

## CODE OF PRACTICE ON ACCESS TO GOVERNMENT INFORMATION

To: The Honourable Noel Quayle Cringle, President of Tynwald, and the Honourable Council and Keys in Tynwald assembled.

Pursuant to paragraph 12 of Part 1 of the said Code, I, as Commissioner wish to report that in the period from the 1<sup>st</sup> September, 2002, to the 31<sup>st</sup> August, 2003, one complaint was referred to me under the Code, namely that of [REDACTED] through Mr J. Rimington, M.H.K., against the Department of Trade and Industry. (For the sake of completeness, I should indicate that there had been a previous referral involving the same parties. In that case, the complaint had been withdrawn, as the parties had at the time settled their differences).

In the present instance, Mr J. Rimington M.H.K., on behalf of [REDACTED] sought access to files of the Department, and in particular

- (a) to a letter alleged to have been from the UK Maritime and Coastguard Agency (MCA) to the Isle of Man Marine Administration (MA). Its exact date was unknown.
- (b) to minutes of a meeting held in September 2000 between MA and MCA.

The Department had refused 'blanket' access to the documents contained within its files, arguing exemption category 4 (b) of the Code applied. Furthermore as regards the alleged letter - see (a) above - it maintained no such letter ever existed.

I was given full access to all the Department's files and the officers of the Department fully co-operated with my inquiries. They are to be commended for dealing with this matter expeditiously and responsibly.

Having read the files, I was of the opinion as regards the alleged letter (a) that there may have been a misunderstanding, in that I was more than satisfied that the alleged letter (a) did not in fact exist.

As regards the claim for exemption in respect of the minutes (b), I did urge the Department to approach the MCA to see if they would consent to the release of the minutes of the September 2000 meeting (which meeting I might add was held on a 'confidential' basis). I was advised, and have no reason to doubt it, that the Department did immediately approach the MCA but that consent was refused. I do not believe the Department could do anything further.

As regards all other documents I agreed that it was open to the Department to argue successfully that the exemption did apply in this case and that the Department's stance was justified.

This 2<sup>nd</sup> day of September 2003



COMMISSIONER