

Book review

Heather Brooke (2004) *Your right to know: how to use the Freedom of Information Act and other access laws*. London. Pluto. ISBN 0745322727.

Volume 1 issue 3

Review by Susan Healy, UK National Archives

Heather Brooke has produced a bravura account of access rights, and the dire effects on the public good if they are ignored. It is written with great sincerity but not quite as great accuracy.

The stated aim of the book is 'to give you the tools to get the information you want. It tells you what your rights are and how to use them' (page 1). By 'you' she means members of the public, and the focus is very much on helping them find information of use to them. There is also frequent encouragement to readers to exercise their access rights, either by suggesting topics that could be pursued or by recommendations such as 'if you are a Londoner and only send one FOIA request in your lifetime, there is no more deserving recipient than Transport for London (page 92).

The book has many strengths. One is its scope: she does not confine herself to FOI but sets out to cover a wide range of access rights to particular types of information. These are dealt with in separate chapters: central government; intelligence, security and defence; transport; the justice system; law enforcement and civil defence; health; the environment; local government; education; private companies; and information about individuals. As well as outlining access rights for each category she suggests useful starting points for obtaining information. These include details of key bodies, with a description of the type of information they hold and the address to which enquiries should be sent, and references to websites and printed sources that

can be used to identify and locate many others. From this point of view the book will be invaluable to those seeking information but not knowing where to start.

Another strength is her inclusion of comparisons with rights of access overseas, especially in the USA. The many examples she gives of openness in other countries will enable those seeking information in the UK to argue 'if they can why can't you' – although whether that will be persuasive remains to be seen.

The layout is clear, with boxed in summaries of key facts and an index at the end. There are also model request and appeal letters.

However, there are some deficiencies that suggest she has not fully understood some of the legislation she describes. For example, the chapter 'Information about individuals' deals with both subject access rights and rights of access to personal information about third parties but never mentions the key fact that the Data Protection Act applies only to information about living individuals. She has completely misunderstood the concept of 'historical records' (page 18) – records become historical records by virtue of their age not their access status. She confuses the exclusion of some bodies from the FOI Act altogether and the exemption of information from or about them held by bodies subject to the Act (the security and intelligence agencies at pages 73-75 and the courts at page 99).

She is very shaky on the difference between Parliament and Cabinet (page 34) and on the position of MPs (also page 34), for example 'As a Member of Parliament the Prime Minister is subject to the Freedom of Information Act and to make a request you can either contact the PM's office directly or preferably send your query to the Cabinet Office'. She is only partly correct in her description of which private bodies

might be subject to the Environmental Information Regulations, omitting the important criterion that the private body must be under the control of a public body (page 179-180). These just a few examples and the frequency of errors do, in the opinion of this reviewer, undermine the usefulness of the book.

In summary, this is a rattling good read but should be used with caution because of the errors it contains.