

**Opening Statement by Heather Brooke**  
**Writer, journalist and campaigner for freedom of information**  
[www.vrtk.org](http://www.vrtk.org)

What keeps people out of power and out of politics is the lack of access to meaningful and useful information. My experience since 2004 has been that Parliament greedily hoards information as a miser does gold. And just as a miser's hoarding means his gold does not benefit the wider economy so parliament's insistence on hoarding information does not benefit civic society. Instead citizens remain ignorant about the very institution that is meant to epitomise democracy in this country. If this is happening in Parliament then how much worse is it lower down the scale?

Parliament sets an example to public servants and public bodies throughout the nation, which is why it is so appalling to see the way MPs' and officials in parliament behaved when faced with a robust freedom of information challenge. They did not rise to the challenge but actively fought to obstruct it and to suppress information clearly in the public interest. They fought for four years and at great public expense. In the process they demeaned terms such as national security and privacy. Parliament is not, in my view, a system open to full participatory democracy. At least officials are now adopting the right rhetoric about democracy and transparency – which is a victory in itself – but the real victory comes when the practice changes. And that has not happened yet. I hope this committee's recommendations will go some way to ensuring that real, tangible change takes place so that we have a parliament suited to 21<sup>st</sup> century democracy.

I would like to talk specifically about my experience trying to access information from Parliament, in particular trying to get details of MPs' expense claims. You may have read about my story in [the Guardian](#) which I've included with this statement, so I'll be brief.

My battle began in 2004. I was working on a book called 'Your Right to Know', a guide for citizens on how to use the new Freedom of Information Act. It might be worth giving a bit of background on why I decided to write such a book.

I'd trained and worked as a journalist in America. First as a political reporter and then covering crime. The American style of journalism relies heavily on official public records. It may be why some British journalists describe US papers as boring and academic. In the US all states have laws on public records, open meetings and freedom of information. The default position is generally that any organisation receiving the bulk of its funding from the taxpayer must be directly accountable to the public. Of course there are instances where this ideal is not adhered to but for the most part I found that locally, information was widely and easily available. For example, doing the crime beat consisted not just of talking to various police officers but also looking through all the criminal incident reports, going to the jail to look through the booking sheets, scouring court documents, looking at fire inspection reports, etc.

These records are not available in the UK. In fact until October 2007 it was actually illegal for a fireman to let the public see the results of a fire safety inspection: done at

public cost and in the public's name. This is one of the 300+ prohibitions on disclosure that exist in the UK. The type of reporting I am used to doing is just not possible in Britain. Here a reporter has to rely almost entirely on people. Information is not available to all, no strings attached as a statutory right, but comes at the discretion of an individual. There is a kind of quid pro quo to accessing information in the UK that I find uncomfortable and I don't believe it benefits society. I always find it odd how so many British politicians complain about the sensationalist British press and then refuse to provide any of the official data needed for a more serious, academic journalistic inquiry.

I'd heard rumours back then about MPs' expenses. The problem was they were rumours. Lobby journalists heard rumours, sometimes they wrote about them, other times they didn't, either for political reasons or simply to keep a source friendly. I'm no good at this sort of journalism. Maybe I lack the people skills. When I go for information I don't want it to come with any strings attached. I don't want to have to make deals or promise favours. I just want the facts. I found when it came to parliamentary expenses these were pretty slim on the ground. It's worth pointing out that not one of the misuses of MPs' expenses has been exposed through access to official information. It has always been via the press through leaks or whistleblowers. That is how the former MP Michael Trend was exposed which led to the requirement in 2003 that receipts were needed for claims above £250. It was an insider who led to the exposure of Derek Conway. This is, of course, how the Daily Telegraph got its information.

This may be how it is done in the UK and you may think 'so what'. But I think this system is wrong. It is effectively a class system of access to information. The privileged and powerful get access, the common citizenry does not. Information comes into the public domain with unseen strings attached. We do not know the full motivation of the person who exposed Derek Conway. And really why should his constituents have to wait for this whistleblower to learn the facts? Why should the British people have to wait to read the Daily Telegraph to find out information which I fought for since 2004 and which the public paid for? The current system is unfair and undemocratic.

My battle for parliamentary information was not confined to MPs' second homes allowances. I have sought a detailed breakdown of travel claims, the names and salaries of MPs' staff (which was blocked personally by the Speaker), how expenses were scanned in, how parliamentary groups were set up, canteen subsidies, incidents within parliament, etc. Even trying to find out the date of the most recent publication on June 18<sup>th</sup> was mired in rumour and secrecy. No one took individual responsibility for the publication nor was there an official statement about the date and logistics of disclosure until the night before.

My FOI requests are answered on the last possible day or overdue. I believe I am treated as good as, if not better, than most requesters. I find the service overly formal though not impolite. Where a telephone call could sort out many problems, the Commons will always opt for a formal letter that often requires more time and effort from both parties. When I asked for the breakdown on MPs' Additional Costs Allowances it was refused on the grounds it would cost too much to disclose the information for all MPs. At no point did the FOI officer provide the advice and

assistance under section 16 of the FOIA so I could narrow down my request. Instead the first response to a complex request is refusal. Only after I appeal, do the Commons reluctantly enter into negotiation.

I don't know whether this is due to outright obstruction. I get the sense there is also a huge amount of incompetence particularly in the area of technology. This might not be such a problem if the parliamentary officials were open and willing to accept offers of outside help. But they are not. As I said, they greedily sit on their information piles like a golum. Tom Steinberg I'm sure will speak more on this matter of technical problems in accessing parliamentary data.

### **Recommendations for change**

It is one thing for a politician to say he or she is committed to transparency and direct accountability it is another entirely to act on those commitments. I hope the committee will be rightly sceptical of political promises made here and elsewhere by those in power.

#### Redaction of travel information

One of the more egregious areas of censorship in the official publication of MPs' expenses has been on addresses and travel information. Keith Vaz, for example, put forward tube tickets with everything blacked out except the price. Is there some state secret in knowing if he's on a single or return ticket to zone one or two? Ann Widdecombe's train ticket for £30.90 is void of destination. This is silly in the extreme. We are here dealing with disaster-movie scenarios not privacy or security concerns based on reality. Some travel expenses cannot be claimed for travel between MPs' homes and their normal places of work. Yet lacking the dates of travel and destination there is no way to police this. It was precisely the time and destination of travel that led to the resignation of two MSPs. Former Tory MSP leader David McLetchie was forced to resign when it became clear that his £11,500 taxi bill involved not just travelling to his constituency for parliamentary work but going to his own legal offices. Brian Montieth was forced to pay back £250 after admitting false claims for taxis not for any parliamentary work but returning home after nights out on the town in Edinburgh. Any similar abuses would remain hidden in the current blackout.

#### Publish addresses

We have only to see how the Commons authorities have handled the official publication to see the culture of secrecy remains relatively intact. Removing the addresses makes it impossible to uncover the larger scandal of house flipping for the avoidance of capital gains tax. Any publication devoid of main and second home addresses will keep the public transfixed by trivia: Keith Vaz charging the taxpayer for his wheelie bin collections, MPs' ordering videos of themselves speaking on the floor, Gordon Brown's blocked toilet, etc. The High Court judges ruled that publication of addresses was necessary to ensure the system was not abused and that 'there was a legitimate public interest well capable of providing such justification'. The Committee needs to deal with MPs' successful attempt to circumvent this High Court ruling. If full addresses are not published then at least the first section of a postcode could be disclosed for accountability purposes.

### Expectation of privacy

Wherever a public official claims public money in the course of their public duties there should be no expectation of privacy but rather an expectation to account for that spending directly to the public.

### Parliamentary Standards Authority

I have grave concerns about the Government's proposed Parliamentary Standards Authority. This government has a habit of proposing more bureaucracy and legislation as the solution to any and all problems. Often it only creates more. Just because Harriet Harman says the Parliamentary Standards Authority will be independent is no reason to assume that will be the case. No new laws or bureaucracies should be created without all the details being known, published and debated. Listening to her testimony at the committee I found these details to be in short supply. It is not right that those with power are continually given the benefit of all doubt while those without power are increasingly not trusted to do anything without supervision by the state. More information must be published before any substantial expenditure of funds is made to create a new bureaucracy.

It is disingenuous for MPs' to place the blame for the scandal solely on the Fees Office. The Green Book made clear that the final decision on expense claims rested entirely with individual MPs and all MPs had to sign their claim forms: "I confirm that I incurred these costs wholly, exclusively and necessarily to enable me to stay overnight away from my only or main home for the purpose of performing my duties as a Member of parliament."

The problem wasn't so much the Fees Office but the total lack of transparency and direct accountability. That is not going to change with the creation of a new bureaucracy. Isn't it odd that it was only in the Information Tribunal hearing February 2008 that I finally discovered how the expense system worked and that the man in charge was Andrew Walker? For some reason this basic information was kept under wraps. Why are people's names and responsibilities a state secret? This is perhaps the single biggest problem affecting efficiency and civic engagement in the UK. Citizens have no clue as to who is responsible for what. I believe this wall of faceless bureaucratic anonymity is there on purpose to keep the people ignorant and unable to meaningfully challenge those in power.

### **Conclusion**

Any new system must have clear lines of authority. We must know by name who is responsible for what. And by this I don't mean which minister but the name of the actual person doing the job. We don't need more layers of bureaucracy. The most efficient way to keep politicians' claims within acceptable limits is for the receipts to be directly available to constituents. This is how it was done in Washington state back in 1992. There, the receipts were a public record and anyone could go and have a look. It was this knowledge that I believe made politicians think very carefully about what they claimed on expenses. They very much understood it was not their money and because of transparency and direct accountability their claims were all above board. The public should be able to see expense data for themselves.

This brings me to the core problem of the culture in parliament. It is a culture that shows deep disrespect and distrust for the common person, the general public, the

masses. We can't pretend to be a democracy when we have this elitist mindset that the public can't be trusted. When I heard Harriet Harman say 'trust me' about the creation of the Parliamentary Standards Authority what I thought was that she wants us to trust her even while she doesn't trust us, the constituents, to view these receipts.

I understand this fear. It's not irrational to fear the unthinking mob. But the best way to counter this danger is to ensure the electorate are educated and informed. That is why it is so ironic that such efforts have been made by politicians to keep the people *un*informed and ignorant.

What must be kept in mind is that it is the people who gave MPs their power and so it must be to the people to whom they are accountable: directly and forthrightly – with no middlemen in between.

