



Freedom of Information

**Memorandum by the World Development Movement to
the Constitutional Affairs Committee**

13 March 2007

Introduction to WDM

1. The World Development Movement (WDM) campaigns to tackle the root causes of poverty. With our partners around the world, we win positive change for the world's poorest people. We believe that charity is not enough. We lobby governments and companies to change policies that keep people poor. WDM is a democratic membership organisation of individuals and local groups.
2. One of WDM's roles is to scrutinise the effects of UK government policy and actions on communities in developing countries. One vital aspect of this work is accessing information on what policies and actions the UK government is pursuing. WDM thanks the Constitutional Affairs Committee for initiating this inquiry on freedom of information and for the opportunity to submit written evidence.
3. An important public interest role played by Non-Governmental Organisations (NGOs) is scrutinising the activities of government. The scrutinising of many government activities requires expertise of NGOs working on particular issues. If NGOs are restricted in their access to information, it is unreasonable to expect thousands of individuals to undertake such scrutiny instead. Below we set out how proposed government changes to the use of the Freedom of Information Act would affect WDM.

Costs of Freedom of Information Requests made by the same individual or organisation to one authority to be aggregated over three months, and refused if over the £600/£450 limit

4. WDM submits freedom of information requests to many different government departments. However, one of the main departments we seek to scrutinise is the Department for International Development (DfID).
5. Over the past two years, WDM has been campaigning against the use of DfID aid money to push water privatisation in developing countries, and for greater support to reform public sector water systems. We have also been campaigning for the UK to end the use of economic policy conditions in return for aid, such as requiring a country to privatise a particular company in return for the aid that DfID gives. In March 2005, the UK government announced it would no longer attach economic conditions to the aid it gives. Since then, WDM has sought to monitor how DfID has implemented that policy in practice.
6. Since the Freedom of Information Act came into force in January 2005, WDM has submitted 28 Freedom of Information requests to the Department for International Development. This averages three requests every three month period. Most of these requests have taken at least 20 working days to respond to, and many have been granted extensions to apply a public interest test. If the government change was made as proposed, the number of requests we could make would be significantly reduced.

7. WDM cannot claim that every single one of these requests has produced information we have publicly used. However, this is a natural inevitability of requesting information. We do not know what information we are getting until it is disclosed to us. However, if the number of requests we could make every three months were limited, we would have to try and make uninformed judgements on the most important requests to make. Of course, we cannot know which requests are most important until we are granted access to the information we are looking for. Below we list two examples of the importance of information which WDM has gained.

Example: DFID water work in Guyana

8. In February 2007, WDM was granted access to four audit reports by the consultancy company Halcrow, paid for by DFID, into the performance of Severn Trent Water International in a water privatisation management contract in Guyana. The audit reports show that Severn Trent Water International had failed to meet five of seven objectives set in the contract. By 2005, Severn Trent was meant to have expanded coverage to the Amerindian community in the Hinterland to 52.1 per cent, but it was only 4.3 per cent. Continuity of service should have been 16.75 hours a day, but stood at only 3.09 hours.¹
9. The privatisation in Guyana was heavily funded by the UK's Department for International Development. Overall DfID's support to the Guyana water sector for 2002-2008 is planned to be £13 million. This included £1,857,662 paid to Severn Trent for their management contract fee up until February 2006, with a further provision of £1 million for 2006 to 2008.² In March 2006, although DfID already knew that Severn Trent were severely missing most of their targets, DfID defended the project in Guyana, saying the project is "*improving the effectiveness of GWI [Guyana Water Incorporated] management and the way GWI is regulated.*"³
10. DfID also funded consultancy work for the Guyana privatisation, including £879,068 paid to KPMG in 1999 which recommended restructuring the water sector and placing it under private management.⁴
11. It is a matter of public interest how aid money from UK taxpayers is used. A public assessment in this case can only be made because WDM has managed to get information into the public domain through the Freedom of Information Act. It is unlikely such work will be done in the future if the proposed changes to Freedom of Information are made.

Example: DFID research on water provision

12. In May 2005, through the Freedom of Information Act, WDM was granted access to a research paper paid for with £358,582 of DfID money on 'Meeting the Water and Sanitation Millennium Development Goal'. DfID had not otherwise sought to publish this information, and it was only made available on the DfID Freedom of Information Disclosures webpage following WDM's request. At the moment, many pieces of research for DfID are only made available through the use of Freedom of Information requests. Spreading the cost limit across three months would mean WDM

would effectively no longer be able to request the outcomes of such research. Again, it is clearly a matter of public interest that research paid for by UK taxpayers should be able to be evaluated and used publicly.

13. The research for DfID stated that countries were off-track in meeting the water and sanitation Millennium Development Goals where “Water sector activities tend to be driven by external agents, eg, donors and IFIs [International Financial Institutions – the International Monetary Fund and World Bank].” Unfortunately, in 2006, DfID awarded a contract to PricewaterhouseCoopers Africa to work on the privatisation of several companies in Sierra Leone, including Guma Valley Water Company – the water utility for the capital Freetown. The planned water privatisation is the result of conditions set by the World Bank and International Monetary Fund.⁵ DfID’s decision to fund this work runs counter to the research it has commissioned, and there is a clear public interest in this case. But under Freedom of Information Act changes, it is unlikely we would know the results of such research.

The costs of the time spent reading the information, consulting other bodies and considering whether to release it to be included in the cost limit

14. The proposal to allow the deliberation on whether exemptions apply to be included in the cost limit would also seriously hinder WDM’s ability to access information from government. Of the 28 requests WDM has made to DFID:
- 10 have been granted an extension to judge on whether an exemption is overridden by the public interest test;
 - 5 have been refused within 20 working days;
 - 13 have been granted within 20 working days.
15. Given the high proportion of WDM requests which are evaluated against the public interest test, we believe it is likely that this will push many requests over the cost limit which would previously have been granted. The Guyana water request above is an example where a public interest test had been used in the course of gaining access to the material.
16. Furthermore, such a change could breed suspicion that authorities could deal with politically difficult requests by choosing to read, consult and consider to a level where the cost limit applies, automatically blocking publication of the requested information. There is a danger that this change creates the perception of a flexible loophole for authorities where freedom of information requests can be blocked on cost grounds, just because the authority regards publication of the material as contentious.

Example: Request for the Secretary of State’s public engagements

17. In March 2005, WDM requested a list of the International Development Secretary of State’s public engagements between March 2005 and April 2006. The planned response date was extended six times. In the end, WDM was given the information in September 2005, over five months after initially requesting it. The majority of the Secretary of State’s public

engagements had already taken place by the time we received the information. We have never understood why responding to the request took so long, and how the public interest test in this case was complicated enough to take five months to adjudicate. However, it is clear that under the government's proposed changes, such requests would be refused on cost grounds.

Further comments

18. The government proposals on changes to freedom of information appear to be driven by cost concerns. The easiest way for governmental authorities to save money would be to make information available as a matter-of-course. Unfortunately, many governmental authorities still seem wedded to a culture of secrecy. WDM believes that there should be a presumption for authorities to automatically publish much of the information we request. For instance, there should be a presumption that the outcomes of DFID research or the details of aid projects should be published. In comparison with DFID, the World Bank provides far more information on the projects it is funding and the research it produces.
19. For now, Freedom of Information requests are a vital tool to force authorities to be more open. The limits proposed on their use will be a damaging blow to the process of making government more transparent within the UK.
20. WDM already believes that DfID have a culture of seeking to deny access to information. Below we list one example. The proposed changes to the Act will give DfID even more room not to respond to requests which are politically sensitive.

Example: Parliamentary scrutiny of DFID aid conditions

21. Parliamentarians in Malawi, Indonesia and Ghana, working with WDM tried testing a 2005 UK government conditionality policy commitment that states; "The UK will make our own aid conditions more transparent by publishing them on DFID's [Department for International Development's] website."⁶
22. Additionally, the policy states that the UK "aims to increase the transparency around the process of decision making on conditions, the conditions themselves, and the process for deciding to reduce or interrupt aid". The paper also says, "It is critical there is a full and open national debate in country – including in parliaments and national assemblies – on the relative impacts of different policy options before the government takes final decisions on the way ahead."
23. Clearly, for meaningful involvement in the development, scrutiny and monitoring of aid conditions to occur, national parliaments in both recipient (and donor) countries need timely access to details of what conditions have been set and proposed. Because details of all the relevant UK aid conditions are not available on the DfID website, in June 2006 WDM and MPs in the global South jointly submitted a request, under the Freedom of

Information Act, for all existing and planned conditions associated with UK aid, and joint UK and World Bank support to each country. The MPs also requested information on the actions taken by the UK government if conditions associated with its aid were not met.

24. While the exact responses to these requests varied, they all failed to provide a reasonable overview of UK or joint UK/World Bank conditions, and so effectively denied the parliaments concerned the opportunity to put them under meaningful parliamentary scrutiny.

25. The UK Government stated that:

- In general, only the minority of aid conditions that had been set after January 2006 were available.
- Collating information on what other conditions had been set for each country would cost more than £600, so DfID was not obliged to do so.
- Even if the information requested was collected, it might come under exemptions to the Freedom of Information Act.
- DfID does not hold information relating to conditions which may have been set by other UK Government Departments

26. DfID's decision to refuse to provide the MPs with an overview of its activities in their countries indicates a lack of commitment to delivering its policy on transparency and parliamentary scrutiny. WDM and the relevant MPs are now exploring other ways to press DfID to provide the requested information.

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