

Independent Commission on Freedom of Information
9.54, 9th Floor
102 Petty France
London
SW1H 9AJ

20 November 2015

Sent by email to: foi.commission@justice.gsi.gov.uk

Dear Lord Burns,

The Royal Statistical Society (RSS) is a learned society for statistics, a professional body for statisticians and a charity which promotes statistics for the public good. We were first founded as the Statistical Society of London in 1834, and became the Royal Statistical Society by Royal Charter in 1887. There are more than 6000 members of the RSS around the world, of whom some 1500 are professionally qualified as Chartered Statistician. We are active in a wide range of areas both directly and indirectly relevant to the study and application of statistics.

The Royal Statistical Society's interest in this review is primarily that freedom of information (Fol) should continue to operate as an important mechanism for data access in the public interest. Whilst we welcome the steps taken by government to put more information in the public sphere, we believe that the growth of open data published by government is complementary to the right to information set out in the Fol Act, rather than a replacement for it.

In our [Data Manifesto](#), we advocate the need for "citizens to have access to good quality local data"¹. Fol has established an important complementary process, in which the public can be actively involved in identifying data for publication. In practice, data has often only been released as a result of Fol requests. Open data cannot really be considered open if the Government has total control over what data sets are released and that is why freedom of information is so crucial. Fol provides the legal right to information, and with it, the required enforcement process provided by the Information Commissioner. Without this in many cases, many data sets would not have become open, for example, food hygiene ratings and MOT failure rates.

We are aware that a balance must be struck between public access and the need for a "safe space" for Ministers and officials to discuss frankly and privately the formulation of policy. We fully support the need for protected discussion and debate, and believe this is already safeguarded by Section 35 (Formulation of government policy, etc.) and Section 36 (Prejudice to effective conduct of public affairs) of the Fol Act.

¹ The Royal Statistical Society (2014) 'Data Manifesto' [webpage], Available at: www.rss.org.uk/manifesto



With regard question six of the Commission's call to evidence on the cost of the Act, we note that an organisation can already refuse a request if it will cost over a certain amount. Making policy when resources are tight is difficult, so our *Data Manifesto* calls for evidence to be used to inform choices between options in important policy areas, and for government to publish the data and evidence that underpin any new policies it announces. The plans for new policy proposals should include the costs of making the underlying evidence available to the public. Also, the cost of FoI needs to be considered in the context of public spending overall. We believe it is a small cost for increasing public trust in decisions made that affect everyone's day to day lives. We are aware of a number of instances where RSS fellows have used FoI to scrutinise data claims in the public interest – for example we have written about one [here](#)².

If you would like to discuss these issues further, please get in touch using the details at the top of this letter.

Best wishes,



Hetan Shah
Executive Director
Royal Statistical Society

² Murray, J. (2015, April 14). How I caught my council using dodgy stats and why local open data is so important. Retrieved November 20, 2015, from StatsLife : <http://www.statslife.org.uk/opinion/2188-how-i-caught-my-council-using-dodgy-stats-and-why-local-open-data-is-so-important>