

19/10/05

SACN/05/29



Paper for agreement: Committee Openness

Agenda Item 4

In light of Government policy of operating from a position of openness, Members are requested by DH and FSA to hold all SACN main meetings in public.

Members are asked to consider this and note the committee's obligations under the Freedom of Information Act (FOIA).

Background

- 1) At present one of SACN's 3 meetings each year is an open meeting, which comprises the normal business of the day taking place in open session followed by a Question and Answer session.
- 2) Members last considered the issue of committee openness at the October 2004 meeting (SACN/04/03/min). The consensus at that time was that the current system was satisfactory with the availability of Committee documents on the SACN website and one open meeting each year open to public access. Concern was expressed that open meetings might restrict conduct of business, making proceedings more formal and less effective.
- 3) The Secretariat were requested to provide information on procedures for openness adopted by other committees within the Agency for comparison, including: how information is made accessible to the public; how many open meetings are held; and other ways that have been used to interface with the public. Information on the Freedom of Information Act (FOI) was also requested (Annex A).

How the committees compare on openness

- 4) Annex B outlines how the different FSA Committees, including SACN, operate in terms of openness.
- 5) Generally SACN fares well although there are several committees which hold all their meetings open to the public.

For discussion

- 6) The Committee are asked to note the system of openness operated by other committees and move to all open meetings (apart from Horizon scanning and Subgroups) with reserved time as necessary.

Freedom of Information Act (FOIA) 2000

7) The FOIA came into force on 1 January 2005 and covers SACN business.

8) The Act confers two statutory rights on applicants:

To be told whether or not the public authority holds that information; and if so, to have that information communicated to them

9) There are four exemptions that relate to the provision of information that are relevant to committee business; they are sections 22, 36, 41 and 43.

Section 22

10) Provides an exemption on the basis that the information is held with a view to it being published now or in the future.

Section 36

11) Provides an exemption on the basis of prejudice to effective conduct of public affairs. This includes the possibility that disclosure would, or would be likely to, inhibit the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation.

Section 41

12) Provides an exemption on the basis that the public authority obtained the information from any other person. The exemption also applies if the disclosure of the information to the public would constitute a breach of confidence actionable by that or any other person.

Section 43

13) States that the information is exempt if it constitutes a trade secret.

Also it is exempt if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person.

Procedure for FOIA requests

14) FOI requests are likely to be forwarded to the Secretariat in the first instance. The secretariat will then liaise with Alan Jackson who, as Chair of SACN, is the 'qualified person' to make decisions as to whether the disclosure of information would be prejudicial to the effective conduct of the committee.

19/10/05

SACN/05/29

Annex B – Procedures for openness adopted by other committees within the Food Standards Agency

Committee	Contact details for Secretariat on website	Number of open meetings per year	Agenda and papers available to public	Draft minutes available to public	Committee opinions and data used for risk assessments available to public	Hard copy documents available	Structures for handling confidential issues	Annual Report made available to public
ACAF	Yes	Five of five	Yes	4 weeks after meeting	Yes - dependent on any confidential issues.	Yes	Yes	Yes
ACMSF	Yes	Four of Four	Agenda - 2 weeks, papers – 1 week after	3 weeks – 1 month	Yes – dependent on any confidential issues.	Yes	Yes	Yes
ACNFP	Yes	One of six	1 week prior to meeting	3 weeks after meeting	Novel food application dossiers are published for a 20 day public consultation (minus confidential information). ACNFP draft opinions are published on the web for a 10 day public consultation. ACNFP final opinions are published on the web.	Upon request	Yes	Yes
COC	Yes	Three of three	1 week before on web	4 weeks after meeting	Statements but not data	On web	Yes	Yes
COM	Yes	Three of three	1 week before on web	4 weeks after meeting	Statements but not data	On web	Yes	Yes

19/10/05

SACN/05/29

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COT	Yes	All	Agenda - 2 weeks, papers – on day of meeting	3 weeks after	Yes – dependent on any confidential issues.	On web	Yes	Yes
SACN	Yes	One of three	2 weeks prior to meeting	1 month after meeting	Yes– dependent on any confidential issues.	Upon request	Yes	Yes
SEAC	Yes	On average, there are 5 SEAC meetings per year. Each meeting contains an open session and a reserved business session. There is a public Q&A session once a year. SEAC meetings are being broadcast live over the internet in 2004/05 as part of a one year webcasting trial.	Agenda and papers for the open meeting are available on the website 1 week prior to the meeting. The public are also informed about those issues being discussed in reserved business.	Approximately 1 month after the meeting. A summary of the meeting (both open and reserved) is available 24 hours after the meeting.	Yes	On website for documents discussed in open session.	Yes – outlined in the SEAC Code of Practice.	Yes – on website

Key

ACAF – Committee on Animal Feedingstuffs

ACMSF – Advisory Committee on the Microbiological Safety of Food

ACNFP - Advisory Committee on Novel Foods and Processes

COC – Committee on Carcinogenicity

COM – Committee on Mutagenicity

COT – Committee on Toxicity

SACN – Scientific Advisory Committee on Nutrition

SEAC – Spongiform Encephalopathy Committee