

Book Review

Turle, M (2005) Freedom of Information Manual. London. Sweet and Maxwell.

There are now many texts on the market that cover the UK Freedom of Information Act, from the very detailed legal text by Phillip Coppel to the accessible citizen handbook by Heather Brooke. For the practitioner having a handy textbook can be a very useful tool even when there is so much guidance and information provided online. The UK Freedom of Information Act (FOIA) and associated SIs are complex pieces legislation (some might say unnecessarily so) plus taking into account the interplay between the Data Protection Act 1998 and the 2004 Environmental Information Regulations (EIRs) means the embattled practitioner often has many sources to consult and interpret. Added to this the multitude of guidance and case law that appears on any almost daily basis from the DCA, ICO and information tribunal.

This book is what I would call an “accessible legal text” in that a practitioner without a formal legal background could pick up the text and use it as well as being of value to those with more formal backgrounds. The layout and standard of citation is of a legal text. The length and size is more easily portable compared to some of the more detailed texts available such as Coppel. I would also say the text is accessible enough for a user of the FOIA to pick it up if they were using the Act on a regular basis or were contesting a complex case.

Chapters 1 and 2 follow the text of the FOIA and EIRs respectively with commentary and references to relevant statutes, cases, decisions etc plus the guidance issued by the ICO and DCA. The text has included references to most of the decisions available at the time of going to press (Sept 2005). This does make it currently the most up to date text on the market. The second part covers the public interest test, making requests and implications for private sector.

In terms of reference value the text also scores well in pulling together all the following official documentation, that I don't believe another text has done as comprehensively:

- Both S45 and S46 Codes of Practice
- Code of Practice under EIRs
- Table of exemptions
- OGC Civil Procurement Policy and Guidance

Chapters 1 and 2 are well written and offer much useful insight and discussion and are comprehensive in their dealing with each part of the legislation. These chapters take each section of the legislation – offering a commentary on each. The sources drawn upon are wide ranging and up to date for example the discussions draws upon overseas examples for the discussion of vexatious requests as well the DCA/ICO guidance. Also issues such as the ICO/Central Government Memorandum of understanding and the Clearing House are all covered. The chapters on the FOIA and EIRs could offer greater cross-referencing to tease out the differences between the two.

The text also contains some useful guidance on how to make requests – going into some depth about how to narrow requests down (what Turle calls staged and layered requests) and how to appeal and challenge. This added to the section on the implications for the private sector also make this text useful for those who work outside the public sector.

However I do add some caveats about this type of text generally and wonder if there is a need for a supplementary mode of delivery for the text. One of the problems with these types of text is the rapidity with which they quickly become dated – this is especially true for FOI given that case law and precedent setting is at such an embryonic stage. This text which can still be thought of as new, having only come out a few months ago already feels dated: for example the discussion of the S32 exemption for court records on p108 highlights the Bridgnorth Council

decision in which the ICO upheld the use of S32(1)c for a court case transcript. Since publication of the FOI handbook the Information Tribunal ruled that the construction of S32(1)c “excludes a transcript from the application of s.32(1)(c)”, although not issuing a new notice because the information had been destroyed. It would be useful at these points in the text that the reader was alerted to the fact that the case was pending an appeal and the reader could be pointed to an online source. These types of text would in my view be greatly enhanced by some form of updated online companion.

The Freedom of Information Manual by Marcus Turlle is a text that offers an accessible commentary of the legislation combined with case law and taking the above factors into account it would be a useful addition to most practitioner’s bookshelves. Overall – definitely recommended – though the reader will have to read between the lines in some areas and look to make sure the information they have is the latest available.

Steve Wood

Review posted on FOIA blog www.foia.org.uk