ESRC End of Award Report Form

1. Non-Technical Summary

A 1000 word (maximum) summary of the main research results, in non-technical language, should be provided below. The summary might be used by ESRC to publicise the research. It should cover the aims and objectives of the project, main research results and significant academic achievements, dissemination activities and potential or actual impacts on policy and practice.


Aims of the project

- to identify and analyse the objectives of FOI in the UK
- to evaluate whether they are being achieved
- to assess the impact of FOI on the working of Whitehall.

Research methods

- Analysis of official literature
- interviews with Whitehall officials, and requesters and campaigners
- survey of FOI requesters
- analysis of over 1000 FOI stories in the press
- FOI case law.

The objectives of FOI

We identified six main objectives of FOI:

two core aims

- increased openness and transparency
- increased accountability

and four secondary aims

- improved decision-making in government
- better public understanding of government decision-making
- increased participation
- increased public trust in government.

FOI has achieved its core objectives …

FOI has increased transparency, as the amount of information released has significantly increased, and the government is more open. And FOI has strengthened accountability. It has been used by the media, MPs and campaigners to make government more accountable.

… but not the secondary objectives

Officials did not think FOI had improved government decision-making. Other initiatives (evidence-based policy making) might have, but not FOI. Nor has it increased public understanding of government decision-making. Few requesters use the Act to access papers about decision-making, and newspapers rarely report disclosures that do so.
Public participation has not increased as a result of FOI. 99.9% of the population do not make FOI requests. Newspaper reporting of FOI does not encourage them to participate. Newspaper reporting also explains why FOI has decreased, rather than increased trust. Two thirds of the press stories which we analysed were likely to decrease trust. This is not a failure of FOI, but a failing of the press, reflecting editorial values which strongly select negative stories.

FOI has not adversely affected the working of Whitehall
If FOI has not realised its proponents’ more ambitious objectives, neither has it realised its opponents’ worst fears. We found no evidence that FOI undermined collective Cabinet responsibility, or ministerial accountability to Parliament. Civil servants are no less willing to give free and frank advice, and civil service neutrality is not jeopardised.

Nor has FOI caused a ‘chilling effect’. When information is not properly recorded or circulated, it is due to factors other than FOI, such as leaks. The incidence of leaks does not diminish following FOI.

The iron laws of FOI
Our research challenges some common misperceptions, pointing towards some possible ‘laws’ of FOI:

- **The media are central players.** Not only are the media key users of FOI; but given that so few people make FOI requests, they are the key conduit for shaping public perceptions.

- **Government holds all the cards.** Despite its evident discomfort at the continuing pinpricks of FOI disclosures, the government remains in a strong position. It holds the information, and can resist disclosure for years if it wants to, and exercise a veto

- **Both sides will game the system.** As in any field of legal regulation, there is scope to game the system, and both requesters and officials do so.

- **Government will always be seen as secretive.** However open the regime, and wherever government draws the line, there will always be friction: especially between government and the media.

- **FOI never settles down.** In terms of bureaucratic routine and a body of case law FOI does begin to settle down after the early years. But at a wider political level it never does.

- **A few FOI requests cause most of the trouble** A few high profile cases cause disproportionate effort, media attention, public controversy and political pain.

- **FOI does not increase public trust.** This is because of the media’s predominantly negative reporting, exacerbated by government resistance to media requests.
• **Officials have nothing to fear from FOI**, save for the extra burden on resources, which is the more difficult to bear at a time of staffing and public expenditure restraint.

**Outputs and dissemination**

So far we have produced:

- A book of 17 chapters and 100,000 words, accepted by Palgrave
- A 60,000 word report on *FOI and Policy formulation*
- Three academic journal articles:
  - ‘Has FOI met its objectives in the UK?’
  - ‘Performance measures for freedom of information’
  - ‘Freedom of information and policy deliberation’
- Three conference papers, and two seminar papers
- 11 presentations to a range of groups of FOI practitioners, in Whitehall and elsewhere
- three presentations to research workshops
- website pages for the project and all its outputs, and an FOI Update service
- updates in our regular newsletter
- press coverage and radio interviews.

We plan to produce:

- Three more journal articles, on:
  - the objectives of FOI
  - impact of FOI on trust
  - comparing FOI in central government with local government.
- More presentations to practitioners
- Articles in the press and practitioner journals to publicise our book when published.

**Policy impact**

Our main contribution has been to puncture some of the myths about FOI:

- It is not used by ‘ordinary citizens’: FOI requesters represent at most one in a thousand of the population
- They already participate in the political system, and many are professionals
- It is not FOI which has a chilling effect, but leaks.

We have sought to encourage greater recognition:

- That FOI was oversold
- It is not going to increase public participation, or public trust
- The media is a crucial player and the government’s battle with the press over negative FOI stories is one that can never be won.

We have discussed these issues with the Information Commissioner; FOI appeal bodies in Scotland, Ireland, Canada and Australia; the Committee on Standards in Public Life; and the World Bank, who have commissioned us to develop performance measures to judge the effectiveness of FOI.