

**Book review**

Patrick Birkinshaw (2005) Government and Information The Law relating to Access, Disclosure and their Regulation. London. Tottel Publishing. ISBN 1845920880.

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**Review** by Ibrahim Hasan, ActNow Training, UK

Patrick Birkinshaw is an experienced and widely published public lawyer. This is the third edition of this book which has been revised to take account of the plethora of legislative developments in this area particularly the coming into force, on 1<sup>st</sup> January 2005, of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The first chapter is devoted to a thorough discussion of Freedom of Information Act 2000, particularly the application of the exemptions drawing upon the Information Commissioner's guidance notes. Some discussion of the latest decisions of the Information Commissioner would have been useful. However I suspect the book was completed a few months ago when there were not many meaningful decisions to comment upon.

A comparison is also made between the 2000 Act, the various Freedom of Information Bills and the Government's previous White Paper on this subject. This allows the reader to understand how far the ideals of openness and transparency have been sacrificed at the altar of political reality. There is also mention of the differences between the Scottish and the English Freedom of Information Acts. Only seventy six pages out of a total of six hundred and sixty are devoted the Freedom of Information Act. This is perhaps not surprising bearing in mind the title of this book. Those seeking more detail can look at other books and also guidance published by

the Information Commissioner Office (ICO) and the Department for Constitutional Affairs (DCA).

The beauty of this book is in its discussion of many different applicable statutes and legal cases, which together make "information law", and their application to different parts of the public sector. For example, in the central government arena one has to consider the Official Secrets Act 1989, the Public Interest Disclosure Act 1998 and the D Notice system.

For those in local government, the discussion of specific functions such as council tax, economic development and the information law provisions specific to them will be interesting to those grappling with the interaction of such legislation with Freedom of Information. The Local Government Act 1972 (as amended) is examined in the context of the new executive arrangements and the conduct of meetings. There is a good table comparing the latter with the Freedom of Information Act as well as one setting out all the statutory provisions which require local authorities to publish information

A whole chapter is devoted to access to personal information and privacy. The author examines the Durant decision and its impact on the definition of personal data. Legislation covering the health sector is also discussed e.g. the Access to Medical Records Act 1988 and the Access to Health Records Act 1990. Data matching and information sharing are also given some space. Although a lot of this refers to the ICO guidance and the DCA toolkit there is a useful examination of the European perspective. Those in the police sector may wish to read the section on data held by the police and also the implications of Bichard Inquiry. There is also useful mention of

the ACPO guidance on weeding old records as well as the guidelines on the use of the Police National Computer.

Information Law is a rapidly expanding area of law. This kind of book greatly contributes to its understanding and debate. It will suit lawyers, academics as well as those who are seeking to learn about the bigger picture not just Freedom of Information. At around £70 it is also very good value.

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