

Using Freedom of Information (and EIR*) powers in campaigning

*** Environmental Information Regulations**

**National Council for Voluntary Organisations
Campaign Conference: London, 25 January 2011**

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Summary

- **Start with a clear campaign mission (and themes)**
- **Why use FOI and EIR powers in campaigning?**
- **Small inputs: it is easy to make requests**
- **Big outputs: it is amazing what you can achieve**
- **Two examples: premature deaths; and Government applications to delay compliance with legal standards for dangerous airborne particles (PM₁₀) in London**
- **Examples of media headlines**
- **Learning points**

Clean Air in London

The purpose of the cross-party Campaign for Clean Air in London is to achieve urgently and sustainably at least World Health Organisation recommended standards of air quality throughout London. Clean Air in London (CAL), a company limited by guarantee, has been responsible for the Campaign for Clean Air in London since autumn 2010

For more details see:

- www.cleanairinlondon.org
- www.twitter.com/CleanAirLondon for fast news updates
- www.delicious.com/CleanAirLondon for media coverage

Why use Freedom of Information and EIR powers in campaigning?

- **Using these valuable legal powers can transform your campaign by: increasing your understanding of the key issues; increasing your campaign's profile and influence; and (sooner or later) triggering the changes we need**
- **Differences between Fol and EIR: EIR narrower but more powerful. Requester doesn't need to choose**
- **Generate 'content' and encourage media interest**
- **Responses can generate a story and provide a 'hook' for the media. You and they can often choose the timing**
- **Are there key campaign themes eg public health 'cover-ups' or 'the lengths the Government will go to...'?**
- **You can achieve amazing things**

Small inputs: it is easy to make requests

- **What do you want to know? How will it help the campaign?**
- **Using the template ‘Letter requesting Environmental Information’** *Your right to know, Heather Brooke, pages 292 and 293*
- **Set up a template. Insert a description of your request and explain why it is important. You can make specific or general requests eg emails, reports, letters, analysis or ask for ‘any information’ etc.**
- **Recommend asking for the response to be sent in paper and electronic form**
- **Email the request to the public authority**

Big outputs: it is amazing what you can achieve

- **Responses might include maps, spreadsheets, emails, reports, letters or ministerial briefing papers**
- **Analysing the response. Making follow-up requests**
- **Write and publish a blog post about your story**
- **Use Twitter 'tweets' with some including link to posts**
- **Offer an exclusive to one journalist or email to all**
- **Build themes around FoI/EIR requests and *vice versa***
- **Develop stories over time**
- **Celebrate and highlight successes**

Two examples: premature deaths; and applications to delay compliance with legal standards in London

- **Government applications for a time extension until 2011 to comply with legal standards for PM₁₀ in London**
 - Initial request lodged 22 January 2009
 - Defra: First refusal 1 April 2009. Second refusal 15 September 2009
 - Information Commissioner's Office: 2 November 2009
 - First-Tier Tribunal (Information Rights): 12 May 2010
 - Upper Tribunal: 12 and 13 January 2011

Represented by Friends of the Earth Rights and Justice team and barristers Gerry Facenna and Laura Elizabeth John of Monckton Chambers

- **Premature deaths attributable to long-term exposure to dangerous airborne particles (PM_{2.5})**
 - 1,031 premature deaths due to short-term PM₁₀ in London (2005)
 - Requests to GLA, Department of Health and Defra (spreadsheet)
 - Subsequent estimates from: CAL 3,460 (2005); and Mayor 4,267 (2008)

Examples of media headlines

www.delicious.com/CleanAirLondon

Time extension applications

- **Government 'misleading' European Commission with cleaner air claims** *The Times, 15 January 2011*
- **Defra accused of keeping London air pollution information secret** *Business Green, 12 January 2011*

Premature deaths

- **Air pollution linked to 200,000 premature deaths in UK** *The Ecologist, 21 December 2010*
- **Air pollution may cause 35,000 premature deaths a year in Britain** *Guardian, 3 February 2010*
- **Air pollution leads to premature deaths of more than 4,000 Londoners a year** *The Guardian, 30 June 2010*

Other

- **Pollution puts Britain in the dock** *Metro, 3 September 2007*

Learning points

- **What do you want to know and why will it help the campaign?**
- **Be assertive not aggressive or ‘vexatious’**
- **Make formal requests. Informal requests result in less and ‘massaged’ information. Few exceptions to this ‘rule’**
- **It won’t harm your relationship with the public authority...**
- **Frame your request carefully. It shouldn’t take long!**
- **Aim to make at least one good request per week**
- **Consider sending same request to two public authorities**
- **Seek *pro bono* legal advice if it is important eg appeals**
- **Be responsive to journalists: they have a difficult job**

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