matters related to information rights.

Liz Fitzsimons is a Legal Director at Eversheds specialising in data protection and freedom of information. 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 with the Information Tribunal. Liz is the trainer for PDP's popular training session on the FOI exemptions, 'FOI - Level 2'.

Bilal Ghafoor is the FOI Team Leader for a Home Office Non-department Public Body. He has previously worked for several NHS organisations and in a central government department. He has written for *Freedom of Information Journal*, the Information and Records Management Society and, most recently, spoken at a FOI conference in Brazil for the Society of Scientific Archivists.

Paul Gibbons is the creator of the foiman.com website. In 2003, he was recruited by the Greater London Authority to prepare the Mayor of London's City Hall for FOI. After 6 years and two Mayors, Paul moved on to become Information Compliance Manager for SOAS. He has recently left this role and is now an Information Rights Consultant.

Hazel Grant is an IT lawyer, specialising in IT procurements and information law. Her work regularly involves advising on commercial and procurement law issues including structuring public procurements and drafting agreements in line with government guidance. Hazel advises on responses to FOI requests and handling appeals to decision notices. She is a Member of the Editorial Board of *Freedom of Information Journal*.

Jackie Gray is a Director in the Public Services Team at Dickinson Dees. She has acted on a variety of PPP/PFI Projects and advised on a wide range of public sector commercial work, with particular expertise in BSF, IT and outsourcing. Jackie specialises in freedom of information and data protection for public sector clients, but advises on all aspects of information governance in the public sector. Jackie is a Member of the Examination Board for the Practitioner Certificate in Freedom of Information.

Ben Hooper is a barrister at 11KBW Chambers who specialises in all aspects of information, privacy and data protection law. He acts for and advises public authorities, regulators (including the Information Commissioner), companies and individuals, and appears regularly in the Tribunals and Courts.

Robin Hopkins is a Barrister at 11KBW in London. A major part of Robin's practice involves advisory and litigation work on freedom of information, data protection and environmental information matters. He regularly appears in the First-Tier and Upper Tribunals on issues ranging from national security to commercial confidentiality. Robin is a Member of the Examination Board for the Practitioner Certificate in Freedom of Information.

Marion Oswald is a solicitor and a Senior Lecturer in Law at the University of Winchester, and founder of the Centre for Information Rights at the University. With experience in legal management roles within private practice, international technology companies, including Apple and McAfee, and UK Central Government, she has worked extensively in the fields of data protection, freedom of information and information technology.

Christine Rinik is qualified as an attorney in the US and as a solicitor in England and Wales. Her previous professional experience includes legal roles within a Boston law firm, Associate General Counsel for technology transfer at a large university, and in-house positions within international technology based companies. She is now a Senior Lecturer in Law at the University of Winchester.

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.

Damien Welfare came to the Bar in 2001 after a career in local government. He specialises in freedom of information, data protection and the Environmental Information Regulations. He appears in the Information Tribunal, advises on all aspects of information law, and speaks and writes regularly on information law matters. He is a Member of the Editorial Board of *Freedom of Information Journal* and is Head of the Examination Board for the Practitioner Certificate in Freedom of Information.

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.

Lynn Wyeth is the Information Governance Manager at Leicester City Council. Having previously worked as an MP and MEP's political assistant, Lynn moved to her local council where she now oversees the Council's Information Governance agenda including data protection, FOI, information sharing, RIPA and CCTV. Lynn is the author of two books, '*A Practical Guide to Handling Freedom of Information Requests*' and '*Data Protection: Compliance in Practice*'.

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Speakers' Presentations Day

Choice of Workshops: Morning: A B C Afternoon: D E F

Invoice details (if different to delegate details above)

Name: _____

Address: _____

Email: _____

Workshop choices

Morning Workshops (9.30am - 12.45pm):

A: Vexatiousness, Repeated Requests and Manifestly Unreasonable

B: Requests for Personal Data

C: Training non-FOI staff in FOI

Afternoon Workshops (2.00pm - 5.15pm):

D: Commercial Confidentiality – an increasing challenge in the age of transparency

E: PSI – Implications of the New Regime

F: IP Rights and the FOI Officer

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Fees

Public Sector Rate

Whole Conference (Speakers' Presentations Day plus two Workshops) £ 695 plus VAT

Speakers' Presentations Day plus one Workshop £ 545 plus VAT

Speakers' Presentations Day only £ 445 plus VAT

Two Workshops only £ 395 plus VAT

One Workshop only £ 245 plus VAT

Standard Rate

Whole Conference (Speakers' Presentations Day plus two Workshops) £ 895 plus VAT

Speakers' Presentations Day plus one Workshop £ 745 plus VAT

Speakers' Presentations Day only £ 595 plus VAT

Two Workshops only £ 495 plus VAT

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- FOI and Data Protection - How They Work Together
- FOI and Data Protection in Scotland

Freedom of Information

- FOI Practical Training - Level 1
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- FOI and Data Protection - How They Work Together
- FOI and Data Protection in Scotland
- FOI in Scotland

FOI Qualification

- Practitioner Certificate in Freedom of Information

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- Understanding the EIRs

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