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HEALTH AND SAFETY COMMISSION

HSE'S 2002 ANNUAL RETURN TO THE DEPARTMENT FOR CONSTITUTIONAL AFFAIRS (DCA) ON REQUESTS UNDER THE CODE OF PRACTICE ON ACCESS TO GOVERNMENT INFORMATION

A Paper by Dilip Sinha, CEPS (OCB)

Cleared by Dr Mel Draper on 18 August 2003

Issue

1. To note:
 - that HSE's Annual Return for the calendar year 2002, on requests received under the Code of Practice on Access to Government Information (known as the "Open Government Code"), has been submitted to the Department of Constitutional Affairs (DCA); and
 - the main changes in the profile of requests to HSE between 2001 and 2002.

Timing

2. Routine.

Recommendation

3. The Commission are invited to note the contents of this paper and of the attached copy Annual Return.

Background

4. HSE completes an annual questionnaire from DCA (formerly the Lord Chancellor's Department) about requests for information made during the previous year under the Open Government Code. HSE's response and those from other public sector bodies and Government Departments are published by DCA in a report entitled *Code of Practice on Access to Government Information – Monitoring Report for 2002*.
5. In the past, the Commission received six-monthly reports of HSE activity under the Data Protection Act 1998 and the Open Government Code. However, MISC 02/47

explained that Data Protection Act monitoring was no longer required and that six-monthly reports to the Commission would be discontinued in favour of an annual MISC paper accompanied by a copy of the Annual Return sent to DCA.

Argument

6. The main points of interest – reflected in the Annual Returns to DCA – comparing 2001 and 2002 figures relating to requests to HSE under the Open Government Code, are:
 - (i) a 35% increase in recorded requests for information - from 1398 in 2001 to 1889 in 2002;
 - (ii) the number of requests answered within HSE's target has increased from 98% to 100%;
 - (iii) the number of requests for which HSE made a charge declined by 6.5% from 715 to 669;
 - (iv) the number of requests refused (in whole or in part) increased by 18% - from 643 to 760. Of these refusals, however, 611 (around 82%) were premature requests in connection with civil proceedings¹. The figure of 82% is a decline from 96% for 2001;
 - (v) consistent with its current monitoring systems, HSE provided a generic response to the detailed breakdown of category of correspondent (Q.5b). More broadly, however, HSE is looking to establish how much monitoring detail DCA will require as we move to full implementation (in January 2005) of the Freedom of Information Act, and will develop its monitoring systems accordingly.
7. Despite the increase in the number of requests received by HSE, and the number of refusals, there were no complaints made to the Director General in 2002 under HSE's Open Government appeals procedure, and no need for the Director General to convene the HSE Complaints Panel. Complaints may be made about HSE having refused to supply information, having applied the wrong exemption under the Open Government Code, or about charges levied for the supply of information.
8. There are no other substantial differences between HSE's Annual Returns for 2001 and 2002. The 2002 Return is attached as the Annex to this paper, and CEPS (OCB) will be happy to deal with any questions the Commission may have about the Annual Return that this paper does not address.

¹ Essentially, HSE must refuse a request for non-personal information obtained in an investigation if the request is made before the Claim Form has been received.

Consultation

9. D/Ds were consulted on the new annual monitoring arrangements which replaced the former quarterly monitoring.

Presentation

10. No presentational issues for HSC/E. The figures form part of the monitoring report on the Open Government Code published by DCA.

Costs and Benefits

11. None.

Financial/Resource Implications for HSE

12. None.

Environmental Implications

13. None.

Other Implications

14. None.