



House of Commons
Justice Committee

**The work of the
Information
Commissioner:
appointment of a new
Commissioner:
Government Response
to the Committee's Third
Report of
Session 2008–09**

**Fourth Special Report of Session
2008–09**

*Ordered by The House of Commons
to be printed 21 April 2009*

HC 424
Published on 24 April 2009
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

The Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

Current membership

Rt Hon Sir Alan Beith MP (*Liberal Democrat, Berwick-upon-Tweed*) (Chairman)
David Heath MP (*Liberal Democrat, Somerton and Frome*)
Rt Hon Douglas Hogg MP (*Conservative, Sleaford and North Hykeham*)
Siân James MP (*Labour, Swansea East*)
Jessica Morden MP (*Labour, Newport East*)
Julie Morgan MP (*Labour, Cardiff North*)
Rt Hon Alun Michael MP (*Labour and Co-operative, Cardiff South and Penarth*)
Robert Neill MP (*Conservative, Bromley and Chislehurst*)
Dr Nick Palmer MP (*Labour, Broxtowe*)
Linda Riordan MP (*Labour and Co-operative, Halifax*)
Virendra Sharma MP (*Labour, Ealing Southall*)
Andrew Turner MP (*Conservative, Isle of Wight*)
Andrew Tyrie MP (*Conservative, Chichester*)
Dr Alan Whitehead MP (*Labour, Southampton Test*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House.

All publications of the Committee (including press notices) are on the internet at www.parliament.uk/justicecom

Committee staff

The current staff of the Committee are Fergus Reid (Clerk), Dr Rebecca Davies (Second Clerk), Ruth Friskney (Adviser (Sentencing Guidelines)), Hannah Stewart (Committee Legal Specialist), Ian Thomson (Group Manager/Senior Committee Assistant), Sonia Draper (Committee Assistant), Henry Ayi-Hyde (Committee Support Assistant), Gemma Buckland (Public Policy Specialist, Scrutiny Unit) and Jessica Bridges-Palmer (Committee Media Officer).

Contacts

Correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 8196 and the email address is justicecom@parliament.uk

Fourth Special Report

The Justice Committee published its Third Report of Session 2008–09 on the Work of the Information Commissioner: appointment of a new Commissioner on Monday 9 February 2009, as HC 146. The Government response was received on 5 April 2009 in the form of a letter from the Rt Hon Jack Straw MP, Secretary of State for Justice and Lord Chancellor, to the Chairman of the Committee which is appended below.

Appendix: Government response

Thank you for your Committee's report "The work of the Information Commissioner: appointment of a new Commissioner", published on 9 February 2009. The Government's response to each of the conclusions and recommendations in your report is attached to this letter.

I am very grateful to the Committee for holding the two hearings covered in the report and for its endorsement of Mr Christopher Graham's suitability for appointment as the next Information Commissioner.

*Rt Hon Jack Straw MP
Secretary of State for Justice and Lord Chancellor
Ministry of Justice
April 2009*

Government Response to the conclusions and recommendations of the Justice Committee Report on "The work of the Information Commissioner: appointment of a new Commissioner"

1. We are not persuaded by the case for changing from an Information Commissioner to an Information Commission. We welcome Mr Graham's recognition that it is important that the branding of communications from the ICO leaves no room for confusion about the personal responsibility of the Commissioner. We view the personal responsibility of the Information Commissioner for the regulation of data protection and freedom of information as the main value of the way in which the role is constituted. (Paragraph 28)

The Office of Information Commissioner is established as a corporation sole under the Data Protection Act 1998. While the Commissioner could not discharge all of his statutory responsibilities without the support of his Office, it is clear that ultimate responsibility rests with the Commissioner. The Government agrees with the Committee that this arrangement is one of the strengths of the present arrangements.

2. We recommend that the Ministry of Justice takes the appropriate steps to ensure that there are sufficient resources available to the Information Commissioner to enable the backlog of freedom of information cases to be resolved within a reasonable timescale. (Paragraph 36)

The Government notes the Committee's recommendation.

The Ministry of Justice and the Information Commissioner regularly review the level of funding made available to the Commissioner to discharge his statutory freedom of information responsibilities. In response to business cases provided by the Information Commissioner, he has been provided with grant in aid over and above the baseline fixed for each of the last four financial years, including the current one. In the current financial year, additional funding has been complemented by a secondment scheme. Seven civil servants paid by their parent departments are currently working for the Information Commissioner's Office on the backlog of freedom of information cases

The Government agrees that it is unsatisfactory to the complainant and inefficient for the public authorities involved if complaints remain outstanding at the Information Commissioner's Office for significant periods of time. In agreeing the level of grant in aid for 2009-10, additional funding has been identified although the baseline will remain the same. The additional funding will be made specifically to reduce the outstanding backlog of cases.

3. We endorse Mr Christopher Graham's suitability for appointment as Information Commissioner and his preliminary view of the priorities of the role and its supporting organisation. We look forward to a continuing dialogue on progress both in protecting people's personal information effectively and sensitively, and in securing implementation of the letter, and the spirit, of the Freedom of Information Act. The Information Commissioner needs to be an independent and fearless champion of both data protection and freedom of information, backed by a well-led and well-managed organisation. We wish Mr Graham success in this role. (Paragraph 38)

The Government welcomes the Committee's endorsement both of Mr Graham's suitability for appointment as Information Commissioner and his preliminary view of the priorities of the role and its supporting organisation. While respecting the Information Commissioner's independence, the Government, like the Committee, looks forward to a close and productive dialogue with Mr Graham if and when his appointment is confirmed.