

# Freedom of Information (Amendment) (No. 2) Bill

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**B I L L**

TO

Amend the Freedom of Information Act 2000 to remove the provisions permitting Ministers to overrule decisions of the Information Commissioner and Information Tribunal; to limit the time allowed for public authorities to respond to requests involving consideration of the public interest; to amend the definition of public authorities; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Public authorities**

(1) In section 3(1) of the Freedom of Information Act 2000 (c. 36) (public authorities) at the end is inserted—

“(c) a public sector contractor as defined in section 6A, in respect of information concerning a relevant contract or performance under a relevant contract.”

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(2) After section 6 of that Act there is inserted—

**“6A Public sector contractors**

(1) For the purpose of section 3(1)(c)—

(a) a “public sector contractor” is any person who, under the terms of a relevant contract with one or more public authorities—

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(i) provides any service whose provision is a function of the authority or authorities; or

(ii) provides any service directly to the public; or

(iii) carries out activities which may affect the health and safety of the public or the state of the environment; and

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(b) a “relevant contract” is a contract whose value exceeds the sum of one million pounds and which extends for a period of more than 12 months.

(2) The right of access under section 1(1) applies to a public sector contractor only in respect of information which relates to a relevant

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contract with one or more public authorities or to performance under such a contract.

- (3) In the case of a person who is a public sector contractor solely by virtue of carrying out activities referred to in paragraph (iii) of subsection (1)(a), the right of access under section 1(1) applies only to information which relates to—
- (a) the health and safety of the public, or
  - (b) the state of the environment, or
  - (c) policies, agreements, measures, activities, conduct or proposals affecting or likely to affect any of those matters, whether or not they are intended to do so.”

- (3) In Part IV of Schedule 1 of that Act (public authorities: maintained schools and other educational institutions) there is inserted at the appropriate place—

“The governing body of an Academy within the meaning of section 482(5) of the Education Act 2002 (c. 32).”

## 2 Time for compliance with requests involving the public interest test

- (1) Section 10 of the Freedom of Information Act 2000 (c. 36) (time for compliance with request) is amended as follows.

- (2) In section 10(1) for the words “and (3)” there is substituted “, (3) and (3A)”.

- (3) In section 10(3) for the words “need not comply with section 1(1)(a) or (b) until such time as is reasonable in the circumstances” there is substituted “shall comply with section 1(1)(a) or (b) promptly and in any event not later than the fortieth working day following receipt”.

- (4) After section 10(3) there is inserted—

- “(3A) In the case of a request which—
- (a) is received by an appropriate records authority or by a person at a place of deposit appointed under section 4(1) of the Public Records Act 1958 (c. 51), and
  - (b) relates wholly or partly to information that may be contained in a transferred public record and that has not been designated as open information for the purposes of section 66 of this Act,
- the public authority shall comply with section 1(1)(a) or (b) promptly and in any event not later than the fiftieth working day following receipt; but this subsection does not affect the time by which any notice under section 17(1) must be given.”

## 3 Ministerial veto

- (1) Section 53 of the Freedom of Information Act 2000 (exception from duty to comply with decision notice or enforcement notice) is omitted.

- (2) The following provisions of that Act are also omitted—

- (a) section 50(7);
- (b) section 52(5);
- (c) in section 82(2)(a) the words “53(1)(a)(iii)”.

**4 Fees regulations**

In section 82(2)(b) of the Freedom of Information Act 2000 (c. 36) (orders and regulations) after “section” insert “9,”.

**5 Commencement**

- (1) Section 1 of this Act shall come into force nine months after the day on which this Act is passed. 5
- (2) Section 2 of this Act shall come into force two months after the day on which this Act is passed but shall not apply to any request to a public authority which the authority received before the section comes into force.
- (3) Sections 3 and 4 of of this Act shall come into force on the day on which it is passed. 10

**6 Short title and extent**

- (1) This Act may be cited as the Freedom of Information (Amendment)(No. 2) Act 2007.
- (2) This Act extends to Northern Ireland. 15

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## B I L L

To amend the Freedom of Information Act 2000 to remove the provisions permitting Ministers to overrule decisions of the Information Commissioner and Information Tribunal; to limit the time allowed for public authorities to respond to requests involving consideration of the public interest; to amend the definition of public authorities; and for connected purposes.

*Ordered to be brought in by Tom Brake,  
Norman Baker, Mr Paul Burstow, Mr Nick Clegg,  
Tim Farron, Lynne Featherstone,  
Mr David Heath, Simon Hughes,  
Mr Dan Rogerson, Mr Richard Shepherd,  
Andrew Stunell and Mr Phil Willis.*

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*Ordered, by The House of Commons,  
to be Printed, 12th June 2007.*

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LONDON – THE STATIONERY OFFICE LIMITED

Printed in the United Kingdom by  
The Stationery Office Limited  
£x.xx