

Day 2 – Tuesday, 27 November 2007
Plenary Session 1.30pm – 3.30pm

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Presentation Title: FOI with Bite: Recipes for Openness

This paper attempts to answer the question: what are the essential ingredients required for FOI to have an impact on the openness of government agencies? The author draws on experiences in several English-speaking jurisdictions to propose that the major requirements for success include four sets of factors.

Firstly, it is critical to have a framework of accountability in which the information released under FOI can be effectively deployed by citizens. FOI is far more powerful when information thus obtained can be used to challenge and change the decisions of government. Secondly, strong legislation needs to contain clearly stated objectives, an emphasis on disclosure, narrowly framed exemptions, public interest tests, low fees, protection from liability for officials, penalties for breaches, and independent external review. Thirdly, crucial administrative supports for FOI include adequate resources for both agencies and review bodies, firm requirements for training and compliance, and strong leadership and support from the highest levels of government. Finally, it is essential that appropriate training be provided to the staff according to their role in the process. Strategies to ensure that training material and guidelines are high-quality, up-to-date and consistent with review decisions must be developed. Specific benefits for both the agencies and for individuals can be presented along with judicious use of cautionary tales and dangers to be avoided. The training can be conducted by government and non-government providers, although the potential for Information Commissioners to be involved may be limited by their legislatively-prescribed role and their resource levels.

Is training on its own sufficient? The author believes that training is a necessary ingredient in the overall recipe for open government. But only when it is conducted in the context produced by the other factors described, is training likely to result in noticeable movement towards the "culture of openness and participation" which is the target.