8th Annual Freedom of Information Conference

Keynote Speaker: Graham Smith
Deputy Information Commissioner

Chair: Hazel Grant
Partner, Bristows

The handouts and notes were good. Good food and snacks throughout the day also.
Bunmi Ogunseye
Data Protection and Information Officer
London Borough of Richmond upon Thames

The topics were useful and the speakers were good. This conference could not be improved.
Kayi Emadi
Information Rights Adviser Ofcom

Very useful and informative day.
Caroline Lynch
Governance Officer
Royal Berkshire NHS FT

Very enjoyable and helpful. The speakers were obviously experts in the subjects.
Emma Gedge
FOI & Data Protection Officer
Norfolk Fire & Rescue Service

Excellent speakers - really useful.
Wendy Raymond
Freedom of Information Officer
Medical Research Council

Useful reference materials. Nice venue.
Stephanie Pearson
Information Governance Manager
Nottingham City Council

Very useful practical tips.
Amy Ogborne
Information Compliance Manager
Bath & NE Somerset Council

I liked the range of issues covered and the use of examples.
Leigh Hopkins
Public Affairs Officer
Health Protection Agency

Conference presented in association with Freedom of Information Journal

12 CPD points

Wine and Canapés reception sponsored by BRISTOWS

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FOI Past, Present and Future
Graham Smith - Deputy Information Commissioner and Director of FOI, Information Commissioner’s Office
Freedom of Information continues to be in the spotlight, and in this talk, Graham Smith talks about the past, present and future of FOI.

The Protection of Freedoms Bill and Post Legislative Scrutiny: A Look Ahead
Jackie Gray - Director, Dickinson Dees
The Protection of Freedoms Bill amends the Freedom of Information Act 2000, and the process of Post Legislative Scrutiny of FOIA has begun. In this talk, Jackie Gray predicts what amendments are likely to come in to force and gives practical advice on how to prepare for those changes.

Releasing Data Sets: Issues with Anonymisation
Clare Sanderson - Health & Social Care Information Centre
Under the transparency agenda (and in the future under the Freedom of Information Act 2000), public bodies are required to publish a range of datasets. However, where datasets relate to an individual, it is critical that the published data are anonymised so that an individual cannot be identified. In this talk, Clare Sanderson sets out issues to be aware of when de-identifying personal data.

Why Transparency Matters
Tom Steinberg - Founder and Director, mySociety
The ‘cost of FOI’ versus the ‘value of transparency’ is a hotly debated topic. In this talk, Tom Steinberg discusses lessons learned from whatdotheyknow.com, the value to be gained from transparency, and how democracy websites will change in the future to help further the transparency agenda.

FOI Responses: the Good and the Bad
Jonathan Baines - Legal and Democratic Services, Buckinghamshire County Council
Taking the necessary time to adequately prepare an FOI response can shorten the overall time spent on the request. Conversely, getting it wrong can lead to awkward and costly reviews and appeals. In this talk, Jonathan Baines shows examples of good and bad practices when responding to FOI requests, and how you might be able to reduce the number of reviews and appeals.

FOI Appeals: A Practical Approach
Timothy Pitt-Payne QC - Barrister, 11KBW
The number of FOI appeals is on the increase, and Timothy Pitt-Payne gives practical advice on the handling of these appeals to the Information Rights Tribunal, as well as to the Upper Tribunal and higher appellate courts. This talk will include information on the various roles of the parties in the appeal process, case management issues, the role of witnesses, types of hearings, preparing the evidence, and more.

Promoting FOI Within the Organisation
Paul Gibbons - Information Compliance Manager, School of Oriental and African Studies, better known for blogging in his personal capacity as ‘FOI Man’
Often there is a negative view of FOI both inside and outside the organisation. In this talk, Paul Gibbons talks about how to fight negativity and promote compliance within the organisation in difficult times.

FOI Case Law Round-up and Future Predictions
Hazel Grant - Partner, Bristows
In this talk, Hazel Grant provides a review of the key FOI and EIR cases of the last 12 months, including ICO Decision Notices, Information Tribunal Decisions and a brief look at Freedom of Information decisions affecting European Community institutions. She reviews the practical application of these decisions for public sector information professionals and considers the important decisions to come in 2012.

The Future of Records Management
Lawrence Serewicz - Principal Information Management Officer, Durham County Council
A successful FOI programme must have good records management. In this talk, Lawrence Serewicz looks at the future of records management practice and gives advice on how to start preparing for that future today.

"An excellent, well-balanced, thought-provoking conference, which really helps me to keep up to date."
Denise Francis
Records Manager
Science & Technologies Facilities Council

"An excellent Conference with very knowledgeable speakers. The Freedom of Information Act continues to present public authorities with issues that have not been clearly defined by case law. I see the Annual Freedom of Information Conference as the best forum for obtaining up to date information about how the Act is being interpreted throughout the United Kingdom."
Hugh Boyle
Secretary
Parole Board for Scotland

"Thank you for a very worthwhile conference."
Mark Fletcher
Solicitor
Department for Business Enterprise & Regulatory Reform

"Well organised - thanks."
Judith Downing
Head of Information Compliance
Hampshire County Council

"A very comprehensive package. Well chaired and developed."
Ian Todd
Director
Risk Management Authority
**FOI: 5 Burning Issues**
Jackie Gray - Director, Dickinson Dees LLP
In this Workshop Jackie provides practical guidance for FOI officers and their legal teams on the following 5 burning FOI issues:
- Vexatious requests: guidance and case law demonstrating when S14(1) can be used
- “Neither confirm nor deny”: when this approach must be used, when it can be useful, and how it can be reflected in refusal letters without revealing the information in question
- Personal email accounts: practical guidance when information in personal email accounts is held for the purposes of FOI
- Section 36 - Prejudice to effective conduct of public affairs: how to draft an effective Section 36 submission to the Qualified Person using the new ICO template
- Confidential reports: what makes a report confidential and which exemptions may apply to a request for disclosure

**Commercial Confidentiality, Procurement and FOI Working Together**
Hazel Grant - Partner, Bristows
FOI has had an inevitable impact on the public and private sectors’ approach to confidentiality of procurement information and contracts. There have been a number of important decisions which provide guidance on what can be considered confidential or commercially sensitive and what should be disclosed. This Workshop looks at:
- Managing expectations of confidentiality and commercial sensitivity
- Drafting procurement documents and contractual clauses
- Handling requests for procurement and other contractual information
- Exploring the inherent conflict between procurement and outsourcing
- Reacting to proactive publication obligations
- Appraising the Government’s transparency agenda

**Data Protection: 4 Burning Issues**
Leonie Power - Senior Associate, Field Fisher Waterhouse
This Workshop gives delegates an excellent opportunity to discuss solutions to four key contemporary data protection issues. The topics covered in this Workshop are:
- Data protection issues with mobile employees: how to ensure data protection compliance on the move
- Cookies: what they require and how to ensure compliance
- Training staff and putting data protection policies into practice
- Managing security breaches: being prepared for the inevitable

**EIRs: 5 Burning Issues**
Damien Welfare - Barrister, Cornerstone Barristers
This Workshop gives delegates an invaluable opportunity to discuss the latest updates in five contemporary issues with one of the UK’s leading experts in the Environmental Information Regulations (EIRs):
- Are the EIRs being applied too widely: decisions of the Commissioner and Tribunal on the dividing line with FOI
- The Commissioner’s approach to “remoteness” under the EIRs: should the Commissioner be taking his own line?
- Commercial confidentiality exception: how strong has it become and what is the potential impact of the human rights aspect introduced by the Staffordshire case?
- Aggregation of EIR exceptions: does the decision of the European Court of Justice apply to all EIR exceptions (the Ofcom case) and what are the implications for the FOI Act?
- How the other EIR exceptions have been applied in recent decisions

**FOI and Data Protection: Issues and Problems**
Liz Fitzsimons - Senior Associate, Eversheds
This Workshop explores complex issues regarding requests for information containing personal data under FOIA or the EIRs. This session provides covers:
- Identifying personal data: the ICO’s view post Durant; anonymised statistics (the Pro Life Alliance and Department of Health decision)
- Requests involving sensitive personal data
- Duty to confirm or deny: ensuring compliance
- Third party data: applying S7(4), DPA, rather than S40, FOIA
- Meaning of disclosure “otherwise than under this Act”
- Applying the S10 exemption: S40(3)(ii)
- Applying the second condition: S40(4)
- Frequently asked questions, including salaries, staff discipline and compromise agreements non-compliance

**Data Protection: the Guide to the New Regulations**
Nick Graham - Partner, SNR Denton
The European Commission has published a new General Data Protection Regulation (the Regulation) which proposes comprehensive reform to data protection rules across the European Union. If approved, the Regulation will be directly applicable and impose a single set of data protection standards across Europe. In this session, Nick Graham discusses the new proposed legislation, including:
- New requirements under the Regulation, including certification, requirement for a data protection officer, accountability requirements and increased responsibility for data processors
- New enforcement issues, including fines and breach notification
- New rules for old terms, including minors, consent and the definition of ‘personal data’
- The rights of data subjects including subject access requests, data portability, the right to be forgotten, the right to claim compensation, and cookies
- International data transfers including options for transfers under the new Regulation

Liz Fitzsimons is a Senior Associate at Eversheds specialising in data protection and freedom of information. She works for a wide range of clients, both public and private sector, including in the education, health, transport, energy and government arenas. Liz has experience in helping clients with complex and sensitive information requests, internal appeals, defending complaints to the ICO and working with the Information Tribunal. She has advised on publication schemes, FOI planning and strategy, contractual provisions and negotiations, confidentiality arrangements and related data rooms, policies and procedures. Liz also advises on EIR issues.

Paul Gibbons is the creator of the foiman.com website. Beginning his career in records management, Paul has worked in the pharmaceutical industry, local government and the Houses of Parliament. In 2003, he was recruited by the Greater London Authority to prepare the Mayor of London’s City Hall for FOI. After 6 years and two Mayors, Paul moved on and is now Information Compliance Manager for the Mayor of London. He specialises in information law, and speaks and writes regularly on information law matters. He is a member of the editorial board of the Parliamentary transparency website. Tom Steinberg is the founder and director of mySociety, a non-profit, open source organisation that runs many of the best-known democracy websites in the UK. These include the Parliamentary transparency website TheyWorkForYou and the Freedom of Information hub WhatDoTheyKnow. Tom is also a member of the Public Sector Transparency Board.

Jackie Gray is a Director in the Public Services Team at Dickinson Dees. She has acted on a variety of PPP/PFI Projects and advised on a wide range of public sector commercial work, with particular expertise in BSF, IT and outsourcing. Jackie specialises in freedom of information and data protection for public sector clients, but advises on all aspects of information governance in the public sector. Jackie has worked with public authorities on the implementation of FOI and advises on the application of exemptions in relation to specific requests, handling reviews and appeals and dealing with information requests and confidentiality issues in public procurements. She regularly provides client training on FOI and speaks at conferences and presents seminars on information law issues. Jackie is the Head of the Examination Board for the Practitioner Certificate in Freedom of Information.

Hazel Grant is an IT lawyer, specialising in IT procurements and information law. Her work regularly involves advising on commercial and procurement law issues including structuring public procurements, handling complaints and drafting agreements in line with government guidance. Her clients range from central government departments and agencies to global IT service providers. Hazel advises on data protection compliance strategies, as well as the implementation of privacy-compliant technologies and processes. Her data protection work includes audits, government data sharing projects and responses to data security breaches. Additionally, she advises on responses to freedom of information requests and handling appeals to decision notices. Hazel is an editor of the Encyclopedia of Data Protection and Privacy, and a contributing editor for the Encyclopedia of Information Technology Law. She is a member of the editorial board of the Freedom of Information Journal.

Timothy Pitt-Payne QC was called to the Bar in 1989 and appointed QC in 2010. He is in practice from 11KBW chambers in London. He specialises in information law, and he regularly appears before the First-tier Tribunal (Information Rights), acting both for the Information Commissioner and for other parties. He is also a Visiting Professor of Information Law at Northumbria University.

Leonie Power is a Senior Associate in the Privacy and Information Law Group at Field Fisher Waterhouse in London. Leonie provides strategic and practical advice on the full range of data protection and e-compliance issues affecting public and private sector organisations and has particular expertise in the area of international data warehousing arrangements, data security compliance, e-marketing and employee monitoring. Leonie has spoken on data protection and privacy issues in the UK and abroad and provided specialist training in this field.

Clare Sanderson has been the Executive Director of Information Governance at the Health and Social Care Information Centre since August 2007. As the repository for national data sets including patient information used for secondary purposes the HSCIC presents significant Information Governance challenges on a daily basis. Clare has worked in information services in the NHS for over 25 years. She worked in the NHS and for a number of respected consultancy firms before establishing herself as an independent consultant. Clare has been instrumental in strengthening the HSCIC’s approach to information governance to provide improved assurance to patients and the public about how their information is processed.

Lawrence Serewicz is the Principal Information Management Officer for Durham County Council, and has been involved with records management and freedom of information for the past 7 years. He has published an award winning paper on the future of records management, as well as a paper on FOIA from the perspective of a practitioner, which was one of the top ten downloads on the social science network. He enjoys examining the future of Gov 3.0, and whether paper records will ever really disappear.

Graham Smith was appointed Deputy Information Commissioner in 2001 when the functions of the former Data Protection Commissioner were extended to cover freedom of information. Prior to that Graham enjoyed a career in local government, working for 4 local authorities over a 20 year period. He holds a law degree from the University of Sheffield and a Diploma in Local Government Law and Practice. He was admitted as a Solicitor in 1982. He joined the Information Commissioner’s Office from Oldham MBC, where he was Assistant Chief Executive and Solicitor to the Council. One of two Deputy Commissioners who together head up the ICO’s policy and strategy functions, Graham has lead responsibility for FOI and access to environmental information.

Damien Welfare came to the Bar in 2001 after a career in Local Government. He specialises in freedom of information, data protection and the Environmental Information Regulations. He appears in the Information Tribunal, advises on all aspects of information law, and speaks and writes regularly on information law matters. He is a member of the Editorial Board of Freedom of Information Journal and is a Member of the Examination Board for the Practitioner Certificate in Data Protection.
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Workshop choices

Morning Workshops (9.30am - 12.45pm):
A: FOI: 5 Burning Issues
B: Commercial Confidentiality, Procurement and FOI Working Together
C: Data Protection: 4 Burning Issues

Afternoon Workshops (2.00pm - 5.15pm):
D: EIRs: 5 Burning Issues
E: FOI and Data Protection: Issues and Problems
F: Data Protection: the Guide to the New Regulations

Five easy ways to book

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Fees

Public Sector Rate
Whole Conference (Speakers’ Presentations Day plus two Workshops) £645 plus VAT
Speakers’ Presentations Day plus one Workshop £545 plus VAT
Speakers’ Presentations Day only £445 plus VAT
Two Workshops only £395 plus VAT
One Workshop only £245 plus VAT

Standard Rate
Whole Conference (Speakers’ Presentations Day plus two Workshops) £845 plus VAT
Speakers’ Presentations Day plus one Workshop £745 plus VAT
Speakers’ Presentations Day only £595 plus VAT
Two Workshops only £495 plus VAT
One Workshop only £345 plus VAT

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All training courses are available in various cities throughout the UK. See the website for more details and to make a booking. All courses are available as in-house options.

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### Practitioner Certificate in FOI

Gain a recognised qualification in Freedom of Information

The Practitioner Certificate in Freedom of Information is the practical qualification for those who work in the fields of Freedom of Information and Environmental Information. Successful completion of the Programme demonstrates to employers and others that the candidate possesses a solid knowledge of Freedom of Information law, as well as an understanding of the practical implications for organisations of the legal requirements.

The syllabus for the Practitioner Certificate in Freedom of Information Programme has been designed in consultation with the Information Commissioner’s Office, and the Programme is accredited by The Law Society.

Further information on the Practitioner Certificate in Freedom of Information Programme is available on the website.

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