

Francis Irving
<address removed>

21st April 2006

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Dear Sir,

I'm writing to complain about the Department of Constitutional Affairs, who have rejected my request for a copy of the Statute Law Database under the Freedom of Information Act 2000. Find enclosed the following documents:

- My original request to the DCA (letter, dated 18 September 2005)
- Response from the DCA rejecting my request (letter, dated 13 October 2005)
- My formal request for an internal review of my request (email, dated 29 November 2005)
- The internal review response from DCA (letter, dated 7 February 2006, received 24 February 2006)

The nature of my complaint is that I believe the reasons the DCA gives for rejecting my request are not valid under the Act. They give three reasons:

- s. 12 (Exemption where cost of compliance exceeds appropriate limit) I disagree, from a technical point of view, that the cost of providing the dump of a database in machine-readable format exceeds £600. Such a dump is a standard feature of all SQL databases, and is standard practice for the backup of databases. However, note that the DCA accepts that my alternative request for a dump of an earlier version of the database can be done within the cost limitation. For this reason, I am more concerned to complain about the following two reasons for rejecting my request.
- s. 22(1) (Information intended for future publication) While it is true that the Department intends to publish similar information later this year, it is not true that they intend to publish all the information that I requested. Firstly, they have no stated intention to publish the entire Statute Law

Database, including all the history and meta-data that they hold about statutes. Secondly, they have no stated intention to publish the Statute Law Database in a machine-readable format. Moreover, even for those parts of the Statute Law Database which they have stated an intention to publish freely on the Internet, they initially stated that intention 10 years ago, and have still yet to publish it.

- s. 43(2) (Commercial interests) While the Department indicates an intention to gain commercial advantage from use of the Statute Law Database, it has not properly conducted a public interest test. Specifically, the Statute Law Database contains the law of the land, which all people and organisations must obey. It is in the public interest for people and organisations to obey the law, and therefore in their interest for people and organisations to know what the law says.

I am also complaining that DCA failed in its duty under s. 16 to advise and assist. They made no effort to contact me to try and make my request more answerable. In particular, they could have offered to help me reword the request so that the precise format it asked for the Statute Law Database in was maximally cheap for them to supply, and they could have given me details of their commercial intentions so I could have reworded my request to avoid harming them.

I look forward to acknowledgement of my complaint, and the allocation of a caseworker to it. Please contact me if you would like more information about my complaint.

Yours sincerely,

Francis Irving