

Note of meeting between Lord Burns and the Independent Parliamentary Standards Authority

Tuesday 10 November 2015, 2:15 to 3:15pm, 102 Petty France

Attendees

- Lord Burns, Chair of the Independent Commission on Freedom of Information (ICFOI)
- Sir Ian Kennedy, Chairman of the Independent Parliamentary Standards Authority (IPSA)
- John Sills, Director of Regulation (IPSA)
- Stephen Jones, Secretary to ICFOI
- Alexandra Avlonitis, ICFOI

1. Lord Burns opened the meeting by thanking Sir Ian Kennedy and Mr Sills for taking the time to meet with him. Lord Burns asked for their general impressions of the Act, specifically the way in which IPSA had been responding to the Court of Appeal's decision in *The Independent Parliamentary Standards Authority v The Information Commissioner and Ben Leapman*¹.
2. Sir Ian explained that IPSA was a transparent body, and that it was responding positively to the Court of Appeal judgement, including by exploring the possibility of amending the process for handling expense claims so that sensitive information was redacted at the same stage as the request is validated, rather than reactively once the information had been requested.
3. Sir Ian explained that the more difficult, and by far more costly task, would be to redact the 'back catalogue' of information held by IPSA. This amounts to around one million receipts and invoices. Indeed, even the task of retrieving information contained in that catalogue would be time-consuming,
4. Sir Ian explained that the Act as a whole did not impose significant burdens on IPSA, but that the redaction of information in light of the Court of Appeal case was in itself burdensome. Sir Ian felt that redaction should be included as one of the activities that can be counted in assessing whether a request exceeds the cost limit, particularly where, for example, the Data Protection Act 1998 required it.
5. The group discussed the decision of the Upper Tribunal in *Information Commissioner vs Devon CC and Dransfield*² and the extent to which this had impacted on IPSA's use of section 14 FOIA (vexatious requesters). Sir Ian explained that IPSA would be reluctant to use section 14 of the Act for disproportionately burdensome requests partly because transparency is at the core of its work.
6. Lord Burns asked whether IPSA had used section 36 FOIA, and what their experience of it was. Sir Ian and Mr Sills explained that it had been used relatively infrequently, 34 times since IPSA's inception (and IPSA had received over 1000 FOI requests in the last five years).

¹ <http://www.bailii.org/ew/cases/EWCA/Civ/2015/388.html>

² <http://www.osscc.gov.uk/judgmentfiles/j3680/GIA%203037%202011-01.doc>

7. Sir Ian confirmed that IPSA would be submitting some written evidence, which would include statistical information on the volume and nature of the FOI requests which IPSA has received in its first five years.

Secretariat
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