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## Landmark Freedom of Information Victory for British Humanist Association – 19 February 2013

In 2011, the British Humanist Association (BHA) submitted a request under the Freedom of Information Act for the Department for Education to be obliged to publish a complete list of all proposals for new Free Schools. Michael Gove initially refused, but when the matter was pursued by the BHA, he lost his appeal to the Information Tribunal.

The Information Commissioner Christopher Graham replied to a letter from Michael Gove, rejecting in strong terms his reasons for having refused to release a list of all proposals to establish Free Schools.

Accepting the requirement to publish the information, Michael Gove had written to Mr Graham, saying that:

there are people who are ideologically opposed to the Free Schools programme and some of the opposition to the programme has gone further than normal healthy debate. We are aware of personal attacks on individuals who simply want to improve educational standards and choice locally ... We have been told of instances where teachers have lost their jobs simply by virtue of their association with a Free School application ... it is for these reasons that we must be very careful when it comes to the information we publish about the programme. We want to make sure that people are free to open Free Schools without fear of reprisal or backlash, and parents are free to choose the education they want for their children, whether in a Free School or any other establishment, without intimidation.

I would defend, to the death, the right of anyone to oppose Government policy. I do not believe however that it is right to facilitate the targeted intimidation of brave people acting on noble motives.

In his reply, Mr Graham wrote:

While I note your strongly held views, strongly expressed, I will only observe that both the Commissioner and the Tribunal have taken careful account of all relevant factors in arriving at a balanced

judgment as to where the public interest lies. Your Department's arguments clearly failed to convince. I note that you chose not to exercise your right of future appeal to the Upper Tribunal.

I do not for a moment accept that the publication of the material that you are obliged by law to make public today in any way 'facilitates the targeted intimidation of brave people acting on noble motives'.

I will join you in defending the right of anyone to oppose (or support) Government policy. But I will also defend the operation of the Freedom of Information Act in the public interest.

BHA Faith Schools Campaigner Richy Thompson said, 'We welcome the Information Commissioner's strong rebuttal of Mr Gove's reasons for not wanting to see this data published. The Government failed to provide any good evidence to the Tribunal that the publication of this data was likely to result in individuals being discriminated against'.