

## **Book Review**

Chapman, RA and Hunt, M (2006) Open Government in theoretical and practical context. Aldershot. Ashgate. ISBN 075464642 4.

### **Volume 2 issue 1**

**Review** by Richard Martin. Head of Information, Human Fertilisation & Embryology Authority, UK

In the UK, the first half-decade of the new millennium was notable for a flurry of legislative activity and public sector development and deployment relating to information access and use. Since 2000, the Data Protection Act 1998 (DPA) has been implemented, as have the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). These Acts and Regulations have provided a framework for greater transparency and openness in government, supplying the public with a platform from which to query decision-making processes, access and make use of data, and question the length and purposes for which information is held. Running in parallel with the legal implementation, have been a series of high-profile public inquiries – the Victoria Climbié Inquiry 2003, the Bichard Inquiry (Soham Murders) 2004 & 2005, the Hutton Inquiry (Death of David Kelly) 2004 and the Butler Review (Intelligence on Weapons of Mass Destruction) 2004, for example – that have further revealed the machinations of government, in its broadest sense, as well as highlighting the importance of information management and recordkeeping.

Despite progressive gains during the Major and Blair Governments, the shift from secrecy to absolute transparency in government is far from complete, and is unlikely ever to be so either in the UK or any other

**Book review. Open Government: a journal on Freedom of Information. Volume 2 Issue 1.** Published on 17<sup>th</sup> August 2006

country. It has been fascinating to observe, though, how the UK FOIA, in particular, received such a mixed reception from campaigners, political scientists and journalists in the lead up to its full implementation on 1 January 2005. Such groups felt let down by the discrepancies between the promise evident in the new Labour Government's initial White Paper of 1997 and the finalised legislation that was given Royal Assent in November 2000. Exception was taken with the number of exemptions established by the Act, excluding access to information relating to national security and the formulation of government policy, for example, as well as with the right given to Ministers by s.53 to veto decisions made by the Information Commissioner. Yet, as documented by Alasdair Roberts in *Blacked Out* (2006)<sup>1</sup> and the Organisation for Economic Co-operation and Development's (OECD) Public Governance Committee's 2005 *Effective Open Government* report, it would appear that the UK legislation is very much in tune with information access legislation established in other liberal democracies around the globe. Indeed, since full implementation there has been a sense of qualified satisfaction with the UK Act, if not with the late 2004 amendments to the s. 45 Code of Practice and the proposed 2006 fees review.

The early 2005 *zeitgeist* is captured by *Open Government in a Theoretical and Practical Context* a collection of essays edited by Richard A Chapman and Michael Hunt, which evolved from the Public Administration Committee (PAC)<sup>2</sup> Workshop on Freedom of Information held at Durham University in April 2005 just a few months after the Act came fully into effect. This slim volume pulls together contributions from

---

<sup>1</sup> also see review in this issue of *Open Government*

<sup>2</sup> <http://www.york.ac.uk/depts/poli/pac/>

Parliamentarians, practitioners and academics. It has as its primary focus the topic of Open Government in the UK, although there is some commentary on the situation overseas too, particularly in South Africa. While there are chapters on the Hutton Inquiry (ch. 6) and the Committee on Standards in Public Life (ch.8), much of the book is given over to two themes: (1) the UK FOIA, its history, evolution, shortcomings and potential benefits; and (2) accountability in public office.

Despite the contributions from FOI practitioners such as Susan Healy of the National Archives (ch. 10) and Frank Cranmer of the House of Commons (ch. 13 – background note) this collection is pitched at the academic reader, with the chapters on public accountability and whistleblowing (ch. 5) and on e-Government and FOI (ch. 11) being especially theoretical. It will be of particular interest to political scientists and legal historians. Its price of £50 also will mean that it is more likely to find its way into libraries than into the homes of casual readers as has been the case with Heather Brooke's *Your Right to Know*<sup>3</sup> (Pluto Press, 2004; <http://www.yrtk.org/>). That said, there is still much to commend the book to FOI practitioners. Healy's chapter and that contributed by Stephen James (ch. 3) will find resonance with record managers, data controllers and fledgling information access officers who lived through the era of the Code of Practice on Access to Government Information, the training and awareness period of the months leading up to January 2005 and the immediate post-implementation FOI period during which colleagues visibly twitched as one approached their desk with the latest FOI case files to process and take them away from their 'day jobs'.

---

<sup>3</sup> Reviewed in Volume 1 Issue 3 of Open Government  
**Book review. Open Government: a journal on Freedom of Information. Volume 2 Issue 1.** Published on 17<sup>th</sup> August 2006

The editors bemoan the lack of contributions from either the Department for Constitutional Affairs (DCA) or the Information Commissioner's Office (ICO) but, given public statements from these two bodies throughout the past 20 months both at conferences and in print, it is unlikely that much would have been added to the quality already contained in the volume, from the jaunty overview offered by Lord Goodhart (ch. 2) to the keen analysis of Geoffrey Hunt (ch. 5) and Barry O'Toole (ch. 7). If there is a criticism to be levelled at *Open Government in a Theoretical and Practical Context* it is that it stands as a snapshot in time, some three and a half months after the full implementation of the FOIA, and reads more like a journal than a cohesive study. The reader, from the perspective of late Summer 2006, is either left wanting further development of the arguments raised or is already rebutting some of the claims against the potential (in)effectiveness of the UK Act given all that has happened since the contributors first discussed the issues at the PAC Workshop.

In their preamble to the contributors' chapters, the editors differentiate between the terms 'freedom of information', 'access to information' and 'open government', which they suggest have been used synonymously in the past. Chapters on non-FOI topics such as the Public Interest Disclosure Act 1998 (ch. 5), the Hutton Inquiry (ch. 6) and the role of special advisers in the Blair Government (ch.7) do help broaden our perspective of the notion of 'open government', which is clearly distinct from the other two terms. There is less clarity on the distinction between 'freedom of information' and 'access to information', and it would have been useful to have more on the DPA, EIR and Re-use of Public

**Book review. Open Government: a journal on Freedom of Information. Volume 2 Issue 1.** Published on 17<sup>th</sup> August 2006

Sector Information Regulations 2005 in this respect. However, where the editors' introduction and the chapters written by Lord Goodhart (ch. 2), Simon James (ch. 3), Michael Hunt (ch. 4) and James Michael (ch. 9) are particularly useful to legal historians is in providing a brief overview of the timeline that culminated in the introduction of the FOIA. This includes the Croham Directive of 1977, the Code of Practice on Access to Government Information introduced by Major's Government in 1994 and updated by Blair's in 1997, the White Paper of 1997 and the draft Bill of 1999.

It was suggested earlier that there was a level of qualified satisfaction with the Freedom of Information Act 2000. Many, including the contributors to the PAC Workshop, either explicitly in the case of Lord Goodhart or implicitly in the case of several others, have indicated a desire for the Act to be reviewed and modernised in the not-too-distant future, regaining lost ground on the original 1997 White Paper. Similarly, this reviewer is left eager for more from the contributors to *Open Government in a Theoretical and Practical Context*. How have subsequent events, information disclosure from central and local government departments, the NHS and the police force, new government policies and FOI case law affected their points of view? Is the FOIA weaker or stronger than they had anticipated? Do media-fuelled scandals involving David Blunkett and John Prescott, while not a good advertisement for the probity of Government Ministers, reflect well on the openness of the modern political system? What have their own experiences been both as users of the Act and practitioners responding to requests? How do practitioners strike a balance between the not inconsiderable requirements of the Act and fulfilling the core business of their

**Book review. Open Government: a journal on Freedom of Information. Volume 2 Issue 1.** Published on 17<sup>th</sup> August 2006

departments? It would be pleasing to see their arguments developed further in the electronic pages of this journal or elsewhere. In the meantime, *Open Government in a Theoretical and Practical Context* is recommended for its thought-provoking analysis of the early days of the FOI era.

Dr Richard Martin

Head of Information

Human Fertilisation & Embryology Authority

21 Bloomsbury Street

London WC1B 3HF

[richard.martin@hfea.gov.uk](mailto:richard.martin@hfea.gov.uk)