



LEGISLATIVE COUNCIL OFFICIAL REPORT

RECORTYS OIKOIL
Y CHOONCEIL SLATTYSSAGH

PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 3rd March 2015

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Present:

The President of Tynwald (Hon. C M Christian)

The Lord Bishop of Sodor and Man (The Rt Rev. R M E Paterson),
The Acting Attorney General (Mr J L M Quinn),
Mr M R Coleman, Mr C G Corkish MBE, Mr J R Turner and Mr T P Wild
with Mr J D C King, Clerk of the Council.

Business transacted

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Legislative Council

The Council met at 10.30 a.m.

[MADAM PRESIDENT *in the Chair*]

The President: Moghrey mie, Hon. Members.

Members: Moghrey mie, Madam President.

5 **The President:** The Lord Bishop will lead us in prayers.

PRAYERS

The Lord Bishop

Order of the Day

1. Freedom of Information Bill 2014 – Third Reading approved

The Acting Attorney General to move:

That the Freedom of Information Bill 2014 be read a third time.

The President: We have a short Order Paper this morning, Hon. Members.

I call on the learned Acting Attorney General to take the Third Reading of the Freedom of Information Bill.

10 **The Acting Attorney General:** Thank you, Madam President.

I am pleased to be able to move the Third Reading of the Freedom of Information Bill 2014.

As previously outlined, the purpose of the Bill is to give residents of the Isle of Man an enforceable right of access under primary legislation to information held by public authorities in accordance with the principles that information should be available to the public to promote the public interest, and that exceptions to the right of access are necessary to maintain a balance with the right of privacy, effective Government and value for the taxpayer.

15 I would like to thank Hon. Members for their contributions during the clauses stage of the Bill, at which many of the points raised on the floor were addressed. As such, I would like to concentrate my remarks today on the matters, which I undertook to clarify during the previous stage of the Bill's passage.

20 I undertook to provide further information on the proposed costs of the new statutory regime. I shall cover in more detail the impact upon the office of Data Protection Supervisor later in my remarks, so I want to concentrate here on saying more about the impact on Government.

25 I have previously advised that funding of £500,000 a year during the current three-year budget
cycle has been approved for the Cabinet Office. The funding was calculated to cover for additional
staff costs in the centre and training, and other costs across all Departments. The aforementioned
figure was always going to include an element of best estimate, given that the legislation had not
been finalised when it was set, and there are several other unknown variables, not least of which is
the number of requests which will actually be received.

30 A central advisory unit has been established within the Cabinet Office, which will take the lead on
preparing Government for complying with the Act, including the issuing of guidance. The unit will
assist other Government bodies with requests and other on going administration, although decision
making in relation to the release of information in specific cases will have to rest with the individual
public authority.

35 A Freedom of Information project manager has been in place since September last year, and a
legal officer policy adviser is in the closing stages of being appointed. As it is not possible to have
Freedom of Information experts in every Department, no additional funding has been allocated for
the implementation of the Act, other than what I have outlined. However, as public authorities will
have additional statutory responsibilities under the Act, future expenditure and resource
40 requirements will have to be assessed and allocated with this in mind.

There is an expectation that the Departments, Boards and Offices will be able to cover the costs
of complying with the Act from within existing budgets, as they do with requests under the existing
regime under the Code of Access to Information, and the cost of future compliance is something
that will be further assessed during the Act's phased implementation.

45 The Hon. Member, Mr Coleman, sought clarification on the approach in respect of the prejudice
test in some of the qualified exemptions, specifically why the Bill does not follow the Freedom of
Information (Scotland) Act in applying the relevant exemptions when there has been or there is
likely to be 'substantial prejudice', rather than 'prejudice'.

I can confirm that the approach in the Bill is one which the Council of Ministers has adopted
50 throughout the previous drafts, which have been consulted upon, including the Bill, which was
introduced into the House of Keys in June 2011. It is also the approach taken by other neighbouring
jurisdictions, in addition to the United Kingdom, including Jersey and the Irish Republic.

The omission of the description 'substantial' of the level of prejudice that has to be engaged
before the relevant exemption is engaged should not have a significant practical impact. Case law in
55 the UK reflects the fact that prejudice has to be actual, real or of substance, rather than trivial or
insignificant, to engage the exemption, and it is anticipated that a similar position will emerge in
cases in the Isle of Man. Moreover a public authority engaging an exemption on the basis of
prejudice would have to satisfy the Commissioner that it had done so properly, so the Bill has a
safeguard in respect of any potential misuse.

60 The issue of fees charged under the Act was raised by Members, including the Hon. Mr Turner,
during the clauses stage of the Bill. I am grateful for the opportunity of addressing this issue again.
Unfortunately, I am unable, however, to have with me a draft of the fees regulations, which some
Hon. Members requested, but I shall endeavour to be as clear as possible on what the Bill allows in
terms of fees.

65 It is, of course, not unusual for primary legislation to be passed by the Branches without
Members having been provided with a draft of subordinate legislation which will sit underneath it. I
also reiterate here my assurance that the fees regulations, which will be necessary to enable fees to
be charged, will be subject to separate Tynwald approval and all Hon. Members will have the
opportunity to debate them fully at that point.

70 The fees regulations, when they come before Tynwald for approval, could set a fee for
accompanying an initial request. They could also set a limit, which I advised Hon. Member of
Council, at £450 for local authorities and £600 for government departments in the UK, above which
figure a public authority can refuse to respond to a request. The scope of what activities can count
towards calculating that fee and the manner in which it is done could also be set by the regulations,
75 and that is what can happen here on the Island.

The Bill also allows for a fee to be charged if responding to a request is calculated at costing more than the initial fee, but less than the aforementioned limits, but this is the so-called 'additional fee' provided for in clause 14.

80 Finally, a fee can be also be provided for in fee regulations to be charged for seeking a determination from the Information Commissioner.

There are other aspects of the fees clause which are important, including that the regulations may also provide that no fee is payable in certain cases and that a fee must not exceed a maximum amount. Public authorities may also, if they consider it appropriate, waive the whole or any part of a fee or refund the whole or any part of a fee.

85 The Council of Ministers has indicated that it is unlikely that a fee will be charged for initial requests at the outset and nor is it likely that fees for a referral to the Information Commissioner will be charged. However, the benefit of the pilot phase of the Act for fees – and indeed for other aspects of the Freedom of Information regime – is that Government will have real experience on which to consider the most appropriate course of action, should any changes need to be made and
90 in turn, Tynwald, when it comes to consider the question of proposed fees, will have the benefit of that practical experience.

It is also worth noting that fees charged under a Freedom of Information regime differ from fees charged for some other Government services insofar as in many, if not the overwhelming majority of cases, people have the option of whether or not to enter the Freedom of Information system.
95 Business as usual requests, where information is routinely and freely shared with the public, will continue to be the norm. However, given the potential costs of responding to a Freedom of Information request and in accordance with the purpose clause of the Bill, there has to be a balance between the cost borne by the taxpayer at large and the cost borne by the individual who has made the request.

100 Given that there is further work to be undertaken, including the extent to which electronic payment methods might be used for Freedom of Information requests, and exactly what activities will be included in any calculation of fees, it has not been possible for officers to supply me with a draft of what fees might be charged under what circumstances. I note that the corresponding regulations in the UK were approved by Parliament five years after the Bill was passed, and I am
105 conscious that our timeframe does not allow for such a long window to be replicated here.

Concerns were raised by Hon. Members that a lack of a draft fees order suggests that there is no plan in place. This is not the case. There are clear parameters around which fees can be charged, and although the finer details have yet to be worked through, the Bill is intended to be as transparent as possible in terms of what and when fees can be charged. Ultimately, I hope that Hon. Members can
110 be satisfied with the safeguards provided by the requirement for Tynwald approval of the fees regulations in due course. This is therefore not the final say on the question of fees, and the existence of the pilot scheme and phased implementation of the Act will also allow time for fees regulation to be modified if necessary, in light of actual experience.

115 A number of concerns and issues were raised about the Information Commissioner, which I shall endeavour to deal with together.

The Hon. Member, Mr Coleman asked about search warrants and police powers of seizure of information contained under warrant. There are clear safeguards in schedule 3 and no warrant can be issued without a judge being satisfied that there is just cause based on information supplied under oath by the Information Commissioner. The schedule sets out the conditions which have to be
120 satisfied and other relevant factors to take into account before warrants can be executed.

The powers of entry and inspection available at present to the Data Protection Supervisor for data protection purposes are very much a backstop power, at the end of a process which by design, will have necessitated previous dialogue, as well as informal and formal interaction between the Commissioner and the public authority in question. It would not be the case that the first action of
125 the Commissioner in any given circumstances would be to exercise powers of entry and inspection.

I sought to address concerns that were raised by some Hon. Members about the oversight of the new post, and schedule 2 is clear about the procedure for removal.

I would also like to add that the Information Commissioner's terms of appointment will also be a means to manage, conduct and performance and as now, there will be a complaints procedure in place for those wishing to submit a complaint against the Commissioner or their staff.

The issue of operational independence is important from a data protection perspective, as one of the international requirements with which the Isle of Man must comply is that the Supervisor and his staff are independent of Government. This independence of operation does not mean, however, that there is an absence of power of proper oversight over the post. In addition to the points which have already been raised, it is important to bear in mind that from a financial perspective, the Treasury has oversight through financial regulations.

Finally, of course, the Bill itself contains checks and balances. The Commissioner has to conform with the code of practice issued by the Council of Ministers under clause 60. He or she has to lay an annual report to Tynwald under clause 49, and notices issued by the Commissioner may be appealed to the High Court.

Your Hon. Member sought information on the proposed personnel structure of the Information Commissioner's Office. I indicated that a business case had been accepted by the Treasury for an additional £116,000 over the next three years to cover additional salary costs and specialised training. I confirm that the structure of the office will remain unchanged, save for the addition of a casework officer, at Executive Officer grade, who will be employed on a contract pending a workload review after two years.

In terms of structure therefore, it is proposed that there will be an Information Commissioner, a deputy, a half-time office manager and an administrative compliance officer, plus the additional new casework officer. The extra responsibilities brought by regulating a regime will necessitate a review of the grading structure for the Data Protection Supervisor and his deputy; but once the Bill is enacted, the commissioner cannot unilaterally recruit additional staff.

Paragraph 11 of schedule 2 provides that the additional staff and salaries must be approved by the Treasury. I hope this latter point helps to reassure the Hon. Member, Mr Turner, in respect of his concerns about creating an open chequebook for this office.

There were concerns from some Members about the terms of appointment of the Commissioner. For the sake of clarity, I can confirm that the Bill proposes that the Commissioner will serve a term of up to five years, after which he or she will be automatically eligible for reappointment – *not* automatically reappointed – for another period of up to five years. The Commissioner is then eligible for reappointment for a third term of up to five years, if the Council of Ministers is satisfied that it is the public interest to do so.

The Council of Ministers believe that these provisions strike the right balance between the operational independence of the post enshrined in clause 53 and the benefit of term limits and the fresh perspective on the matters at hand.

Mr Butt asked about whether or not the existing Data Protection Supervisor will become the Information Commissioner. Under the transitional arrangements in the Bill, the current Data Protection Supervisor will do so. However, as is fairly obvious, new terms of appointment will be required to reflect the new responsibilities under the Act and a formal appointment will also be necessary as there is a new appointing body – the Council of Ministers, with Tynwald approval – rather than the Governor in Council, which currently appoints the Data Protection Supervisor.

It would be wrong to assume that the current Data Protection Supervisor would necessarily accept the appointment as Information Commissioner, and although the transitional arrangements anticipate that happening, I am sure that the Supervisor will be concerned to consider the terms and conditions that might be offered with the role.

Under paragraph 4 of schedule 2, new terms and conditions will have to be determined by the Council of Ministers in consultation with the Treasury and the Public Services Commission.

Mr Downie sought further clarification on clauses 56 and 57 in respect of legal advice from the panel of legal practitioners established for that purpose. These provisions were drafted to reflect the potential legal complexities of a Freedom of Information regime, and to provide a route for the

180 Commissioner to seek legal advice with the aim of minimising the potential for matters to be
appealed to the High Court on a point of law.

The current Data Protection Supervisor's business case in respect of the Information
Commissioner role to the Treasury recognised the potential cost of such advice, but I have been
advised that the Deputy Supervisor already holds a Master of Law in Information Rights, which
should help minimise the need to seek additional external advice. I have also been advised that it is
185 intended that future deputies should acquire similar qualifications, and salary increments will
incentivise that accordingly.

The specific question was asked about whether there is expertise within the legal profession on
the Isle of Man, or whether panel members might be drawn from other jurisdictions. At this point in
time, it is not possible to answer that question, as the Cabinet Office has not started to appoint the
190 panel.

Clause 57 does not prevent panel members from being drawn from elsewhere, but once
Freedom of Information becomes firmly entrenched in the Isle of Man legal landscape, it is very
much intended that the expertise will be drawn from within the local legal profession.

Madam President, having outlined the purpose of the Bill, and I hope clarified the outstanding
195 issues raised during clauses, I beg to move that the Freedom of Information Bill 2014 be read for a
third time.

The President: The Hon. Member, Mr Coleman.

200 **Mr Coleman:** I beg to second, Madam President, and reserve my remarks.

The President: The Hon. Member, Mr Turner.

Mr Turner: Thank you, Madam President, and I thank the learned Attorney for his very detailed
205 response to all the issues that were raised during the Second Reading and also clauses stage of this
Bill.

My view on this Bill has not changed since we last met and I think what has become apparent is
that when the Chief Minister said he was looking to reduce bureaucracy, this has to be one of the
most overly bureaucratic pieces of legislation I think I have ever seen come through the Branches.

210 I think nobody can argue with the title of the Bill: the Freedom of Information Bill – and nobody
can argue with the principle of what it is trying to achieve. That is a very important principle.
Residents of the Island, the taxpayers and even non-taxpayers of course, because they are still
residents of the Island and have a say, should be entitled to access information.

Where my concern comes in is that we have a system in place, which although titled differently,
215 effectively brings us the same results. It is the Code of Practice on Access to Government
Information. Now although this is a code, there is a mechanism there for people to access
information and it is a very simple system. It is a very effective system and it is also free. What we
have not heard, during any of the passage of this Bill, is what the current costs have been of
operating the other system. Has it been financially a drain on Departments? I think, the number I
220 have written down was 46 such cases were brought over a period of a considerable amount of time
– I think it might be 20 years was mentioned.

So what we are creating is a monster piece of legislation and bureaucracy, creating a real
bureaucratic quango, for a very limited number of cases that go before, or have previously gone
before the High Bailiff in the role as the adjudicator. It has been effective because the High Bailiff has
225 on many occasions ordered that the information be provided, so it has certainly not a toothless
tiger, the Code of Practice of Access to Government Information – far from it. It has been a very
effective tool for people wanting to access information.

I think from the outside, if you were to ask people, should the Isle of Man have a Freedom of
Information law, then of course the answer is yes; but I do not think that they are fully aware that
230 there is provision in there that is currently free. What we are putting through here is actually going

to restrict, I believe, people accessing the information because as soon as you start putting fees in that immediately is a great turn-off for a lot of people, because they feel they should have access to that information freely. We are now creating regime where they are going to have to pay for it, where they do not under the current system.

235 I still think it is not clear as to where general information ends and specific information that you have to request under this begins, so Departments could very easily hide behind the Freedom of Information Bill and force people to actually pay a fee to get information that should really be readily available. This is an issue I have raised on a similar vein, when it comes to, for example, the issue of Departments answering parliamentary Questions. They have said that there is a great cost to doing these things and somebody has got to do it. Well in the majority of cases, and the same with this, I would expect many of the officers in our various Departments to really know their subject. I would imagine much of the information requested, just as it is for parliamentary Questions, is information that is readily and easily available to provide.

240
245 So I do not always accept that it is going to be a huge drain on Departments. They are already engaged in correspondence between members of the public for a variety of reasons. Some of them cross over into parliamentary centres.

Reading through this, I just think the learned Attorney is, of course, only the mover in this place and this is no criticism of him, but I think the work involved in this and putting this together does not justify the costs, and I do not think its going to have the effect that the public are hoping for.

250 I will be voting against the Third Reading. I think there is a mechanism in place and that there must be another way of maybe making the current mechanism a little more robust. I do not think we could have amended this Bill. The question might come, well, why have you not seen fit to amend it? I think the fact is, it is so complex, this is not a Bill we could have amended as we have gone. I believe it needs a completely new Bill. I think the entire Bill needs to be thrown out and started again.

255 I will repeat again, the current is working well. I think the figure was 46, and I do apologise if it is not but that is the figure I have written down: out of the 46 I have certainly not heard a song and dance about information not being given and about people being hard done by, by decisions of the High Bailiff. I think it is the right place. We often hear about the Chinese wall between the executive, the parliament and the judiciary. We have the High Bailiff there in an independent capacity and I would urge Members to think very carefully before voting for the Third Reading of this Bill. I would certainly hope that it is rejected at this stage and there is provision, I understand for the other place to pass a Bill without this place, albeit for a high number of votes. So I would urge Members to vote against this Bill, as I do not think it is the right vehicle for what we are trying to achieve.

265

The President: The Lord Bishop.

The Lord Bishop: Thank you, Madam President and I thank the Learned Acting Attorney for his helpful elucidations of the Bill.

270 I am slightly torn. I will support the Bill, but I think that we have found ourselves with a Bill based on that from the United Kingdom, which has not kept pace with the speed of communications, particularly internet communications. There are many mischief-makers online and I think anybody who is in Government will be very well aware of that.

275 The mischief-makers can remain anonymous. There is nothing in here which gives access to the information as to who the people are that can anonymously criticise online and it seems to me that giving the right to information on one side of an argument, but without requiring the information from the enquirer, is one-sided, is partial. It gives freedom of access of information to the enquirer, but it does not assure us of the integrity of the enquirer in making the enquiry online.

280 It is all very well to say under any other circumstances that you can get the information as to who the enquirer is, but you only have to look at the various forums in Manx Radio or Isle of Man Newspapers or whatever, to see... I have noticed particularly politicians being extremely vulnerable,

and that being the case, those criticisms being made by people who hide under false names, who do not reveal who they are.

285 It seems to me that under this Bill, which I will support because it is doing half the job, enquirers will have freedom, which is good, to access information, but on the web they can make accusations against other people, and those other people who do not have the freedom to find the names and addresses of their accusers. That is a half-way house and it shows that this Bill is based on seriously pre-internet thinking.

290 I will support the Bill, but it only goes half way.

The President: The Hon. Member, Mr Corkish

Mr Corkish: Thank you Madam President.

295 I have no wish to be repetitious, but I could agree almost wholeheartedly with my hon. colleague, Mr Turner, and indeed the Lord Bishop, certainly with regard to internet usage. I have already been pilloried in the local press on my views on that.

300 Fees apart and the fact that we do not know what the final cost of all this is going to be, and flying in the face of what our leaders are telling us, that we need a slimmer, sleeker form of Government, I cannot help thinking that this is using a hammer to crack a nut for what we are trying to do here.

305 I recognise that in modern times, this is what is perhaps expected of Government, but we already have the Government Code on Access to Information. I can honestly say that whenever I have been asked on behalf of constituents to seek information, I have never been blocked in any way and I have lots of quotes that I could use, regarding this. In fact, with your indulgence, Madam President, can I just quote from no less a person than Mr Tony Blair, who actually introduced this in the United Kingdom, who said in his own memoirs regarding the introduction of this to himself:

'You idiot. You naive, foolish, irresponsible nincompoop.'

310 That was his description of Tony Blair on his introduction of the Freedom of Information Bill in the UK.

315 I am not going that far and I certainly would not level those remarks at the Acting Attorney General, who is only part of the mechanics here, but I have serious... not for the first time when we consider legislation, but I have serious... I really am wrestling with myself whether I support this or not at this stage.

That is my view. Thank you.

The President: The Hon. Member Mr Wild.

320 **Mr Wild:** Thank you, Madam President.

325 Well firstly, thank you, again to the learned Acting Attorney General, for I think detailed clarification of questions. I am too concerned that the cost and bureaucracy which are, from the 19th century, to quote, 'a leap in the dark', as we have not really a feel for what is going to come out if this is passed. I do not think it will be a smooth implementation either, so there is a need for patience and support until this legislation beds itself into the legislative framework.

As a resident of the Isle of Man, I will say, not tongue in cheek, that it is a shame that it is restricted to just Government, because I entirely agree with the Lord Bishop that social media and anonymity can hurt and damage people. (**Mr Corkish:** Hear, hear.)

330 Having said that, I think it is an indication of a mature jurisdiction, and I will support the Third Reading.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you Madam President.

335 I will be supporting the Third Reading of this Bill. We then join the club of more than 90 nations worldwide that have implemented Freedom of Information. The arguments that I have been hearing today take me back to when Data Protection legislation was first brought in, within the UK, and a lot of similar arguments came about.

340 With reference to it 'only covering one half', the Bishop's reference, where it covers it from a governmental point of view, there is of course legislation which has been used in the Isle of Man, to seek people who have made libelous comments online and pursue them through the courts.

A Member: Very difficult.

345 **Mr Coleman:** It has happened on three occasions to my certain knowledge, and I know that there is another case going on at the present time.

When we look at Bills in this hon. place, I look at that many of them as being almost like when you first learn to work with artillery: you fire your first shell and then if it does not hit the spot, then you adjust. I see this as legislation where we are taking, in a staged measured approach, where we can take on the second shot, we may need to say, 'Right, we'll change it a little bit', but what it does is, it sets the framework and it sets the intent of this Government, of this jurisdiction to actually join the world. It gives us a way of moving forward to do that and, as I have said previously, I will be supporting this Bill.

355 **The President:** The learned Acting Attorney General to reply.

The Acting Attorney General: Thank you, Madam President.

If I could thank my hon. colleagues for the very careful consideration which they continue to give to the passage of this Bill and for those comments, both those supportive and those against.

360 If I could turn, firstly, to the Hon. Member, Mr Turner and his proper concerns. At the Second Reading stage, I tried to explain to Hon. Member Members the drivers for this Bill and the inference which fairly could be made, that the existing Code of Access to Information has served the Island well.

365 I can only repeat the point I made then, that that quote does not amount to a statutory right of access to information held by public authorities, which statutory right is becoming the norm in most other developed jurisdictions across the globe. I am grateful to the Hon. Mr Coleman for reminding us that there are something of the order of 90 countries which have adopted and introduced a statutory right.

370 So we are, as the Hon. Member, Mr Wild has pointed out, joining in a club of mature professional approaching jurisdictions, in my view, adopting this legislation, and I think that is very much a driver, which has caused the Council of Ministers to consider promoting the passage of this Bill, amongst others.

375 The option of doing nothing was a matter which the Council of Ministers considered, but the Council of Ministers again, as I have pointed out previously, decided on this preferred route of introducing this Bill, which in their view reflects a balance between transparency, with the right of privacy and a balance with reference to the financial implications of giving the public, as is their right, in my submission, those rights of access.

380 I have explained, in some detail, the steps that have been taken to try and mitigate that cost and to that extent, I do take some issue with the suggestion that the bureaucracy which is being created will lead to the matters becoming out of control, because the safeguards have already been built in to legislation in its phased implementation.

385 I need to come back to that phased implementation because it is going to give us all, and Tynwald in particular, a real-time opportunity of looking at the experience of introducing the legislation piecemeal, before it is extended to any further Departments and of course as I have indicated already, Tynwald will be the arbiter there as to which Departments, and as and when it is extended

to them, because that will require amendments to the provisions of the legislation which Tynwald will have to approve.

390 The Freedom of Information regime is not intended to circumvent the release of routine information as happens currently and I have explained that the existing Code of Practice will continue to be in existence, will run in parallel with the Freedom of Information regime and indeed, as I have already indicated, the Code of Practice will be looked at again and certainly the Code of Practice, which will separately be issued under the Freedom of Information Act, will reflect very much the matters which are in that existing Code.

395 The Freedom of Information Act and the Statutory Rights which are given are a back stop. They are there to enable the public to have a legal remedy, when all other ways of receiving information have failed, and that is not the situation which exists currently under the Code of Practice, which we currently have. As you are aware, Hon. Members, on looking at the clauses to this Bill, there is created a criminal liability for failure to comply as a final backstop and that is something that has to be looked at very carefully, which explains many of the detailed and perhaps complex provisions of the Bill which we are considering.

400 The current Bill puts on a statutory basis, with those teeth of a criminal prosecution in default which we currently have under the Code of Practice. That is something which the Council of Ministers consider that the people of the Isle of Man should have.

405 To the Lord Bishop, I could say simply that I fully appreciate the concerns which he has voiced and that very much was, I am aware, in the Council of Ministers' minds, and which firstly they addressed by ensuring that people using their rights under the Act must firstly be Manx residents – and I fully appreciate that there will be an opportunity for people to try and pull the wool over people's eyes in that respect. However, we have an Information Commissioner, who I am sure will keep a weather-eye on that. Initially, any requests for information must be on a form prescribed by the Chief Secretary. That form has not as yet been designed or settled, but again that form will do as much as it possibly can to extract information to try and ensure that the process, the regime is not abused.

415 But it will not be a complete answer to the problem and I think the Council of Ministers enter into this with an open eye, that there will be opportunities for people to abuse the process, and that is something that will have to be continuously looked at. Again, back to the phased introduction of the legislation and the regulations which the Council of Ministers are required to make.

420 Similarly to Mr Corkish, I hope that you might be persuaded to support the legislation. There is not a lot more that I can say, simply to bring you back to the fact that legislation is being promoted with the view of giving our Manx residents the same type of rights which other people in 90 other countries have, which is a statutory right to information. It is a bureaucratic system, of its very nature. When it actually is underwritten by a criminal offence, we have got to have these balances there to protect, both the Departments who have to comply with the request, and those seeking the information.

425 Mr Tony Blair: I think I can simply say that his comments have very much been taken into account, which is why the Isle of Man is taking a very cautionary step in the direction of introducing this legislation. We are going to learn from real-time experience as we roll this out. We have the initial period before it actually takes effect, and thereafter I am sure Tynwald will keep a very careful eye on those public authorities to whom this is extended. I hope that those controls, which Tynwald will have, might persuade you, Mr Corkish, to support the Bill.

430 I thank Mr Wild and Mr Coleman for their support, whilst again indicating proper concerns as to the bureaucracy which is being created here, which will come, as I have said throughout, at a cost.

I thank Mr Coleman in particular for his patience with me in supporting me, and also in seconding the passage of the Bill.

435 I beg to move the Bill be read a third time.

The President: The motion is that the Bill be read a third time and do pass. Those in favour, please say aye; against, no. The ayes have it.

A division was called for and electronic voting resulted as follows:

FOR

The Lord Bishop
Mr Coleman
Mr Corkish
Mr Wild

AGAINST

Mr Turner

The President: With 4 votes for, 1 vote against, the motion therefore carries, Hon. Members.
That then concludes the business on our Order Paper.

440 Now, looking at the timetable in another place, unless there are any Questions tabled next week, there will be no sitting because there is no business ready to come to this Chamber.

In which case we shall now adjourn. We will adjourn to *potentially* a sitting of Legislative Council prior to the Tynwald sitting on 17th March.

The Council adjourned at 11.17 a.m.