Freedom of Information: Extending Transparency to the Private Sector

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Opening Up: Freedom of Information Act

• Access through FOI Act
• UK Government attempts to expand in 2007-2009.
• Scottish government consulted on it in 2009 and now in 2015.
• Gradual extension e.g. ACPO, exam bodies followed by National Rail (2015) and the Police Federation (?)
• Use of new FOI clause in public sector contracts
• Legal ruling over EIR in February 2015 in Fish Legal v Information Commissioner and others [2015] on water companies—does that cover all utilities?
Deputy Labour leader, Tom Watson: Make private firms answer to FOIs

Private companies providing public services should be forced to answer questions under the Freedom of Information Act, Labour deputy leader Tom Watson has said.
Opening Up: Other Laws

• **Beneficial Ownership Register**
  Small Business and Enterprise Act 2015

• Open Data on ‘Person With Significant Control’ published for all UK companies as of April 2016

• **Extractives Transparency**
  through EU law and joining EITI

• Publish tax payments, licences, contracts, production on oil, gas, minerals and metals by 2016
Opening Up: Data and Technology

• **Land Registry** data on property ownership over ‘dirty money’ in UK property market

• **Data on gender pay gaps** for companies with more than 250 workers (by 2016)

• Register for UK Dependencies and Overseas Territories?
Why Is It Difficult?

1. *Reluctance* to cooperate or publish and difficulty in making companies do so. In case of FOI business traditionally argue it is (i) unnecessary (ii) a costly burden.

2. *Complexity of change* e.g. Beneficial Ownership or tax avoidance only works with international cooperation

3. *Political will* need a good reason or justification for doing so
Companies House investigates large firms' reluctance to provide open financial data

The public registrar Companies House wants to understand why FTSE100 organisations have resisted its call to file accounts as open data

Companies House has launched an investigation into why large firms have resisted its efforts to increase public access to financial records by releasing them as open data.

Corporate indifference prompted experts to demand they be
WHO CONTROLS IT?

A proof-of-concept beneficial ownership database

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The Future: Not with a Bang but Through the Backdoor?

• *Accident* and *change* e.g. state, legal rulings
• *Pushed by scandal or concern* e.g. tax avoidance, poor performance, G4S
• *Experimentation* with open data and technology may move it
Thank You

• See the full report on the UK’s Open Government National Action Plan [here](https://opendatastudy.wordpress.com/)

• Blog
  [https://opendatastudy.wordpress.com/](https://opendatastudy.wordpress.com/)

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