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The National Archives
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London Fire Brigade is run by
London Fire and Emergency Planning Authority

Date 25 September 2014

Your Ref Consultation

By email: standards@nationalarchives.gsi.gov.uk

Dear Sir/Madam,

Consultation on the UK implementation of Directive 2013/37/EU amending Directive 2003/98/EC on the re-use of public sector information

Thank you for the opportunity to respond to the consultation on proposed amendments on the re-use of public sector information. This response is an organisational view and sets out the opinions of officers of the London Fire Brigade.

The London Fire Brigade is run by the London Fire & Emergency Planning Authority (LFEPA). The 17 members of the Fire Authority are appointed by the Mayor of London.

Our response to the consultation questions are set out below.

Question 1 - Do you agree that this represents the most appropriate way to deliver the means of redress required by the amending Directive?

The LFB agree with the Government's proposal to use a First-tier Tribunal for a legally binding decision on unresolved disputes and would endorse that being the Information Rights jurisdiction.

The LFB can see why Government have proposed that the initial investigation be carried out by The National Archives (recognising that this option builds on existing resources and expertise within The National Archives) but considers that this role could alternatively be provided by the Information Commissioner's Office ("ICO"). The LFB see some similarities between the role of the ICO in determining information rights issues and appeals with regards to re-use of public sector information. As such we ask that this alternative be considered.

Question 2 - Do you consider that the First-tier Tribunal is the appropriate body to hear and determine appeals against decisions made under the amending Directive?

The LFB agree with this proposal. It would be appropriate for matters relating to the re-use of public sector information to be heard by the General Regulatory Chamber of the First-tier Tribunal (Information Rights jurisdiction).

Question 3 - Do you consider that the General Regulatory Chamber Rules of the First-tier Tribunal will suit the handling of these appeals?

The LFB have no comment to make on the General Regulatory Chamber Rules of the First-tier Tribunal.

Question 4 - Do you have any comments about the proposed approach to laying down criteria for the calculation of charges in cases where charges above marginal cost are made?

The LFB will not be directly affected by this amendment and have no further comments to add to the proposal.

Question 5 - With reference to the impact assessment, are there any other impacts, benefits or implications of the proposals which should be considered?

The LFB have no comments to add to the drafted impact assessment.

I hope these consultation responses are useful. If the LFB can help in any further way please let me know.

Yours faithfully

Susan Ellison-Bunce
Head of Strategy and Performance
London Fire Brigade