



Operation Arena – Oil and Gas Exploration

28 March 2017

Publication Strategies – Section 22 Freedom of Information Act

Section 22 of the Freedom of Information Act 2000 allows public authorities to exempt information under FOI Act where there is an intention to disclose the information at a future date. The key parts are, that the decision to disclose is made prior to the receipt of an FOI request for the information.

Producing a strategy in this form allows us to control the disclosure when we are ready to do so, thus avoiding the drip feed that can often happen with investigations and planned operations.

This strategy can be adapted for any investigation where FOI requests are likely.

Section 22 is a qualified exemption and so a Public Interest Test needs to be carried out.

Section 22 (1) (a) Information Intended for Future Publication

(1) Information is exempt information from disclosure if -

(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not)

Section 22 is a class based qualified exemption which requires us to apply a Public Interest Test to decide if the information you require should be released ahead of the publication strategy.

Public Interest Test

Factors favouring disclosure:-

Although a publication strategy is currently being compiled there is no firm date as yet for publication. Therefore disclosure at this time would provide the public with an awareness of the cost to the public purse to date and other related matters such as how the operation was planned and undertaken.

Factors favouring non-disclosure:-

As this operation is high profile, may be subject to on-going police investigation and Sussex Police may have a duty to present information to another body or person for scrutiny. Disclosure at this time could undermine the continuing operation.

There is no doubt this operation may have been (be) at considerable expense to public funds. As a decision has been made to publish this information in future in consideration of a continuing activities, the release of current and final costs and the spending of additional funds together with details of officer and staff deployments and other relevant matters would not be in the public interest until definitive and accurate details can be provided.

Balancing Test

As this operation is still current, the information held at this time may not, for example, include all the costs, for this operation, it may also not be accurate and could change dramatically when eventually published.

There needs to be a real and valid reason which identifies a tangible benefit to the public from disclosure of information. In this case a decision has been made to disclose the information when fully collated and accurate. The additional cost to the force to deal with the request at this time would not be in the public interest.

For the reasons outlined above the balancing test for disclosure at this time is not made out.