

The Press Recognition Panel
107-111 Fleet Street
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26 January 2015

By email

stephen.jones@justice.gsi.gov.uk

Stephen Jones
Head, Freedom of Information Policy
6.17, 6th Floor
102 Petty France
London SW1H 9AJ

Dear Stephen,

Thank you for your letter of 19 December 2014 regarding the Freedom of Information Act 2000 ('FOIA') and its potential application to the Press Recognition Panel ('the Panel').

I am writing formally to follow up a discussion at the Panel's Board meeting held on 13 January 2015 in relation to your letter.

As you know, the Press Recognition Panel came into existence as a legal entity on 3 November 2014 with the appointment of its Board Members under the Royal Charter on that date. Key to the Board's appointment, and the operation of the Panel, are their independence from influence by Government or other extraneous interests, as secured by the Royal Charter.

Since appointment, we have – amongst other things – started the work to put in place the governance structure for the organisation, including our approach to Freedom of Information issues. While the Panel is not currently listed within the schedule to FOIA and so is not a body to which its provisions apply, the Board is nevertheless currently consulting publicly on a position whereby it will operate as if the provisions of the Act applied to it, including producing and operating a publications scheme and considering and responding to information requests.

The Board noted in its discussion that this voluntary compliance means that an individual who took issue with the Panel's response to any request for information could not raise the matter with the Information Commissioner (IC) nor then appeal to the Information Tribunal, as the IC and Tribunal would have no jurisdiction in relation to such matters. That would change if the Panel was made directly subject to the requirements of FOIA.

The key question for the Board is whether being subject to the jurisdiction of the IC and the Information Tribunal by virtue of the application of FOIA would in any way compromise the Panel's independence in the performance of its functions under the Royal Charter. The Board agreed that given the decisions of the IC and Tribunal are made within an established legal framework and by persons themselves appointed for their independence from Government and other extraneous influences, the risks to the Panel's independence arising from any decision are likely to be minimal.

In summary, having considered the issues in detail, the Board is content for the Panel to be brought under the jurisdiction of FOIA. The costs of compliance and resource implications will be monitored and kept under review.

I hope this response is helpful and look forward to hearing further from you in relation to next steps and timescales. Our understanding is that the MoJ has the power to make the necessary designation via secondary legislation, and that the legislation is affirmative and so requires debate in both Houses of Parliament.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Wolfe', with a large, sweeping flourish on the left side.

Dr David Wolfe QC
Chair of the Press Recognition Panel
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