

## Meeting Report: Information Law for Information Professionals

### What you need to know about Copyright, Data Protection, Freedom of Information and Accessibility and Disability Discrimination Laws

Presented by Laurence Bebbington and held at CILIP, 7 Ridgmount Street, London on Tuesday, 19 February 2008

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I was attracted to this meeting because it covered a range of legal issues affecting information professionals. We tend to think of each area of legislation in isolation, but I have become increasingly aware of interactions between them and hoped that this event would clarify the situation. I had already attended Laurence Bebbington's introductory and advanced seminars on copyright; and I am one of the people responsible for UKeiG's data protection policy, so I hoped there would be no surprises for me in those two sessions. Freedom of information (FoI) and disability discrimination, though, are topics that I really needed to tackle.

Laurence's introduction emphasised that as information professionals we need to know the sources of the law, the basic framework, their context and how the different pieces of legislation interact. We have to identify our key responsibilities and what we can be expected to know and do about the various laws. There are danger areas – Laurence highlighted several of these throughout the day – and we have to know when to seek expert legal advice, expensive though that may be. Some areas of the legislation, he said, are not clear, especially when it comes to copyright. The scenarios he gave us to consider in each session helped us focus on the key issues and potential pitfalls.

As I run a commercial, privately owned company I was interested in FoI primarily as a citizen of my community wanting access to information held by my local council. I assumed that it was not relevant to my business activities. Wrong! Information merely has to be 'held' by a public authority and not necessarily owned by it for that information to come under FoI. All those presentations that I have allowed to be hosted on University servers, and the consultancy reports I have produced for public libraries and Councils, are subject to FoI. I own the copyright in those documents but FoI overrides copyright. This was an interaction of which I was completely unaware.

Some of the gems for me personally were:

- FoI entitles you to information, but not necessarily to copies of documents
- If information is already published or in the public domain, FoI does not apply. (I had thought that this was the case but was glad to have it confirmed.)
- Environmental issues are dealt with under environmental regulations, not FoI. (Well, that scuppers FoI as a tool for some of my local community activism!)
- A request for FoI must be in writing and not over the phone; pseudonyms used by applicants are not acceptable; the address for correspondence must be an address in the real world and not the virtual world, for example an email address. (There goes my plan to request information via my Marge Simpson Goglemail account.)
- You can make the same request repeatedly as the situation and information available may change over time.
- A request can be sent to anyone within the organisation. (Excellent – I don't have to waste hours trying to identify the FoI officer).

Data protection was the subject of the second session. As I am responsible for UKeiG's and my own company's data protection policy, I hoped this would confirm that I and UKeiG were complying with the ACT. I was relieved that there were no surprises for me or issues that we have not already addressed in our policies. There was, though, one essential point that Laurence made regarding the Information Commissioner's website, which we should all remember: the Information Commissioner's guidance notes are **not** law and a court of law may come to a very different decision if a case is brought before them. There is an increasing body of case law related to data protection, and this is the point at which I would probably bring in the legal bods. It is also worth remembering that the 1988 Act now includes manual or paper records as well as electronic data, but only if it is in a 'relevant' filing system. If it is unstructured, then the Act does not apply. However, if the unstructured data is held by a public authority, a request for this information might come under Fol. Another 'legislation interaction'.

My knowledge of disability discrimination legislation is minimal, and this part of the day was a good introduction to the key issues. Organisations supplying goods and services, and access to buildings are all covered by the Act. We have to be proactive. We must anticipate disabilities and how to deal with them. It is not enough to wait for a problem or request for access to arise. I was astonished, though, that the Disability Discrimination Act does not override copyright. Copyright law is not generous in making information available to disabled people, yet Fol trumps copyright. In my opinion, there is something very wrong here with the legislation, and it emphasises the importance of being aware of how the different laws relate to one another

Having attended Laurence's two UKeiG seminars on copyright last year, the final session on copyright was a quick refresher for me so my apologies for no 'interesting facts'. It covered the key points that information professionals need to consider, and the issues for the academic, public library and commercial sectors. In my role running a commercial organisation providing information, I know I have to start with the premise that most of the permitted acts and exceptions do not apply to me☹. On the other hand, as a publisher, I think that is only fair☺.

This was an intensive day, covering a wide range of topics and issues. Laurence did an excellent job of highlighting the essentials for information professionals but made it very clear that there is a lot more detail behind the individual pieces of legislation that one needs to address. This seminar really worked for me, because I achieved my goal of wanting to understand how the different laws interact and affect each other in practice. It also helped identify areas that I need to pursue in more detail.