

## Book Review

Carey, P and Turle, M eds (2006) Freedom of Information Handbook, London: Law Society. ISBN 185328968X

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**Review** by Dr Andrew Flinn, School of Library, Archive and Information Studies, University College London, [a.flinn@ucl.ac.uk](mailto:a.flinn@ucl.ac.uk)

Freedom of Information and information law generally engages several different audiences or user groups, each of which interacts with the legislation and with the literature which supports the legislation from different perspectives. There are the applicants who use the legislation to obtain information; then there are those involved in the management of records and information and whose work underpins successful compliance with the legislation; and finally there are those freedom of information officers, executive officers, senior administrators, lawyers, judges and many others whose responsibility it is to manage and oversee the working of the legislation. Each of these groups approaches the FOIA from its own perspective, and has its own growing literature addressing these perspectives. Nevertheless many of these works, while addressing one particular audience have much of value for the other groups, and so it is with Peter Carey and Marcus Turle's Freedom of Information Handbook.

Published by the Law Society, it is as the title suggests a comprehensive and practical account of the FOIA as it applies to England, Wales and Northern Ireland but not Scotland (the separate Act there is not covered in any detail in this book), pointing the reader to appropriate parts of the Act or the official guidance issued and explaining their significance. Diagrams and flowcharts are included to help describe and systemise decision-making processes. Reading it through from start to finish there is some repetition of information, but that is because it is designed to be used

as a reference tool, with users consulting and re-consulting the appropriate sections as needed. After a general introduction which puts the FOIA in its historical and international context, and outlines some of the criticisms that have been levelled at the law, there follows chapters dedicated to publication schemes, the application of the exemptions and the public interest test, the impact of the act on the private sector, some initial reflections on the utility of the act as a media tool, on related information legislation and on the appeal process. The editors and contributors all come from legal backgrounds and have significant experience of working within this field – Carey edits the journal *Privacy and Data Protection* while Turle is the editor of *Freedom of Information*.

The central chapters on the exemptions are written by Turle and detail each exemption in turn, including definitions and applications, and where appropriate advice on the working of the public interest test. Tomlinson's chapter on the implications of FOIA for the private sector, examines not only the risk of the unwanted disclosure of private sector information held by a public sector institution and strategies to be adopted to minimise this risk but also the possible benefits of FOIA to the private sector as a tool for obtaining useful and commercially sensitive data from the public sector. The chapter on data protection explores the interface between the DPA and FOIA and offers advice on how to resolve the apparent contradiction between privacy rights and public freedom of information. A further chapter details the implications and rights bestowed by the important but generally little known Environmental Information Regulations (2004).

The final chapter examines the role and powers of the Information Commissioner and outlines the appeal and review process as set out in the legislation and guidance but has little by way of detail of how this might work in practice.

It is with the latter that the book's greatest difficulty lies - the timing of its publication. The text was completed in the first six months of full compliance with FOIA and much in terms of the use of exemptions, the success and/or failure of requests and the workings of the appeal and oversight process remains 'amorphous', at the very beginning of an evolving landscape. This is not meant as a criticism as such, there is clearly an immediate need for a clear and coherent practical guide for those charged with managing compliance with the provisions of the FOIA and related information law but any future revised edition will be clearly be on firmer ground with regard to the working of the act and its oversight. This is particularly the case in the chapter on the media's experience of using FOIA. Similarly several contributors refer to the importance of the Information Commissioner to the effective functioning of a right to access to information, however at the time of their writing it was far too early, particularly in terms of the appeal process, to come to any clear assessment on how successful or otherwise the IC was. Turle expressed optimism but in many ways the jury is still out on the question.

Some typographical errors have slipped through the editing process, of which the European Convention for the Protection of Human Rights (page xxxii) raises the broadest smile. That said however, in his short forward, the Information Commissioner Richard Thomas recommends the handbook as 'an invaluable tool in navigating this important new regime' for all practitioners, he is right and there is also much to interest and inform information managers and those who request information as well.