

Freedom of Information Act 2000: The first six months

The experience of local authorities in England

30 September 2005

Paper prepared for:



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Acknowledgements

We are grateful to everyone who responded to the invitation to participate in the study, both in their responses to the initial web-based survey and the more detailed survey, which included telephone discussions about written responses. We received valuable material from 200 of the 280 local authorities in England that we invited to participate. We believe that their contributions enabled this report to reflect fairly the spectrum of local authorities' views and experiences with the Freedom of Information Act 2000 (FOI Act) and the Environmental Information Regulations 2004 (EIRs).

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Executive Summary

Introduction

This is a report of a study of local authorities' experiences complying with the FOI Act from January to June 2005 carried out by the Constitution Unit on behalf of the Improvement and Development Agency. The primary purpose of the study was to understand how local authorities coped with the Act during this period by studying the numbers and types of requests they had received, analysing the problems they had encountered and exploring the lessons they had learned. Secondary objectives were to identify examples of good practice suitable for wider dissemination and to understand authorities' level of preparedness for the implementation of the Re-use of Public Sector Information Regulations 2005 (PSIRs).

The project was carried out in two phases. Phase I was a web-based survey aimed at all local authorities in England. Phase II was a more detailed, qualitative survey of a select group of 18 local authorities representing the five local authority categories - London boroughs and county, metropolitan, unitary and district councils. The second phase was supplemented with telephone interviews to clarify responses to the questionnaire and obtain more detailed information.

For reasons of cost-effectiveness it was agreed that central FOI officers would be informed about the study by email using only the addresses available to the Constitution Unit and IDeA, and that the format of the Phase I survey would be web-based. In order to encourage frank responses, participants were assured that their submissions would not be used in ways which would enable them or their authorities to be identified.

We succeeded in reaching FOI officers at 280 of the 387 local authorities with the invitation to fill out the survey. Of the 287, 200 gave a substantive response, which means that we achieved a response rate of 52 per cent of the total population and obtained a sample size large enough to represent the targeted population to a confidence level of 95 per cent with a confidence interval of five.

Key findings

Volumes: We estimate that in the six month period from January to June 2005, the 387 local authorities handled a total of 35,406 requests. We saw no noteworthy differences in the number of requests received by London boroughs, county, metropolitan and unitary councils. District councils received, on average, far fewer requests than the others. However there was a wide variation in numbers received and some district councils received more requests than some of the other types of councils.

Table 1: Number of requests, refusals and internal reviews 1st January to 30th June '05

	Total requests	Refused	Internal reviews
Other councils (149)	22,896	1975	552
Average/other council	155	13	4
District councils (238)	12,510	911	223
Average/district council	53	4	1
Total all councils	35,406	2886	775

Note: In order to calculate the estimates found in Table 1, we used averages for each type of council and multiplied by the total number of councils. Numbers are rounded to the nearest whole number.

Sources of requests: Phase 1 survey respondents identified the top three categories of applicants listed below and respondents to the qualitative survey named the same three groups:

Private individuals	60%
Businesses	18%
Journalists	10%

No other category represented more than 4 per cent. However, the fact that members of these categories were responsible for the largest volumes of requests does not necessarily mean that their requests took most time and effort. Some of the requests from journalists and campaign groups were amongst the most problematic and required more time and effort.

Spend on compliance: The most detailed information was gathered from authorities that participated in the Phase II survey.

Spend on set-up: We based our analysis on information gathered from ten authorities. The costs reported were not always comparable across authorities because, for example, some included staff costs while others did not. The information we received showed that the average amount of money spent on set-up was £31,223 for a district council and £55,881 for other types of councils.

Operating costs: In this area we also found differences in what was recorded and reported. For example, some authorities recorded all the time spent handling requests, while others noted only the time spent finding and retrieving the information. We received the most useful comparative information by asking for the numbers of full-time equivalent staff (FTE) employed on FOI and EIR compliance activities, both in the central team and in the service departments.

We did not find a large difference in the amount of time spent handling an average request across different types of councils. However, a number of respondents gave us reasons why smaller councils should be expected to handle requests more cost-effectively - where they had an experienced officer handling requests and all departments within close proximity. By comparison, a large council with departments dispersed over a wide geographic area and more levels of management would probably spend more time on each request.

It is important to note that these costs do not include time spent by management and internal and external legal advisers deciding, for example, which regime should apply, which exemptions should be used and how the public interest should be weighed. For complex requests these costs can be considerable, sometimes requiring several person-days of senior management effort.

Table 2: Spend on set-up and compliance

	Total number of requests	Average hours per request	Total hours	Cost @ £25/hour (£000s)	Set-up costs (£000s)	Total costs (£000s)
District councils						
- Set-up spend					£7,431	
- Handling spend	12,510	12.4	155,124	£3,878		
- Total						£11,309
Other council types						
- Set-up spend					£8,326	
- Handling spend	22,896	14.2	325,123	£8,128		
- Total						£16,454
Total across all authorities	35,406		480,247	£12,006	£15,757	£27,763

Note: The handling costs relate to the six month period from January to June 2005.

Charging: Sixty-eight per cent of authorities charged no fees to applicants, and of the 32 per cent who charged, 73 per cent charged only for disbursements (e.g. copying and postage). The majority did not charge fees because the effort and cost involved were considered to be greater than the return. Authorities were also concerned about having to justify charges if challenged.

Many found the 'appropriate limit' helpful and used it to persuade applicants to reduce the volume of information requested or simplify the request. Some felt that this often resulted in the applicants getting information that was more useful to them.

Re-use of Public Sector Information Regulations: By the end of June, 11 per cent of authorities had received requests for a license for re-use. These predated the PSI Regulations, which came into force on 1st July 2005. Twenty-nine per cent of authorities reported that they did have plans to implement the PSI regulations and that these would be integrated with their FOI operations, while 71 per cent either had no plans or did not know.

Problems with compliance: Respondents were asked to identify the top three problems they faced with FOI compliance. Out of a wide range of problems identified, the three cited most frequently were:

- 1. Applying exemptions:** Comments focussed upon two main areas - balancing the public interest and distinguishing between FOI and EIR regimes. Respondents wrote about difficulties in weighing different public interest factors and deciding whether the information in question was 'environmental' or not.
- 2. Processes and procedures:** Many respondents mentioned difficulty in persuading people who were processing FOI requests to comply with timescales and use the request logging system correctly.
- 3. Resources, costs and timescales:** Many reported that resources were stretched. A number expressed concerns about the lack of a budget and the fact that staff were being allocated to FOI only on a temporary basis. Others mentioned the need to overcome management reluctance to disclose, problems finding the information requested; difficulty with clarifying requests, consultation with third parties, concern about the 'validity' of business requests, and 'persistent long term complainers'.

Positive aspects of compliance: Respondents were asked to list up to three ways in which FOI had made a positive impact upon their organisation. The three cited most frequently were:

1. *Records management issues recognised and progressed:* Comments included: appreciation for the appointment of a records manager, better knowledge of information held, and more care being taken with documentation. One respondent wrote that FOI had forced councils to look at records management, which had always been “the Cinderella side of the business.”

2. *Authority is more open and culture is changing:* Many examples were cited to illustrate this. One comment referred to the reduction of the ‘this is my data’ culture. Others referred to better engagement with the public and media, and authorities becoming more ‘open and accountable’.

3. *Positive effect on departments and staff:* There were several references to FOI’s role as a catalyst for increased communication and co-operation between departments. There were also comments about the fact that FOI has given employees new routes to information held by their authority.

Some respondents stated that FOI had helped authorities identify parties that are interested in their work. There were also references to an improved public perception of councils.

Suggestions for good practice – local authorities: In the Phase II survey, respondents were asked to give suggestions for good practice based on their experience. Eleven authorities responded, several of which gave detailed suggestions. These were consistent with the suggestions that came from the responses in the Phase I survey. Emphasis was placed on the following:

Involvement of senior management: The importance of this was stressed by a number of respondents. There was a widely shared understanding of the strategic importance of FOI and transparency to councils in terms of trust and their relationship with the public. Some practical suggestions were made for how senior management could become more involved:

- Regular reviews with senior management based upon analyses of requesters and requests to provide insight into any problems with service provision and issues of concern to stakeholders;
- Inclusion of FOI compliance targets in the council’s plan;
- Refreshment training to ensure that the strategic significance of FOI to relations with the public and to service provision continues to be visible;
- Establishment of an exemptions panel chaired by a senior manager to ensure consistency of decisions.

Administration and management of requests including logging and tracking systems: Many stressed the importance of handling requests properly, including the correct use of effective logging and tracking systems. There were also references to the value of having a central unit in each authority to advise and deal with difficult questions on all aspects of information rights.

Networking and co-operation with other authorities: A number of respondents stressed the benefits they received from networking, especially with local, regional, county and London groups. The benefits included moral support, practical advice and the sharing of standard letters and processes.

Dealing with applicants: Several respondents mentioned the importance of clarifying requests, and keeping the applicant informed about the progress of his/her request. One suggestion was to publish a code of practice on handling requests and fees policy.

Publication schemes: Several respondents emphasized the value of reviewing or re-designing schemes based upon their experience of FOI and a better understanding of customer needs. This was associated with suggestions about the value of publishing disclosure logs.

Utilising FOI requests to improve and develop services: a number of respondents thought that a systematic analysis of the pattern of requests could provide useful insights and feedback about the provision of services. For example, requests for information about a particular service could identify a problem with the quality of information received by the public at first point of contact. This could be linked to a 'mystery shopper' project designed to understand the potential problem in depth.

Suggestions to central bodies: The subject of how central bodies could be more helpful to local authorities arose in response to questions in the Phase I and II surveys. The main areas of concern related to the interface between FOI and EIR. There was much uncertainty about whether information was environmental and there was concern that too much time was being spent on the issue:

"... EIR cover an enormous range. In some cases we have adopted a 'play it safe' approach by citing the appropriate exemptions under both FOI and EIR. This is undesirable and the lack of clarity/certainty in this area eight months on is unhelpful."

The main suggestions are:

- Practical advice in areas such as deciding whether information is environmental or not, which information held by the main service departments is likely to be protected under which regime and how to identify a request as vexatious or repetitive;
- Rationalisation of the currently overlapping guidance from DCA, ICO and DEFRA. The people who needed to consult these pieces of guidance typically had other responsibilities, and found they needed to spend a great deal of time studying the material in order to reach conclusions that were often uncertain;
- Several respondents wanted the FOI and EIR codes of practice to be combined and a common fees regime established;
- Many expressed a desire for a local authority version of the FOI Clearing House run by the DCA for central government. While talking to colleagues in a local network about a problem could provide encouragement and ideas, it is not a substitute for authoritative advice which could be quoted to senior management as a basis for a decision;
- There is a need for guidance and training about the use of FOI and EIR by businesses and how this relates to PSI. There is a widespread lack of understanding about business use of FOI and there were questions about how to decide which information should be made available for re-use and on what terms.

Summary of conclusions

Overall it appears that local authorities handled implementation without serious problems and generally met response deadlines. Volumes of requests, at an overall average of 15 per month per authority, were within reasonable expectations. Internal reviews, carried out as a result of refusals of information, were carried out an average of two times by each authority during the six month period.

Some councils, faced by determined pressure groups and journalists, were subject to more challenges than others. Staff in most councils were sometimes stretched by difficult requests. In many cases FOI requirements were satisfied but at the expense of other areas of responsibility. Adequate resources had been found for the first six months, but there were concerns about the future. Many of the respondents found problems with the available guidance and also with the perceived overlaps between FOI and the EIRs.

Many respondents reported that FOI had made a positive impact upon their organisation, in particular, by raising the profile of records management, stimulating improved co-operation and communication between departments, and encouraging a more open and accountable culture.

A number of examples of good practice which could be implemented by councils were identified. The respondents highlighted a number of areas where central bodies could be of great help to them by, for example, rationalising the sets of overlapping guidance, especially in relation to FOI and EIRs, and by providing a central service from which practical advice about difficult requests could be obtained.

Background

At the end of June 2005, the FOI Act had been fully in force for six months. An analysis of the practical experience of local authorities in operating the act was commissioned by IDeA to provide a basis for guidance to authorities on making their FOI request response processes more efficient and effective. IDeA also intended to use the study to make an assessment of the resource and cost implications of compliance.

Objectives

The main aim of this project was to identify how local authorities are coping with FOI by studying the numbers and types of requests they had received, problems they had encountered, costs they had incurred and lessons they had learned. Another objective was to identify examples of good practice which should be disseminated widely to local authorities and to recommend ways to address the problems identified.

While the primary focus of the study was the FOI Act, requests which were handled under the Environmental Information Regulations 2004 (EIRs) were included. IDeA also agreed that the initial survey should include questions about preparations for implementation of the Re-use of Public Sector Information Regulations 2005 (PSIRs).

Methodology

The project was comprised of two phases:

- **Phase I - initial survey:** A web-based survey of 30 questions was designed to be filled out by the 387 local authorities in England. The invitation to participate, accompanied by instructions for filling out the survey, was sent by email to FOI officers on 4th July. Two reminder emails, spaced a week apart, were sent to those who had not responded and the survey was 'closed' on 28th July. The questionnaire can be found in Appendix B.
- **Phase II - detailed survey:** The results of the initial survey were analysed and a more focussed questionnaire was sent to 18 selected authorities in mid-August - three each from county, metropolitan, unitary councils and London boroughs, and six from district councils. This questionnaire can be found in Appendix C.

The responses to the detailed surveys were followed up by telephone interviews to clarify understanding and establish more detail where appropriate. When responses obtained during the telephone interviews resulted in significant amendment to the questionnaire which had been submitted, the questionnaire was returned to the participant and agreement sought for the revised submission

This report combines the results of both of these phases. All participants were asked to participate and assured of confidentiality in a letter sent by IDeA. A copy of this letter is provided in Appendix A.

Response rate

The target population of the Phase I survey was the 387 English local authorities. We sought to obtain responses from the central FOI officer in each authority.

For reasons of cost-effectiveness it was agreed that we would communicate with authorities via email, and use the existing email address lists which we already held and to which IDeA added. Our final list was neither wholly accurate nor complete, and there

were many generic addresses which had not been tested, e.g. addresses in the format 'foi@councilname.gov.uk'. As a result, we did not reach all councils. The numbers are summarised as follows:

Total population of local authorities in England	387
Number reached by email invitation and reminders	280
Number that gave a substantive response ¹	200

- One hundred-seven authorities (28 per cent) did not receive an invitation to participate. We apologise to those who would have wished to participate;
- We achieved a response rate of 71 per cent of those organisations that we reached (200/280);
- We achieved a response rate of 52 per cent of the total population (200/387).

Broken down by type of local authority, we achieved the following response rate for each:

Table 3: Phase I survey response rate by council type²

	Total number	Number that responded	Percentage of total
County councils	34	18	53%
District councils	238	82	34%
Metropolitan councils	36	18	50%
London boroughs	33	15	45%
Unitary councils	46	20	43%
Unidentified		47	12%
Total	387	200	

Given the response rate of 52 per cent, we obtained a sample size large enough to represent the targeted population to a confidence level of 95 per cent and a confidence interval of five.

Eighteen authorities were selected to participate in the Phase II survey according to their responses and the responses of others to the Phase I survey. Those chosen fulfilled the following criteria:

- Named as a source of peer advice by one or more authorities (Q 24)
- Used a system for keeping track of time spent and/or costs associated with processing FOI requests (Q 5)
- Maintained a request log/tracking system (Q 7)
- Stated that they would be willing to participate in further research (Q 28)

¹ Not all authorities that completed the questionnaire answered all questions. For example, 47 of the 200 did not provide the name of their authority. In total we received approximately 230 full and partial responses. However, we have only included the responses of the 200 that answered a substantial proportion of the questions and it is these upon which the analysis is based.

Findings

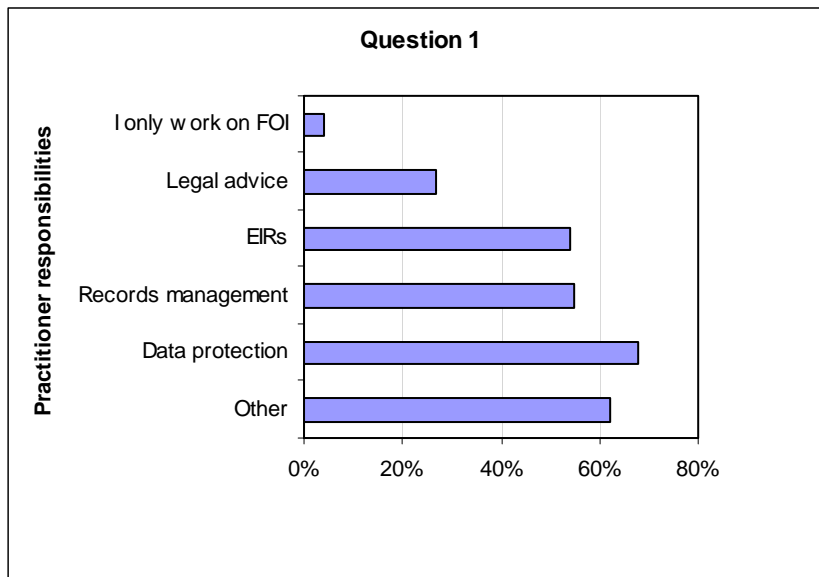
In presenting the findings, rather than present the answers to questions in numerical order, we have grouped answers together and presented them in what we felt was a logical order.

Staff organisation and responsibilities (Q1, Q2)

Results from Phase I survey

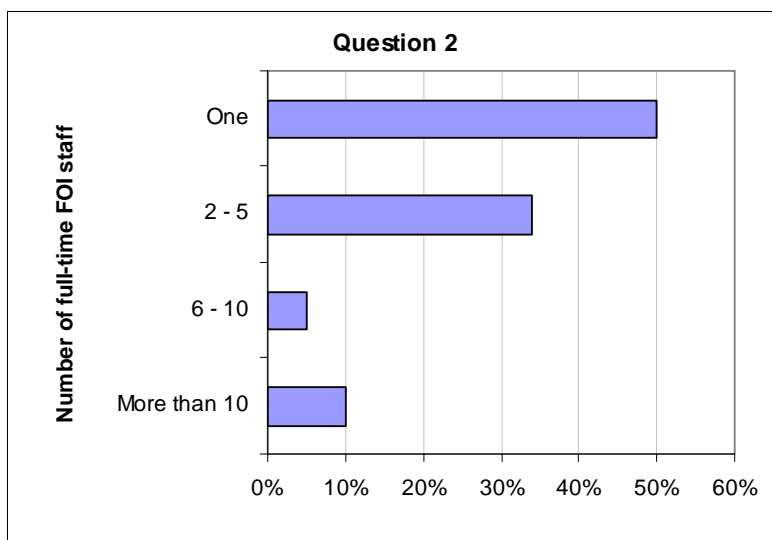
1. As an FOI officer, which responsibilities do you have besides responding to FOI requests? (Please select all that apply.)

Only 4 per cent of FOI officers responded that FOI was his or her sole responsibility. Responsibility for FOI was most commonly combined with data protection (68 per cent), EIRs (54 per cent), and records management (55 per cent). A substantial number (62 per cent) also had other, unspecified responsibilities.



2. Approximately how many full and part-time staff throughout your organisation are assigned to FOI compliance tasks?

Fifty per cent of organisations have only one full-time equivalent (FTE) working on FOI and 34 per cent of organisations reported having between two and five FTE staff. Only 15 per cent of organisations reported having more than five.



Evidence from the Phase II survey

Respondents provided more detail about the numbers and organisation of staff deployed to handle FOI compliance matters and this was supplemented by the telephone interviews. The information they gave indicates that in all of the small organisations and many of the large ones, responsibilities for FOI compliance are usually combined with others. In addition to the Data Protection Act (DPA), EIRs and records management, other responsibilities include legal services, information management, Re-use of Public Sector Information Regulations (PSIRs), and the authority's web site.

In the larger authorities, there are usually officers in each of the service departments nominated to handle FOI responsibilities, in addition to a central FOI team or resource. In some cases there are also members of staff trained in FOI in several areas within a service department. One authority reported that it has eight Departmental Information Managers and over 40 Action Officers who are responsible for processing FOI requests and locating and retrieving requested information.

The degree to which responsibility and the work involved in handling requests is handled centrally or devolved to service departments varies. In three of the 18 authorities substantially more resources are applied in service departments than in the central FOI unit, while in six others substantially more resources are deployed centrally than in service departments. In the remaining authorities the resources are broadly in balance.

There are also large variations in the number and type of requests received by each service department. A number of authorities reported that many of the requests received by Social Services were DPA requests. As an example of variation in the number of requests received by departments, one authority received about 250 FOI requests in the period from January to June, 150 of which were dealt with by just two departments, while five departments received six or fewer requests each.

Our assessment

Responsibility for FOI is usually combined with other related responsibilities, most commonly EIRs, DPA, and at least some aspects of records management. This seems to be a logical way of organising staff duties, though there were difficulties during the first few months of implementation while people were learning how to respond to requests.

In general, the most pressing area of concern is the level of training and commitment of the staff in service directorates/departments as well as the support they receive from management. We expect that the question of maintaining training and motivation levels will become an important issue, especially in the service departments and areas within them that receive very few requests but have FOI-trained staff.

Suggestions for good practice

In our judgment, the organisation and responsibilities for handling FOI requests seem well-judged and appropriate. It is useful that FOI responsibilities are handled in close relationship with EIRs and DPA, and now with PSIRs. There is close interaction among these four areas, and a number of requests that appear to be FOI requests prove to be ones that need to be handled in whole or part under one of the other regimes. Whether wider responsibilities for records management, the web site or legal advice should also be combined with FOI depends upon the scale and organisation of the authority and the staff skills available.

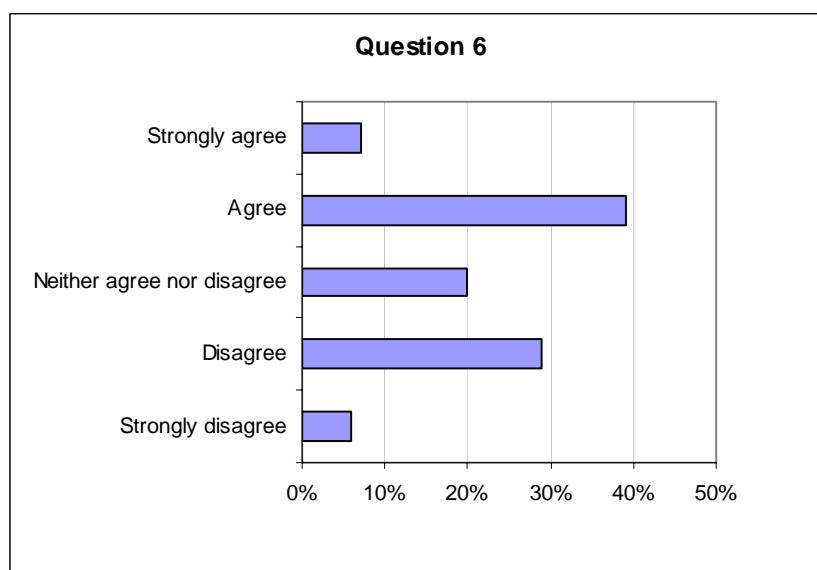
We suggest that authorities periodically review the way they balance the responsibility for handling requests between the central team and service departments. In some cases a mixed system may be more effective, for example, allowing departments that receive reasonable volumes of requests to handle them mainly with their own FOI trained staff and those which receive very few to rely upon the central team. A key point is to seek to maintain and enhance the knowledge and skills of the people who are responsible for requests under the four main regimes - FOI, EIR, DPA and PSIR - through training and good communication.

Management of requests (Q6, Q7)

Results from Phase I survey

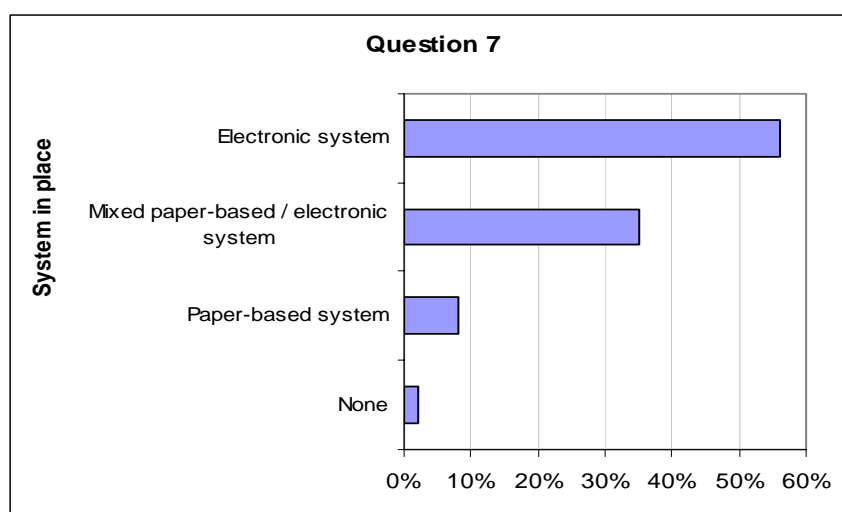
6. 'My organisation has adequate resources (i.e. staff, systems, etc.) to handle the FOI requests we receive.'

The vast majority - 66 per cent - either strongly agreed, agreed or were neutral about whether they have adequate resources and systems to handle the FOI requests they receive. Twenty-nine per cent disagreed and 6 per cent strongly disagreed.



7. Does your organisation maintain a request log/tracking system?

Fifty-six per cent have an electronic system in place for logging and tracking requests. A further 43 per cent have either a paper or a mixed paper-based and electronic system to carry out this function. Only two authorities replied that they have no system.



Evidence from the Phase II survey

All 18 authorities reported that they have adequate resources to comply, although nearly all are stretched from time to time by difficult requests. Most of the respondents were able to provide the number of requests their authority had received each month, associated details about refusals, and, in most cases, numbers of decisions pending at each month's end.

Our assessment

There are no useful general conclusions about adequacy of resources, which vary by authority, department and from time to time. There is no evidence of serious delays in handling requests, which is a common indicator of lack of resources in other countries. However, there may be an effect upon other responsibilities, and this appears to have been the case in the first two months.

While a high proportion of authorities have logging and tracking systems and most consider their systems to be adequate, many expressed concern about persuading people in departments to use the logging system correctly. However, this is not a problem for the central teams that typically own the system.

Suggestions for good practice

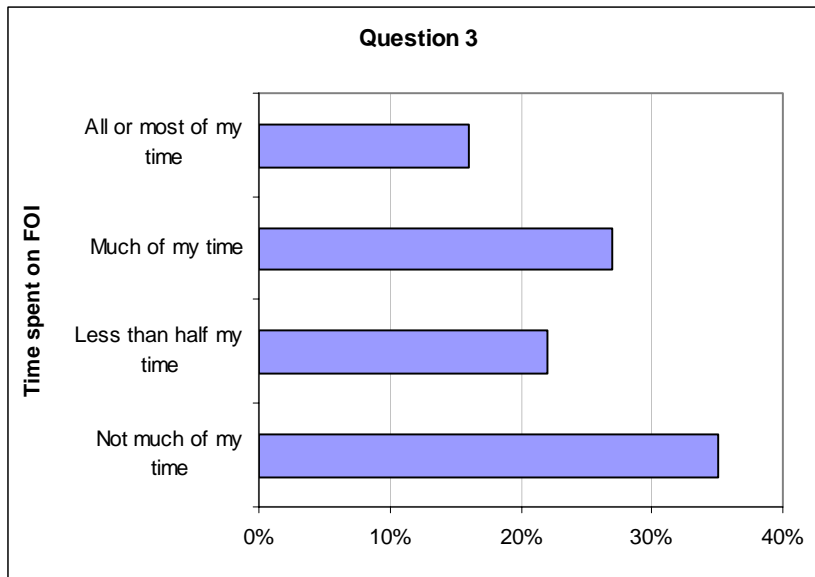
Our primary suggestion would be to ensure that an effective logging and tracking system is used properly by all involved in handling requests. This requires a mix of management action, training and systems development in all areas which relate to the management of FOI activities. It includes compliance, costing and charging and identifying areas where action is needed, such as access to records and development of the publication scheme. This will assist in a significant way with staff productivity.

Costs of compliance (Q3, Q4, Q5)

Results from Phase I survey

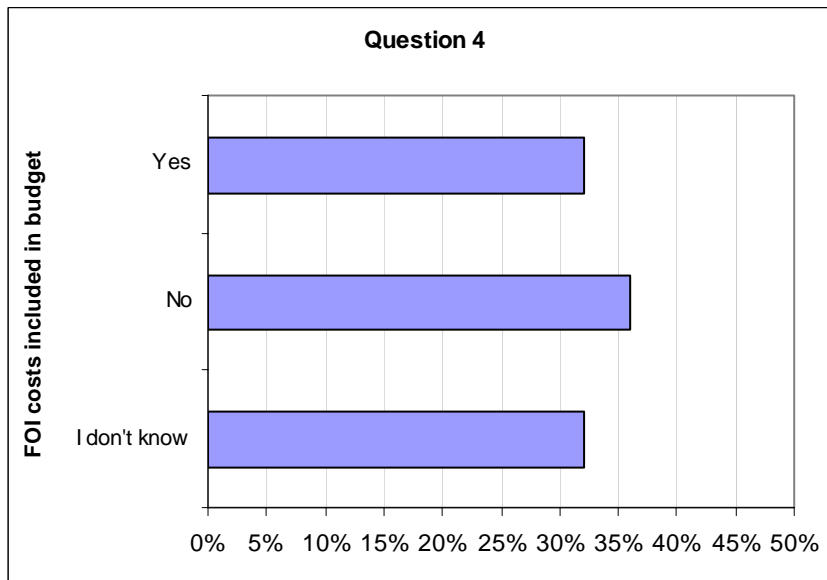
3. What percentage of your time do you spend on compliance matters?

Forty-three per cent of respondents reported that they spend over 50 per cent of their time on FOI matters, while 35 per cent reported that they spend less than 25 per cent of their time on FOI.



4. Are the costs of FOI compliance included in your organisation's 2005 – 2006 operating budget?

Thirty-two per cent said that the costs of compliance are included in their operating budget, while 68 per cent either do not know or said that it is not included.



5. Does your organisation have a system for keeping track of the time spent and/or costs associated with processing FOI requests?

Fifty-nine per cent have a system for keeping track of time spent and/or costs associated with processing FOI requests. The remaining 41 per cent either do not have a system for this purpose or did not know whether their authority has one.

Evidence from the Phase II survey

Most of the 18 authorities surveyed have estimates of the costs associated with compliance, and several also keep detailed records of the time spent on each request. However, time spent and costs incurred are not recorded in a way that enables clear

comparisons to be made between authorities. Some authorities record the costs of finding and retrieving the information to use as evidence for charging fees or applying the appropriate limit. Some do this for all requests, while others record only when they judge that the limit might become an issue. Others seek to capture all the time spent by FOI staff in a specific department and some include the time spent by the central team.

We therefore focussed upon the total time spent on all FOI and EIR compliance matters both centrally and in departments. Central FOI staff are able to make fairly good estimates of time spent by the central team and reflect these in terms of full-time equivalent staff (FTEs). However, they find it much more difficult to estimate FTE staff resources deployed on FOI in the service departments. This was the area of discussion which required the most attention during telephone interviews. We believe the estimates in the table below to be fair. However, we have most confidence in the estimates that relate to the central team. It is important to note that time spent by senior managers and internal and external legal advisers is not included, and with complex requests this can be substantial.

Table 4: Costs of compliance (Phase II survey results)

Category of authority	Central FTEs	Dept. FTEs	Total FTEs	Average FTE hrs/month	Average requests - 6 months	Average requests/mo.	Average hrs/request
County	1.15	1.22	2.37	331.33	119	20	16.7
London boroughs	0.92	1.67	2.58	361.67	168	28	13.6
Metropolitan	3.25	3.50	6.75	945.00	289	48	18.6
Unitary	1.15	0.48	1.82	254.33	203	34	7.7
District	0.57	0.45	1.02	142.57	71	12	12.4
Overall averages	1.41	1.46	2.91	406.98	170	28	13.8

Note: Total hours are calculated according to 1.0 FTE = 140 hours in one month.

This means that over the first six months the average council spent 2442 hours (407 X 6) on complying with FOI. At a cost of £25per hour this equates to £61,050 and £122,100 for the year.

The numbers we obtained show that FTE estimates vary greatly across authorities. The averages for each category of authority are shown above but the numbers for individual authorities were subject to a much wider range:

Central team FTEs on FOI	0.2	to	5.0
Directorate/departmental FTEs on FOI	0.05	to	7.5

District councils reported smaller numbers than large and very large councils.

There is a wide range in the average hours spent per request – from 3.3 hours to 23.5 hours. However, the majority are between 8 and 13 hours and the overall average is 13.8 hours. We talked with our respondents about extremes (very large or very small numbers) and believe that they reflect fairly the differences between a very small

authority whose departments are close together and a much larger one that has considerable geographic dispersal and more levels of management.

Estimates produced in this way, based upon all FTE staff activities relating to FOI and EIR, show a higher estimate of hours spent than those estimates we received which were based upon the time spent on each request. One authority, where detailed records are kept, gave an average of 15 hours calculated using FTE estimates and 5 hours based upon recording of time spent on individual requests.

With few exceptions, there is little accurate information about costs, where they are incurred and for what reasons. When applicants ask for large volumes of information or information that is difficult to find, they are generally satisfied by explanations that the request is over the cost limit and usually settle for more limited information. A number of authorities are concerned about how they would handle an appeal about the application of the cost limit without an individual costing exercise that might be quite costly.

Our assessment

We believe that an average 13.8 hours spent per request is a fair reflection of the resources deployed on FOI and EIR in the first six months. Authorities that simply record the time spent finding and retrieving information are likely to have much lower estimates. However, as noted above, time spent by senior managers and legal advisers is not included.

In the first six months authorities report spending significant effort setting up systems and supporting staff in using them. A number of factors seem to have influenced the resources used. These include (not in order of priority):

- Closeness of service departments to the central team/resource;
- Short management chain from FOI officer to central and departmental decision makers – which also relates to the perceived status of the FOI officer and his or her knowledge of the authority and its records;
- Effectiveness of systems for receipt, logging and progressing of requests;
- Quality of records management;
- Senior management support.

Most authorities believe that the first six months represented a major learning effort and it is now becoming easier to handle requests.

Suggestions for good practice

A good tracking and recording system is necessary for the management of requests and control of costs. The challenge is to implement one that provides what is needed without unnecessary bureaucracy. This is more difficult for large authorities in which a large number of people are involved, most of whom have many other responsibilities and may only be occasionally involved with an FOI request.

If an effective tracking system is not available, we suggest carrying out costing studies for a representative sample of requests and updating this from time to time. A regular review of the activity by senior management would also be helpful.

Sources of requests (Q13)

Results from Phase I survey

13. Who, to the best of your knowledge is making FOI requests to your organisation? Select the top three categories.

Table 5: Sources of requests (Phase I survey results)

Source	Number of responses	Percentage
Private individual	169	92%
Business	148	80%
Journalist	135	73%
Campaign/charity	39	21%
Academic/student	36	20%
Lawyer	33	18%
Politician	18	10%
Public sector employee	16	9%
Other	10	5%

Note: Percentages do not add up to 300 because a number of respondents selected more than three categories, despite the instructions.

Evidence from the Phase II survey

Thirteen authorities provided detailed data on their sources of the requests. This enabled us to calculate the percentage in each category.

Table 6: Sources of requests (Phase II survey results)

Source	Number of requests	Percentage
Private individual	1170	60%
Business	350	18%
Journalist	200	10%
Campaign/charity	70	4%
Politician	61	3%
Public sector employee	61	3%
Lawyer	27	1%
Academic/student	13	1%
Total	1952	100%

Responses to both surveys indicate that the top three groups of requesters are:

1. Private individuals
2. Business
3. Journalists

Several FOI officers commented that a number of requests that appear to come from private individuals should probably be placed in other categories. Most select the category into which the requester apparently fits, but a few use their judgement when analysing requests by source. One respondent commented that he thinks the number of business requests is significantly under-recorded, while another is confident that all those in the private individual category are properly defined.

A number of FOI officers commented that local campaign groups make up a high proportion of complex requests that require consultation, e.g. requests for reports relating to development projects, school meals and local restaurants. Occasionally the reply to one request leads to another as campaign groups seek to get to the bottom of a hot local issue.

Public sector employees make more requests than expected. One respondent commented that they are using the FOI Act,

'to access information that should be available to them as part of their day to day work and this reflects some organisational issues in respect of sharing information or providing explanations to staff for decisions taken.'

Our assessment

The pattern revealed by the responses to this question is in line with experience overseas, which generally shows business requests to be the second largest category after requests by private individuals. There seems to be a consensus that the most problematic requests are from local campaign groups that are concerned about a local planning or development issue and looking for information to support their campaign.

Many FOI officers make judgements about the 'validity' of requests and some expressed the view that requests by private individuals seem to meet the need for which the FOI Act was created. There is also a widespread view that most business requests are not similarly 'valid', and that businesses are simply 'using' authorities to provide them with information to help them in their business; for example, looking for contract renewal dates and staff responsibilities and contact details.

Suggestions for good practice

We suggest that authorities keep track of which groups ask for what information. This could be helpful to them when looking for stakeholder input in relation to the public interest in particular information, as well as with development of their publication scheme. We also recommend that authorities periodically undertake an analysis of the private individual category to estimate how many of these are disguised requests that belong in other categories.

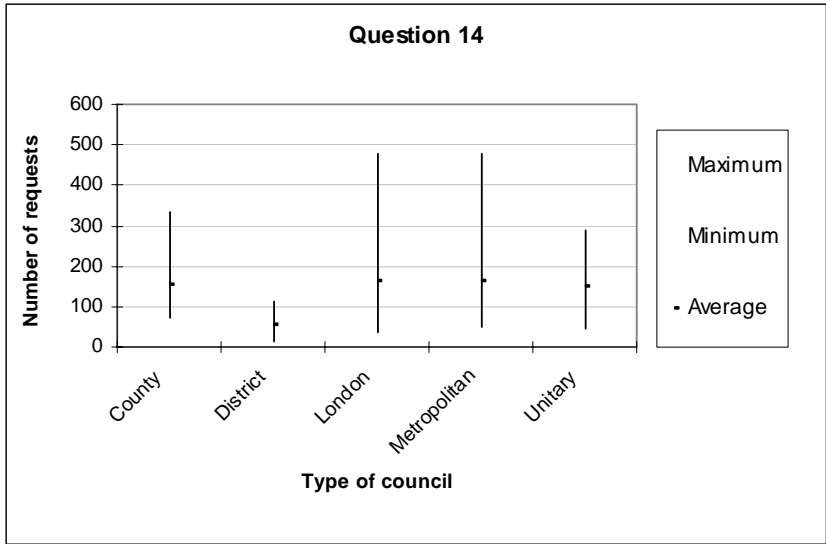
The subject of the 'validity' of requests by businesses also needs to be addressed, especially in the context of the PSI Regulations. Authorities should examine the information they hold and assess what, if anything, could be released and charged for under PSI if appropriate. This could be included in the publication scheme.

Number of requests, refusals and complaints (Q14, Q15, Q16, Q17, Q18)

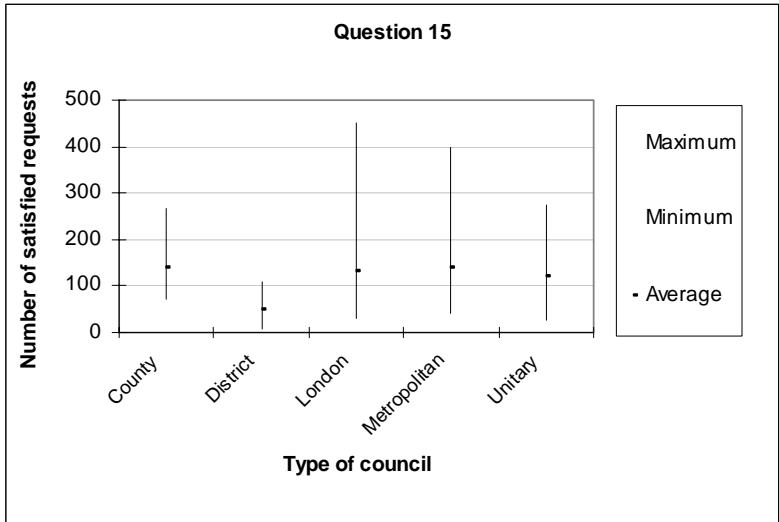
Results from Phase I survey

We asked FOI officers to provide us with the number of requests they had received, disclosures and refusals they had made, and internal reviews and appeals to the ICO of which they were aware. We analysed the data across authorities as a whole as well as across each of the five council categories. The graphs below and on the following pages depict the range in numbers as well as averages for each type of council. Exact numbers can be found in tables in Appendix D.

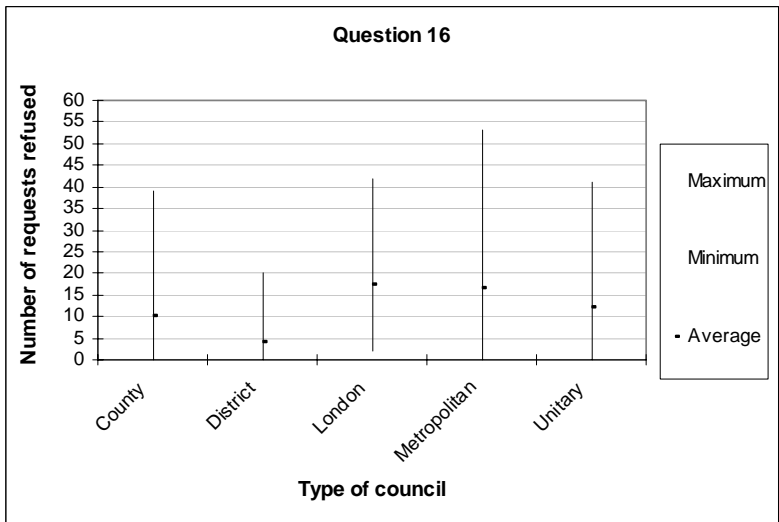
14. How many requests did your organisation receive between January 1 and June 30, 2005?



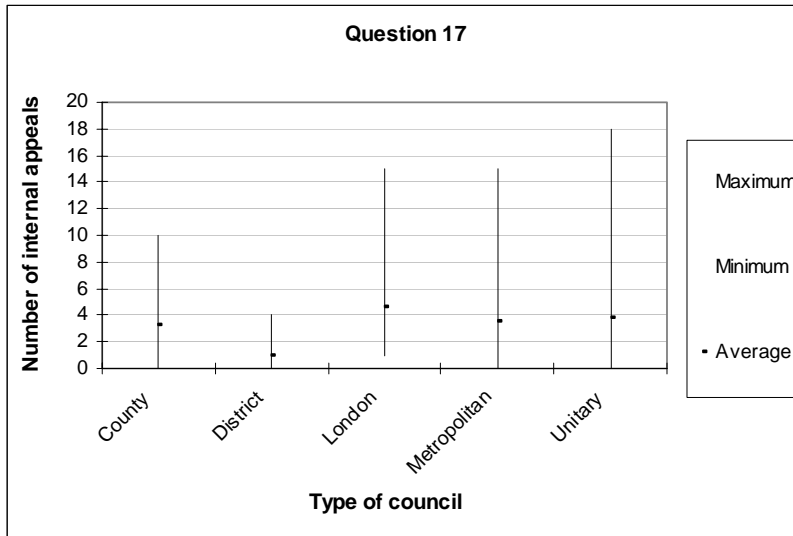
15. How many requests were satisfied by a release of information?



16. How many requests were refused?



17. How many complaints/appeals have been made by FOI requesters to your organisation since January 1?



18. With how many complaints/appeals about your organisation’s handling of FOI requests has the Information Commissioner become involved?

The range across all council types was zero to five, with an average of less than one per authority. Exact numbers can be found in Appendix D.

Evidence from the Phase II survey

Table 7 shows how the volume of requests declined from its peak in January. However, two of the 18 authorities had their highest volumes in May and June. Several respondents commented that while the volume has generally declined, the complexity of requests has grown, especially requests by local pressure groups and journalists. There is also a widespread view that a higher volume of requests – in particular, from those seeking sensitive information - should be expected before local elections.

Table 7: Number of requests by month (Phase II survey results)

	January	February	March	April	May	June	Total
Number (Total for 17 councils)	658	609	427	330	316	292	2632
Average per council	39	36	25	19	19	17	155

Note: 17 of the 18 councils provided a monthly breakdown of numbers of requests.

Refusals and complaints

Several authorities did not provide details of refusals. Those that did generally provided it in a form that was not comparable to information from other authorities. There are a number of reasons for this, which include some mix of the following:

- Counting a request for environmental information as a refusal under FOI before going on to provide the information under the EIRs;
- Counting a subject access request as a refusal under FOI before going on to provide the information under the DPA;
- Recording a request as a refusal when the information requested is located in the publication scheme, and the applicant has been directed to the scheme and presumably found the information;
- Recording a request as a refusal when the information requested is not held;

- Recording as a refusal a request that was satisfied in part and the applicant appeared content and showed no inclination to appeal.

During our telephone interviews we attempted to gain an understanding of what could be called 'hard' refusals, i.e. when one or more exemptions were applied and the applicant either received no information or not enough information to be satisfied. On this basis, each local authority in this group made an average of 12 refusals over the six month period.

We believe we received accurate and comparable figures for internal reviews that commenced as a result of a formal complaint or clearly expressed dissatisfaction. All authorities were able to provide this information. On average, each authority commenced about 4.3 internal reviews over the six month period. If one large authority's figures are excluded the average decreases to 3.4 over the six month period.

Our assessment

The average authority refused 12 of 153 requests over the six month period, which represents a refusal rate of about 8 per cent. The variations between authorities were considerable, with several reporting 3 or fewer and one reporting an estimated 58.

The average authority also commenced 4.3 internal reviews between January and June. The range was zero to an estimated 20. This represents a ratio of internal reviews to total requests of 2.8 per cent. As explained above we have greater confidence in this figure than in the figure for refusals.

Local authorities are presently aware of few appeals to the Information Commissioner, but an analysis of decision notices published on the OIC web site as of 5th September shows 55 per cent relate to local authorities – mostly for procedural reasons.

Suggestions for good practice

Analysis of requests, refusals and appeals provides vital information about how FOI processes are working. This can also help to identify problems in particular service areas. We believe that an analysis of refusals should be carried out, even when there are no appeals. This may cause policy and practice to be changed, for example, to re-consider whether certain information should be refused in future, or to clarify to applicants the reasons why certain information cannot be released – at least for a defined period.

Authorities might find it helpful if they received guidance about what should be recorded as a refusal. They would then be able to compare their results with those of others and gain useful information by examining the differences

Most difficult tasks and problems (Q19, Q20)

Results from Phase I survey

19. Please indicate the extent to which you find the following tasks difficult or easy.

Table 8: FOI compliance tasks (in order of difficulty)

	<i>Very difficult</i>	<i>Difficult</i>	<i>Neither easy nor difficult</i>	<i>Easy</i>	<i>Very easy</i>
Balancing the public interest test	12%	45%	33%	7%	1%
Handling requests for information which may affect a 3rd party	6%	38%	39%	13%	2%
Handling requests subject to EIRs	6%	25%	38%	16%	3%
Applying exemptions	3%	47%	39%	8%	2%
Determining whether to charge fees and how much to charge	3%	25%	34%	26%	8%
Handling requests for personal information	2%	19%	33%	32%	11%
Handling requests that may have been sent to more than one authority	2%	15%	44%	24%	4%
Logging and tracking FOI requests	1%	12%	29%	38%	20%
Providing advice and assistance to the requester	0	8%	36%	46%	10%

Responses are placed in order of difficulty. Respondents were also given the choice of responding 'not applicable', which explains why percentages across rows do not necessarily add up to 100 per cent.

20. Please list in order of difficulty, the top three problems you face in handling FOI requests and compliance. (50 character limit)

We received 462 separate replies to this question from 166 authorities. A wide range of problems were identified by the respondents. We analysed these and grouped them into seven broad categories with an eighth category labelled 'other'.

Table 9: Problems with FOI compliance

	Problem categories	First choice	Second choice	Third choice	Total
1	How to apply exemptions	41	55	39	135
2	Lack of processes & procedures	19	22	29	70
3	Resources, costs and timescales	28	13	19	60
4	Training, motivation & culture	18	17	13	48
5	Commercial requests & dealing with third parties	13	13	7	33
6	Identifying & finding information	15	11	5	31
7	Identifying, clarifying & focussing requests	10	11	10	31
8	Other	22	14	18	54

1. How to apply exemptions - In addition to short statements such as 'applying exemptions', this covers a range of related issues, such as:
 'distinguishing between FOI and EIR regimes'
 'balancing the public interest'
 'redacting information and letter of explanation'
 'data protection requests DP vs. FOI'

2. Lack of processes and procedures - This includes questions about charging and which requests to log/handle as FOI requests. Examples include:

'no knowledge of all FOI requests received'
'multi questions involving several services'
'co-ordinating responses across the authority'
'no information audit'

3. Resources, costs and timescales - Examples of problems raised include:

'no budget allocated for FOI'
'lack of time'
'estimating time'
'time persuading groups to reframe request'
'capacity in overstretched departments'

4. Training, motivation and culture - Problems mentioned include:

'chasing colleagues to respond to deadline'
'overcoming management reluctance to disclose'
'ensuring that frontline staff have relevant training'
'convincing staff that information is not exempt'
'changing the mindset of some officers'

5. Identifying & finding information - In addition to a number of comments about

'finding the information', a number of points were made:
'deciding which department is likely to have the information'
'confirming whether the information is held'
'ensuring that all information has been gathered'
'identifying information relevant to requests'

6. Commercial requests & dealing with third parties - Comments covered a range of issues concerning third party information, consultation and procurement:

'identifying third party material early'
'consulting and getting third party responses'
'business not producing information'
'contractor staff understanding an FOI request'

7. Identifying, clarifying & focussing requests - Sample comments include:

'requests too vague'
'large requests, but within the appropriate limit to locate and retrieve'
'getting requester to be clear about requirements'
'explaining misunderstandings of the law to the public'
'expectation of requester'

8. Other - A range of problems fell into this category. They include:

'getting advice from the ICO'
'persistent long term complainers'
'confidentiality of pre-planning sessions'
'concern about use of information'
'information about a deceased person'

Evidence from the Phase II survey

FOI officers from the 18 surveyed authorities provided more detail and examples to support the findings above. The top three categories were bolstered by more in-depth comments.

1. How to apply exemptions

Many comments centred on the relationship between FOI and EIRs. It is understood that a substantial proportion of the information held by local authorities is environmental in nature.

'The main difficulty is ... whether or not the FOI or EIR applies. This only matters in cases where there is concern over the release of the information. However, get this wrong and the whole decision making process is flawed. According to the IC, EIRs cover an enormous range. In some cases we have adopted a 'play it safe' approach by citing the appropriate exemptions under both FOI and EIR. This is undesirable and the lack of clarity/certainty in this area eight months on is unhelpful.'

Concerns were also expressed about the application of the public interest test, since this is considered subjective, as well as the need for case law to clarify the position in respect of key exemptions. Several respondents also flagged the linkage between DPA and FOI as a difficult issue.

'Confusion remains over the interaction between personal information and non-personal information. Non practitioners struggle to recognise the distinction and even practitioners are challenged in correctly determining ... when it is permissible to release third party personal information in response to an FOI request.'

2. Lack of processes & procedures

This category included the difficulties associated with getting people in departments and directorates to comply with processes, e.g. getting information from departments on time and persuading departmental staff to use the logging system. Questions about departments' motivation to comply were also mentioned. Several FOI officers also highlighted the importance of clearly understanding the request before spending effort searching for the information.

'Too often applicants' requests are too broad and vague and departments try and second guess what information is required without seeking clarification and then 75 per cent through the information gathering stage realise they are unclear and want clarification.'

3. Resources, costs and timescales:

Several respondents talked about resources being stretched. Since there is little evidence of serious delays in handling requests, the effect has probably been a reduction in time spent on other responsibilities. A problem mentioned by some was the fact that complex requests actually take a great deal of time to handle, but the proportion of the total time spent falls within the fees regulations' £450 limit. The bulk of the time is dedicated to deciding which exemptions from which regime to apply and how to balance the public interest.

'... Locating and retrieving the files is quick due to the filing system in place, but the decision making process ... the exemptions available and balancing the public interest is lengthy and complex requiring meetings with relevant officers and solicitors... In brief we are within the appropriate limit in terms of chargeable activities but the decision making and the research behind that decision i.e. seeking guidance, reading the Act etc. can take many additional hours, in one case up to 50 hours.'

A number of authorities consider the 20 day timescale too tight:

'Sometimes with the very complex requests it would be nice to be able to extend the time limit by an extra 20 days like is allowed in the EIR legislation.'

'There have been requests, especially multi-departmental requests, which ... seemed impossible to process in 20 working days. However in these cases we have always kept the applicant

informed ... and provided whatever we had within the time limit... As long as we kept the applicant in the loop they did not really mind the delay.'

Our assessment

Overall there is a consistent and understandable range of reports of the problems faced by authorities. They have all experienced difficulties, some of which relate to motivation and processes in their respective organisations, some to problematic requests and requesters, and some to problems in understanding how to apply the legislation. A common concern is the complexities of applying FOI and EIR when it is not clear which regime should be applied.

Although authorities face many problems in complying with the FOI Act, they give the general impression that they are handling requests effectively, albeit with considerable effort at times. The comments made and the evidence provided by the relatively low number of internal reviews indicates that applicants are generally receiving the information they should receive without major delays

Suggestions for good practice

There are a number of things which authorities could do to address the problems identified. These include:

- A regular training programme, in particular for staff with FOI responsibilities in departments and directorates, some of whom may only be required to handle an FOI request occasionally;
- Regular reviews of performance with senior management:
 - to help the resolution of problems of motivation, processes and policies about release of information and publication
 - to assess the impact of FOI on service delivery and service improvement;
- Contribution to local support networks which provide help and moral support to FOI officers and could become increasingly valuable.

Authorities could also be helped greatly by the actions of central bodies. This is addressed in the section on external support and advice.

Charging (Q21, Q22)

Results from Phase I survey

21. Has your organisation charged fees for processing requests and been paid by requesters?

22. If yes, were the fees charged only for disbursements (i.e. photocopying, postage, printing, etc.)?

A large majority have charged no fees to applicants (68 per cent). Of the 32 per cent who did report that they have charged fees, 73 per cent charged only for disbursements.

Evidence from the Phase II survey

This subject was not addressed directly in the more detailed survey; however, a number of authorities provided comments on the subject. Several have made use of the 'appropriate limit' in the fees regulations either to refuse the information or to indicate that they would need to charge. When faced with this, the applicant generally agrees to reduce the scope of the request. On occasion the dialogue between FOI officer and

applicant results in the applicant receiving what they really wanted as compared to what they thought originally they wanted.

Our assessment

The majority of authorities have not charged fees and do not want to because the effort and cost involved in charging would be greater than any return. The main problems which arise when handling requests relate more to the complexity of a small number of requests than to volumes of requests. The appropriate limit is very helpful when considering large requests. However, it only covers a proportion of the effort involved in handling requests. A major area of work - deciding which regime to apply (FOI or EIR or DPA or some mix), considering exemptions, and applying the public interest test – is not included in the calculation of the appropriate limit.

Suggestions for good practice

We suggest that authorities develop a clear policy on fees, including the policy that applies when requests are above the appropriate limit, i.e. to refuse, or to charge up to a higher level – say £1000 - and then refuse above this level. This should cover EIR requests as well, although the scope for refusal is much more limited under this regime.

More guidance is needed in this area, especially since EIR requests are subject to a different charging regime. Above all the policy should be made clear to applicants to avoid misunderstandings.

External support and advice and more effective FOI processes (Q23, Q24, Q25)

Results from Phase I survey

23. Are you part of a practitioner network (either formal or informal)?

Eighty-eight per cent reported that they are part of a network, while only 12 per cent said that they are not.

24. To which local authorities do you look for peer advice when encountering difficulty with an FOI request or general compliance matters?

A list of 243 authorities was provided in response to question 24. In some cases individual authorities were mentioned more than once. Some respondents listed groups of authorities, for example, the London boroughs or Greater Manchester Authorities, rather than individual authorities.

25. Which three things would help you operate a more efficient and effective FOI processing system? (50 character limit)

We received 405 separate replies to this question from 160 authorities. We analysed these and grouped them into seven broad categories with the eighth category labelled 'other'.

Table 10: Ways to improve efficiency and effectiveness of FOI processing systems

	Categories where help is most needed	First choice	Second choice	Third choice	Total
1	More funding, resources and time	47	19	19	85
2	Better/more advice	25	29	22	76
3	Better records management	31	27	16	74
4	Training and motivation	5	21	13	49
5	Logging/tracking system	25	12	8	45
6	Standard policies and procedures	12	8	4	24
7	Publication scheme	0	7	5	12
8	Other	15	9	16	40

1. More funding, resources and time: - This category covered a wide range of comments, including allocation of staff, requests for internal budgets and external financial support. Needs included:

'fund to pay business units for time spent on requests'

'one part-time assistant'

'more government advice on claiming back money for time'

'more time'

'resources to fund extra posts'

2. Better/more advice - There was a wide variety of suggestions, many of which mentioned the OIC. Examples included:

'advice line at the OIC'

'practical guidance from OIC, not theory'

'more case studies and examples'

'a local government clearing house'

'further guidance on difficult applicants/vexatious'

3. Better records management - There were many pleas for effective records management to enable FOI staff to know what information is held and how to find it.

Comments included:

'an effective EDRM system'

'complete records management re-engineering'

'fewer database/information systems'

'policy statement regarding records management'

'an e-mail archive system'

4. Training and motivation - Comments included:

'wider 'buy-in' from staff – still see it as a burden'

'ensuring all council employees attend FOI training'

'more support from managers'

'training'

'back offices complying with logging requirements'

5. Logging/tracking system - The need for systems to track and log requests was expressed in a number of ways. Examples included:

'centralisation of logging requests'

'better tracking/logging facility'

'one corporate tracking system'

'using our CRM system to track requests'

'automated generation of statistical reports'

6. Standard policies and procedures - Comments varied widely:

'require use of an application form'

'one point of contact by applicant'

'letter templates re exemptions'
'system to generate automatic letters'
'greater time limits'

7. Publication scheme - Only a few authorities mentioned this, but there were a number of useful comments:

'greater awareness of what can be accessed by the public'
'publication scheme model for district councils'
'publication of repeatedly requested information'
'as much information as possible on the web'

8. Other – A wide range of subjects was raised, some of which were raised two or three times. Examples included:

'same legislative regime for FOI, DP and EIR'
'fewer and simpler exemptions'
'requester required to state 'FOI request''
'fewer requests from commercial organisations'
'easy way to estimate time required to respond'

Evidence from the Phase II survey

FOI officers from the 18 surveyed authorities provided more detail and examples to support the findings above. The top three categories were bolstered by more in-depth comments.

1. More funding, resources and time

The need for more resources and funding was often expressed through the need for funding for improvements to records management, in particular EDRM, and provision of more staff, and on a more permanent basis. The need for more time was also mentioned by a number of respondents.

'Resource to fund electronic records management system'

'Permanent assistant, even if only part-time'

'More resources corporately... Unless more requests are handled at local departmental level it is unlikely the centre will be able to sustain the current level of involvement in case/advice work without additional resources over and above the two unstructured posts currently attached to the team.'

'Local authorities should have more scope to extend the 20 working day time limit where it feels it is necessary due to the volume of information requested, not just where the public interest test needs to be considered.'

2. Better/more advice

A number of authorities emphasised the need for practical advice, especially in relation to FOI, EIR and PSIR and the linkages between them. They also wanted written guidance for these, preferably under one umbrella, to make it easier both for authorities and the public.

'Practical guidance from the ICO not theory ... the ICO should produce and provide more practical guidance such as the access to information about Public Employees guidance (which is very useful). Especially relationship with access to information regimes such as the Enterprise Act 2002.'

'Shared IC and DCA guidance. We currently have two sets of guidance on how to apply exemptions .. One agreed set would be better.'

'It would be useful if training or guidance could be given/issued specifically for areas such as Planning, Building Control and Environmental Health.'

3. Better records management

Many mentioned the need for better records management, often in the context of the need for resources to be allocated and the expected benefits of finding information more easily.

'One of my continuing problems is finding out exactly who has what information and where. I don't necessarily see EDRMS as the holy grail which will solve every problem, but I think it will help a great deal.'

'Document retrieval and workflow management system. When we get time to look at this I am convinced it will produce a time and resource saving.'

Our assessment

It is clear that the introduction of FOI has highlighted a deep-seated need for well-designed electronic records management systems. Whether the resources required for such systems should properly be allocated to FOI is a separate question, but FOI officers are among those who strongly feel the lack of such systems.

In a number of authorities staff have been temporarily allocated to central FOI teams. There is concern about the future, where, although in most authorities the volume of requests has declined since January and February, the complexity of requests – and the amount of time and effort needed to deal with them - has increased.

During the telephone interviews, some of the most heartfelt pleas were for more joined-up guidance between FOI, EIR, DPA and PSIR. Many respondents focussed on the need for more understanding of how to deal with requests that bridge FOI and EIR, ideally in the form of one set of guidance for the two pieces of legislation. With a number of respondents this was associated with a plea for a central service similar to the clearing house provided by DCA for central government.

Suggestions for good practice

A number of the comments raised questions specific to individual authorities and are best addressed by these authorities. More generally, however, the need for more resources may be best helped by the adoption of effective EDRM systems, well-managed processes, and more useful and practical guidance.

The responses to the questions in this section identified the need for action by central bodies to help authorities comply with the regimes in a cost-effective way. These include:

- More practical guidance, in particular relating to EIR and FOI and 'vexatious' requests;
- Rationalisation of the current plethora of guidance which takes so much time to read and understand;
- Authoritative advice about individual requests to be available centrally. The benefits would include consistent standards, and savings of time spent by many people in many authorities learning how to respond to difficult requests.

Where has FOI made a positive impact on the organisation? (Q26)

Results from Phase I survey

26. Please list up to three ways you feel FOI has positively impacted your organisation. (50 character limit)

We received 376 responses to this question from 163 authorities. We analysed these and grouped them into four broad categories with the fifth category labelled 'other'.

Table 11: FOI's positive impact on local authorities

	Positive impact categories	First choice	Second choice	Third choice	Total
1	Records management issues recognised and progressed	50	46	32	128
2	Authority is more open and culture is changing	71	29	12	112
3	Positive effect on departments and staff	24	30	21	75
4	Publication scheme	4	4	5	13
5	Other	14	17	17	48

1. Records management issues recognised and progressed - This area had the largest total number of responses. Comments included:

'pushed forward the records management agenda'
 'better knowledge of information held'
 'more care when documenting/recording'
 'a records manager has been appointed'
 'commitment to provide EDRMS'

2. Authority is more open and culture is changing - There was an interesting range of comments in this category, which included:

'information released which would not have been before'
 'general awareness of accountability to citizens'
 'taking away the culture of 'this is my data''
 'better engagement with public and media'
 'more open, honest, accountable'

3. Positive effect on departments and staff - Comments included:

'information sharing between departments'
 'better and less use of email'
 'more customer focused'
 'starting to increase staff knowledge'
 'more contact with citizens and customers'

4. Publication scheme - Comments included:

'slowly realising the need to actively publish more'
 'positive impact on website content'
 'awareness of value of publication scheme'
 'considerations for redesigning our website'

5. Other - A wide range of comments included:

'improved public perception of us – seen as a more helpful council than before'
 'identifies parties with most interest in our work'
 'information created on the basis that it will be public'
 'less individual protectionism'
 'changed balance between citizen and the state'

Evidence from the Phase II survey

FOI officers from the 18 surveyed authorities provided more detail and examples to support the findings above. The top three categories were bolstered by more in-depth comments.

1. Records management issues recognised and progressed

This was identified by many as an area that has risen up the agenda as a result of FOI and exposed the risk of saying information is not held when it simply cannot be found.

'[FOI has provided the] opportunity to review/improve Records Management. The authority now has a better understanding of the information it holds, how long it is held for and where it is kept.'

'Information rights legislation is forcing councils to look at records management which has always been the Cinderella side of the business.'

'The council now does an annual audit and shredding of documents.'

2. Authority is more open and culture is changing

Many gave examples of how the culture is changing, including references to information that is now released but would not been previously, e.g. contractual information and environmental health reports.

'All staff are generally more aware that they are accountable and what they do is open to public scrutiny.'

'More open, honest, accountable. The culture is now definitely looking more towards making information available.'

'Taking away the culture of 'this is my data'. Now become an organisation of 'this is our information and you can have it' as opposed to 'this is my information and you have to justify why you want it.'

3. Positive effect on departments and staff

A number of authorities referred to FOI as a catalyst for increased internal co-operation and its role in making more information available to the public about the organisation's role and activities.

'Departments more in contact with each other. Departments meet regularly to discuss FOI and individual requests.'

'More information is to be published proactively ... than previously... Where strong public interest is anticipated the intention is to prepare and publish relevant information in advance.'

'Better and less use of email'

'Gives employees new routes to information ... using it to access information that should be available to them as part of their day to day work.'

Our assessment

Most of the FOI officers with whom we spoke have seen FOI affect their authorities in a significant and positive way. Records management questions, for example, have been driven up the agenda and are being addressed more urgently than before.

A number of respondents mentioned problems with some managers and departments in their attitudes about making information available, but claimed that they were also witnessing a movement towards a much greater culture of openness. There has also been a positive effect upon departments and staff dealing with FOI when they are supported in being more open.

Suggestions for good practice

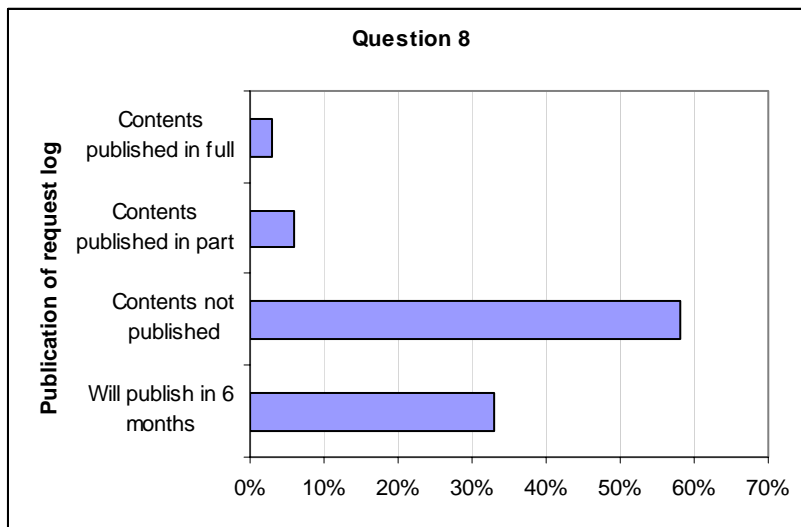
We suggest that authorities find ways to make examples and benefits of good practice more visible both within their respective organisations and across authorities. This is probably already happening to some degree within local networks. It would be valuable if effort were made by one of the central bodies to bring the most useful examples of good practice together and make them visible to all authorities. This could be via a mix of specialist website, newsletter and conferences, It would fit well with a suggestion made earlier in the report that a central body provide authoritative advice about requests.

Effectiveness of publication Scheme (Q8, Q9)

Results from Phase I survey

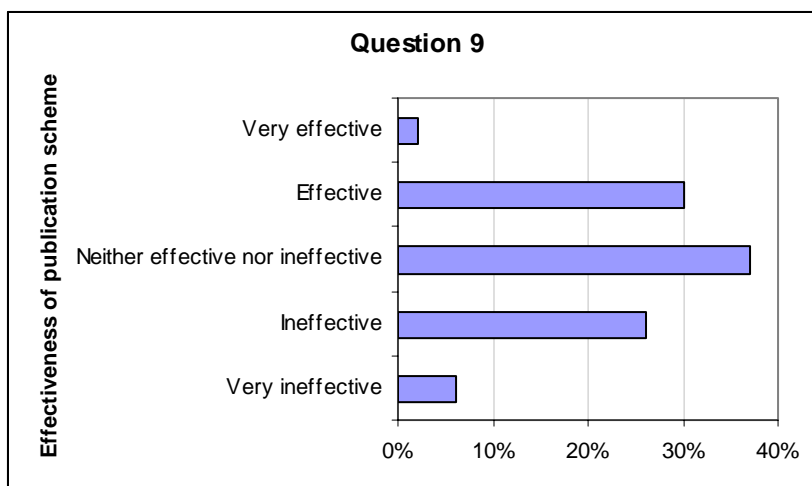
8. Please indicate whether your organisation publishes its request log.

Very few authorities publish their request logs. Three per cent replied that they publish them in full and 6 per cent publish them in part. However, a further 33 per cent replied that they have plans to publish their log within six months.



9. How effective do you think your organisation’s publication scheme is in providing information to the public?

Opinion was evenly divided about the effectiveness of publication schemes. 32 per cent think that they are very effective or effective, while 32 per cent think that they were either ineffective or very ineffective. 37 per cent stated that they were neither effective nor ineffective.



Evidence from the Phase II survey

These questions were not addressed in the more detailed survey.

Our assessment

It is clear from other parts of the survey that the processes of logging and tracking requests had not yet been fully implemented by June, nor were they operating as they should have been in many authorities. Some authorities gave us access to their request log as a simple way to answer some of our questions. We think it is very positive that a significant number are planning to publish their logs over the next six months. This should help ensure that the logs operate properly, and become a positive aid to the effective handling of requests.

Respondents' views about the effectiveness of publication schemes seem balanced. However, some authorities are planning to enhance their schemes to reduce the effort spent handling individual requests, especially when they can see an issue of public interest about to arise – often relating to a local planning matter.

Suggestions for good practice

We suggest that authorities publish their request logs, suitably edited to remove personal information about people's private lives. This would enhance openness and professionalism in handling requests. It could also help to disprove claims of lack of transparency and show applicants what they should expect to receive or have refused.

We believe that authorities will increasingly view their publication scheme in a positive light, to reduce the number of requests handled individually and to demonstrate openness in a very visible way. There can also be a benefit to internal management if staff are able to access information published in the scheme more easily than by using current systems.

Additional comments (Q 27)

Results from Phase I survey

27. Please provide any additional comments about your experiences as an FOI practitioner.

We received 93 responses to this question. We analysed these and grouped them into five broad categories with the sixth category labelled 'other'.

Table 12: Additional comments

	Additional comments	Total
1	Comments about implementation (general concerns)	25
2	Positive comments about implementation	20
3	Advice and guidance needed	14
4	Systems and processes – including records management and charging	13
5	Comments about implementation (concerns about resources)	13
6	Other	8

1. General comments about implementation (concerns) - This category included a variety of issues, several of which related to commercial use of FOI:

'having to constantly deal with requests that are mainly from companies 'touting' for business is a waste of time'

'commercial companies are using FOI to try and make money rather than help the individual'

'FOI has increased the volume of DPA which is more complex'

'A very lonely job especially when balancing the public and organisation's interests'

'FOI has opened up another can of worms for long standing ongoing complaints'

2. Positive comments about implementation - Many respondents expressed relief that implementation went more smoothly than they had expected. This was combined with some more far-seeing comments:

'actually it wasn't as bad as I expected (famous last words!)

'it is a challenging time but an exciting one leading to cultural change and improved services'

'I believe the Act is gradually beginning to work in the way it was meant to. For example, one directorate is looking at ways to make more information available through the publication scheme'

'the public and local government do not see how this is shifting the balance between citizen and state'

'networking is invaluable'

3. Advice and guidance needed - Respondents identified a number of areas where more practical guidance is needed:

'found interpreting EIR to be difficult and feel not enough information available to public authorities'

'need more help from information commissioner or any easy to use guide'

'guidance on fees would be improved if there was a standardised charge for disbursements'

'would like more guidance on publication schemes'

'IC advice is limited as they do not wish to compromise advice to complainants'

4. Systems and processes – including records management and charging -

Comments included:

'would now like to refine the process by better automation of procedures'

'as coordinator ... I am sometimes not told until the information has been given'

'we recognise that the council needs good records management policies and practices'

'keen to improve communication with customer facing teams and improved recognition that 'access to information starts at the front desk' would be welcomed'

5. Comments about implementation (concerns about resources) - There were several comments about resources:

'enjoy challenge of meeting requests, but tired of doing it on a shoestring'

'concern is expressed that other work may suffer'

'this job is the best I have ever done, but is frustrated by lack of resources'

'records and information management ... is a big issue but we do not have the resources for an organisation wide programme ...'
'scarcity of resources in small ... shire districts encourages creative thinking in complying with legislation'

6. Other - Several heart-felt comments were made:

'the predictable local 'characters' have made requests'
'more publicity needed – the general public don't understand it'
'the information commissioner has taken an extremely strong line, but ... it doesn't seem like the rhetoric is being matched with strong action'
'I feel that in line with experience in ... , the sooner the public services accept better accountability ... and stop treating FOI requests as something special, and just part of our day job the better!'

Evidence from the Phase II survey

In addition to asking for additional comments we asked whether authorities had any plans to make changes to service delivery as a result of FOI, and whether respondents had any suggestions for best practice that might be helpful to other authorities. In terms of service delivery, most think it is too early to judge, but a number mentioned plans to enhance their publication schemes and improve their systems for handling requests. One respondent thought it quite likely that a particular pattern of FOI requests might reveal poor service delivery at the first point of contact and thus highlight a problem that needs to be addressed.

One respondent made a good general suggestion about best practice:

'Treat every request as if you were making it, respond as you would like the response to be made – thorough, in plain English and next steps to satisfaction ...'

Other suggestions included:

- Emphasis on the great value of networking with other authorities, indicating the benefits of sharing experiences and knowledge;
- The value of having a dialogue with an applicant, by telephone or with a meeting, including keeping them informed of progress with their request.
- The value of sharing standard letters and processes;
- Use of an Exemptions Panel to ensure a consistent approach;
- The need for commitment from the top – also considered by some potentially problematic given the other pressures upon them.

Our assessment

This question produced a range of comments, many of which have already been reflected in responses to earlier questions. However, a number of themes stood out:

- Some relief that implementation, while quite problematic for some, was less difficult than anticipated, and with no very serious problems, as well as a view that the act is beginning to work as had been intended and is leading to a new relationship with the public;
- It is widely perceived that the introduction of FOI has led to an increase in DPA subject access requests. The best explanation seems to be that the publicity about the new regime, under which information could be obtained from local authorities, has stimulated people to find out what is held about them. Presumably the main features of the DPA were not understood well before FOI came into force;

- Widespread unhappiness about the use of FOI by business. This is felt by a number of people to be an inappropriate use of the Act which was considered to be designed to help private citizens. However, business requests are not considered to be particularly problematic;
- Strongly expressed views about the need for really practical advice. This is often related to frustration over the apparently unnecessarily complicated relationship between FOI and EIRs and the difficulties this causes, e.g. the question of defining which information is subject to the EIRs, the different codes of practice and charging regimes.

Suggestions for good practice

Most of the suggestions for good practice that were identified in the responses to 'additional comments' have been made previously. However, they give added emphasis to three main points:

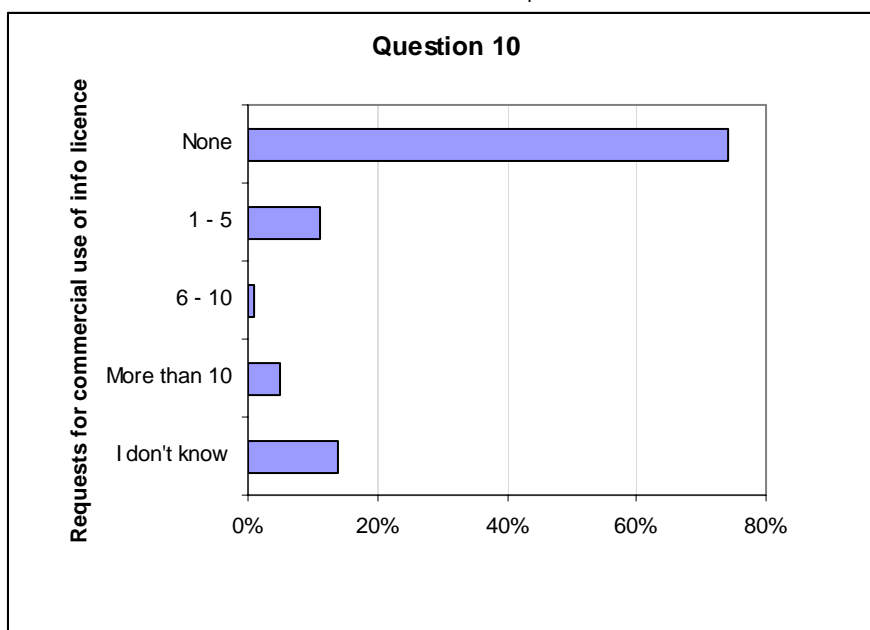
- The value of networking with other authorities;
- The need for central guidance to save time and costs resolving difficult issues which arise occasionally, when the use of central expertise would reduce the time very considerably for many authorities;
- The value of analysing requests to understand who is asking for what information and why. This will assist authorities to understand more about their stakeholders and their needs and provide an additional insight into service areas which may need to be improved.

Plans for implementation of the PSIR 2005 (Q10, Q11, Q12)

Results from Phase I survey

10. How many requests has your organisation received for a license/approval for commercial use of information?

A majority (74 per cent) had received no requests for a license for re-use as of June. Only 11 per cent - 24 authorities - had received one or more such requests. Ten of these authorities had received more than ten requests each.



11. Does your organisation have approved plans to implement the Re-use of Public Sector Information Regulations 2005?

12. If yes, is the implementation of these regulations to be integrated with FOI operations?

Fifty-eight authorities (29 per cent) reported that they do have approved plans to implement the regulations. However, 142 (71 per cent) authorities replied either that they had no plans or did not know. All the authorities that reported they have plans said that the RPSI Regulations would be integrated with FOI operations.

Evidence from the Phase II survey

This subject was not included in the detailed survey; however, a number of references were made to PSIRs during telephone interviews. Most FOI officers had had PSI added to their list of responsibilities and there is some uncertainty about the impact of such an addition. Many are alert to the value of warning business applicants of the need to apply for a licence if they intend to re-use the information. One or two see it as an opportunity to charge businesses for information and thereby satisfy their concerns about businesses' 'inappropriate' use of the Act.

Our assessment

This area has had a relatively low level of visibility compared to FOI and EIR. In this sense PSI suffers from arriving late in the day, after FOI and EIR have received so much attention. PSI Regulations are not well understood and this is linked to a lack of appreciation for the validity of business use of FOI and EIR.

Suggestions for good practice

There is a need for a programme of guidance and education about PSI. This may be most effective if combined with more explanation about the purpose, significance and validity of business use of FOI and EIR regimes when compared to use by private individuals, journalists and campaign groups.

Conclusions

Given the responses to both Phase I and Phase II surveys, we can draw conclusions that paint both a broad, overall picture as well as detailed sketches of local authorities' experiences with FOI during the first six months of 2005. In general, it appears that local authorities have handled implementation without serious problems; however, a closer look reveals issues that, if resolved, could lead to more efficient and effective FOI compliance.

FOI officers report that they are carrying out their duties effectively but often with difficulties and time pressures. Most are juggling several responsibilities at once but the fact that these include data protection, EIR and records management – as well as FOI – seems logical given the connections between the pieces of legislation and the importance of keeping information organised. The timescale requirements of FOI have generally been met, but the pressure on the people involved has probably been reflected in less time and attention being given to other responsibilities.

Many FOI officers are able to estimate the amount of time and resources dedicated to responding to FOI requests. This is helpful to understanding how much work goes into compliance and identifying areas that need more resources, such as systems, training and records management. An effective system for recording time and costs would be a

valuable management tool and would also help if an FOI requester were to challenge the authority's decision to charge for a request.

The number of requests is roughly in line with expected levels but the fact that only 56 per cent of authorities operate electronic logging systems is surprising. Keeping track of the number of requests, refusals, internal reviews with dates and reasons given is essential to managing FOI systems. This is especially important in the larger authorities with service departments spread geographically. The request tracking system should include a mechanism for recording the time and costs involved, as mentioned above.

As demonstrated by responses to Phase II, the number of requests have, for most authorities declined since January and February. However the complexity of requests has increased and, as a result, the effort involved in handling them has not yet reduced significantly. However, if overseas experience is any guide, the numbers will increase over time as more citizens, pressure groups and businesses become aware of their rights to information. We would therefore encourage authorities to establish or improve their systems as soon as possible so they can identify problem areas and fix them.

Given that FOI practitioners are relatively new to this job and few precedents have been set, it is not surprising that many are encountering trouble with the application of exemptions and balancing the public interest. However, this should ease as practitioners become more familiar with the legislation and more case decisions are released by the OIC. Difficulty with FOI and EIR and judging under which regime a request falls is of greater concern. This is an area that needs more guidance and training, especially since much information requested of local authorities could be considered environmental in nature.

It is clear from responses to question 25 as well as comments made in both Phase I and Phase II that internal support from management and external support from central bodies is crucial to successful compliance. Informed, supportive and engaged senior managers are helpful not only to resolving difficult requests but also to easing relations between central FOI teams and service departments, in the case of large councils, or FOI officers and council staff that hold information, in the case of small councils.

Local authorities would also benefit from more attention to their particular needs on the part of central bodies, namely DCA, DEFRA and OIC. FOI officers who responded to our surveys referred frequently to the need for guidance that addressed FOI and EIR, and the fact that coordination between bodies that write guidance would reduce confusion.

Businesses are the second largest users of FOI by volume of requests. This is in line with experience overseas. However a significant proportion of the FOI officers we spoke to felt that business use was not a 'valid' use of FOI in the same way as use by citizens, journalists and pressure groups. A number of FOI officers who were aware of the new PSI Regulations felt that they might be able to use these to charge businesses for information. There is a clear need for a better understanding of the PSI Regulations and the reasons for business use, much of which could be addressed by enhancement of authorities' publication schemes

Appendix A – Phase I survey invitation letter

Dear FOI Officer,

First of all, this is not an FOI request; it is a request for help with a survey of FOI in local government. IDeA are asking all local authorities in England to participate and let us know about their experiences. This survey is web based and the details below explain what to do.

The conclusions of the survey will be published and we expect that they will be helpful to you. They will be used to provide feedback to ODPM, and, if appropriate, provide evidence about any requirement for additional funding.

We very much hope that you will participate so that the conclusions will fairly represent the experiences of all local authorities in England. We expect that the survey should take between 20 and 30 minutes.

Why are we carrying out this survey now? As of 1st July the FOI Act has been in force for six months, and we believe that useful conclusions can be drawn from this period of experience. You may recall that in October 2004, IDeA and the LGA presented evidence to a House of Commons committee about issues that were of concern to local authorities, in particular, costs, resources and possible impact upon service delivery. We now have an opportunity to highlight, with credible evidence, what the impact has been in these areas, to identify good practice and make recommendations which we hope will be helpful to you.

At this stage we are asking all authorities for outline information. After we have analysed the results we will invite a much smaller number of authorities to participate in a more detailed study of their experiences. The conclusions will therefore be based upon a mix of volume statistical information and a much more detailed study of a smaller sample of different types of authorities.

We have commissioned the Constitution Unit in UCL to carry out the survey. They combine experience in work of this kind with knowledge of FOI in local government.

Confidentiality

Your submission will be treated in confidence. The report and any published material will be written so that individuals and authorities are not identified. It will be seen only by the project team in UCL and IDeA staff directly involved under conditions of confidentiality. We may want to publish the full list of authorities who participate.

Thank you for your help,
Dr. Lydia Pollard, MBA, CEng.
e-Government Strategic Advisor - IDeA
Layden House, 76 - 86 Turnmill Street, London EC1M 5LG
Email: lydia.pollard@idea.gov.uk

SURVEY INSTRUCTIONS

- 1) Please click the link at the bottom of this page. This will take you directly to the survey.
- 2) The survey consists of 30 questions over five pages. We estimate that it will take you 20-30 minutes to complete.
- 3) The system will permit you to complete the survey once from your computer.
- 4) As you progress through the survey, you can at any point go back to previous pages using your browser's "back" button. However, once you submit your final page of answers, you will no longer be able to review or change your answers. Please keep this in mind before you press the button at the end of the fifth page.
- 5) Some of your answers may be approximations or best guesses. This is OK. Please answer all of the questions.
- 6) If you experience any problems with the survey or have any general questions about this study, please contact Sarah Holsen at 0207 679 4974 or by email at s.holsen@ucl.ac.uk.
<http://www.zoomerang.com/survey.zgi?p=WEB224G7DSG4N5>

Appendix B – Phase I survey

FOI 2005: How are things going for local authorities?

For the purposes of this survey, please use the following definition of an FOI request:

An 'FOI request' is a request for any information which is not handled as part of the organisation's 'business as usual'. For example, we expect requests for library opening times and informational leaflets to be 'business as usual', whereas a request for notes from the meeting that took place over the closure of the local swimming pool would be classed as an FOI request.

FOI STAFF

1

As an FOI officer, which responsibility(ies) do you have besides responding to FOI requests? *(Please check all that apply.)*

- I only work on FOI
- Legal advice
- Data protection
- Environmental Information Regulations (EIR)
- Records management
- Other - please specify:

2

Approximately how many full- and part-time staff throughout your organisation are assigned to FOI compliance tasks? *(Please count staff in terms of full-time equivalents [FTE]. For example, one full-time person and four people at 25% time each equals two FTE.)*

- One
- 2 – 5
- 6 – 10
- More than 10

EFFORTS, COSTS AND RESOURCES

3

What percentage of your time during the work week do you spend on FOI compliance matters?

- All or most of my time (75-100% of the time)
- Much of the time (50-74% of the time)
- Less than half the time (25-49% of the time)
- Not much time (Less than 25% of the time)

4

Are the costs of FOI compliance included in your organisation's 2005-2006 operating budget?

- Yes
- No
- I don't know

5

Does your organisation have a system for keeping track of the time spent and/or costs associated with processing FOI requests?

- Yes
- No
- I don't know

6

Please indicate how strongly you agree or disagree with the following statement: **'My organisation has adequate resources (i.e. staff, systems, etc.) to handle the FOI requests we receive.'**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

MANAGEMENT OF REQUESTS

7

Does your organisation maintain an FOI request log/tracking system?

- Yes - paper-based system
- Yes - electronic system
- Yes - mixed paper-based/electronic system
- No

8

If yes, please indicate whether your organisation publishes its request log:

- Contents are published in full (with names/contact details of requesters removed)
- Contents are published in part
- Contents are not published
- My organisation plans to publish a log within six months

9

How effective do you think your organisation's publication scheme is in providing information to the public?

- Very effective
- Effective
- Neither effective nor ineffective
- Ineffective
- Very ineffective

COMMERCIAL RE-USE OF INFORMATION

10

How many requests has your organisation received for a license/approval for commercial use of information?

- None
- 1 - 5

- 6 - 10
- More than 10
- I don't know

11

Does your organisation have approved plans to implement the *Re-use of Public Sector Information Regulations 2005*?

- Yes
- No
- I don't know

12

If yes, is the implementation of the regulations to be integrated with FOI operations?

- Yes
- No
- I don't know

SOURCES OF REQUESTS

13

Business/Company (including small traders)

Lawyer

Other - please specify:

NUMBER OF REQUESTS AND APPEALS

For the following five questions, please report numbers as accurately as possible. If you have to estimate, please indicate that by typing "estimated" after the number.

14

How many FOI requests did your organisation receive between January 1 and June 30, 2005?

15

Of the total number of FOI requests made since January 1, how many requests have been satisfied by a release of information? (*A request is considered 'satisfied' if the information requested is released in whole or in part, and the requester shows no apparent intention to appeal for the information which has not been provided.*)

16

How many FOI requests have been refused since January 1?

17

How many complaints/appeals have been made by FOI requesters to your organisation since January 1?

18

With how many complaints/appeals about your organisation's handling of FOI requests has the Information Commissioner become involved?

CHALLENGES AND PROBLEMS WITH COMPLIANCE

19

Please indicate the extent to which you find the following tasks difficult or easy:

1 Very easy	2 Easy	3 Neither easy nor difficult	4 Difficult	5 Very difficult	N/A
<hr/>					
Logging and tracking FOI requests					
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/>
<hr/>					
Providing advice and assistance to the requester					
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/>
<hr/>					
Applying exemptions					
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/>
<hr/>					
Balancing the public interest test					
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/>
<hr/>					
Handling requests for personal information					
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/>
<hr/>					
Handling requests subject to the Environmental Information Regulations					
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/>
<hr/>					
Handling requests which may have been sent to more than one authority					
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/>
<hr/>					
Handling requests for information which may affect a third party					
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/>
<hr/>					
Determining whether to charge fees and how much to charge					
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/>

20

Please list in order of difficulty (1 being the most difficult) the top three problems you face in handling FOI requests and compliance. *(Each line is limited to 50 characters.)*

1.
2.
3.

CHARGING FOI REQUESTERS

21

Has your organisation charged fees for processing requests and been paid by requesters?

YES NO

22

If yes, were the fees charged only for disbursements (i.e. photocopying, postage, printing, etc.)?

YES NO

SUPPORT AND HELP FROM OUTSIDE THE ORGANISATION

23

Are you part of an FOI practitioner network (either formal or informal)?

YES NO

If yes, please identify the network:

24

To which local authority(ies) do you look for peer advice when encountering difficulty with an FOI request or general compliance matters? *(Please list up to three. Each line is limited to 50 characters.)*

1.
2.
3.

ADDITIONAL COMMENTS

25

2.
3.

3.

26

Please list up to three ways you feel FOI has positively impacted your organisation. *(Each line is limited to 50 characters.)*

1.
2.
3.

27

Please provide any additional comments about your experiences as an FOI practitioner in the box below:

PARTICIPATION IN PHASE II SURVEY AND CONTACT INFORMATION

28

Would you be willing to participate in further research, including a telephone interview, about your experiences as an FOI practitioner?

- Yes in principle, subject to more information
- No

29

Please provide us with your work email address:

30

Please provide us with the name of your organisation:

Appendix C – Phase II survey



Local Government FOI practitioner study: Second Phase survey

<p>1. Staff deployed on FOI throughout the organisation</p> <p>(i). Please describe the structure of your authority's Information Rights team/division.</p> <p>(ii). On average, what proportion of time is spent on FOI by each member of your organisation's staff?</p> <p>(iii). Which, if any, of the following have occurred in your organisation from the first quarter of this year (January-March) to the second quarter (April-June)? (<i>please tick all that apply</i>)</p> <p><input type="checkbox"/> Number of FTEs working on FOI has increased</p> <p><input type="checkbox"/> Number of FTEs working on FOI has decreased</p> <p><input type="checkbox"/> Average amount of time your organisation's staff spends on FOI compliance has increased</p> <p><input type="checkbox"/> Average amount of time your organisation's staff spends on FOI compliance has decreased</p> <p><input type="checkbox"/> None of the above</p>

<p>2. Time and costs associated with processing FOI requests</p> <p>(i). To the best of your knowledge, what were your organisation's total setup costs for FOI? [e.g. training, new systems, equipment, etc.]</p> <p>(ii). What are the regular running costs? [from 1 January 2005, month by month OR quarterly, please specify]..... monthly / quarterly [please circle as appropriate]</p> <p>(iii). On average, how much time is spent per month at your organisation on dealing with FOI requests? Could you break down the average amount of time between time spent on routine requests and time spent on difficult or complex requests?</p> <p>(iv). How does your organisation keep track of the running costs of FOI compliance?</p> <p>(v). What types of costs are included? [i.e. Does this include costs incurred by departments when searching for information and deciding if exemptions apply, or is it just for FOI staff?]</p> <p>(vi). Does your organisation measure the relationship between time spent on FOI compliance and the costs involved?</p> <p><input type="checkbox"/> Yes</p>

No

(vii.) If yes, please describe:

(viii.) May we see a cost report month by month from 1 January to 30 June (or for the two quarters if monthly reports are not available)?
[please affix a copy to the back of this survey]

3. Numbers and sources of requests

(i). Volumes of requests [*Please fill in to the best of your knowledge.*]

	January	February	March	April	May	June	Total
Requests received: FOI and EIR							
Requests satisfied							
Refusals							
Internal reviews begun							
Number of matters with which ICO is involved							
Decisions pending at month end							

(ii). Sources of requests [*Please fill in to the best of your knowledge.*]

	January	February	March	April	May	June	Total
Private individual							
Journalist							
Politician or assistant							
Academic/student							
Campaign/charity							
Public sector employee							
Business/company							
Lawyer/legal adviser							

(iii) Subject matter requested
[We would appreciate any information or opinions about the subject of requests most frequently received. For example, those relating to a particular service area or department, or about a particular topic such as contracts.]

4. Please elaborate on the top three problems you face in handling FOI requests and compliance matters.

- (i)
- (ii)

(iii)

5. Please elaborate on the top three things that would help you operate a more efficient and effective FOI processing system

(i)

(ii)

(iii)

6. Please elaborate on the top three ways FOI has positively impacted your organisation.

(i)

(ii)

(iii)

7. Does your organisation have any plans or proposals to make changes to service delivery as a result of FOI?

Yes

No

If yes, please describe the plans/proposals:

8. Do you have any suggestions for best practice which you think might be helpful to other authorities?

9. Is there any other matter relevant to this survey which you think it might be helpful for us to understand?

Appendix D – Breakdown of number of requests and appeals by council type

County councils (18)

	# requests	# satisfied	# refused	# appealed	# to ICO
TOTAL	2795	2339	174	57	12
AVERAGE	155.3	137.6	9.7	3.2	0.7
MAX	333	267	39	10	4
MIN	73	72	0	0	0

District councils (82)

	# requests	# satisfied	# refused	# appealed	# to ICO
TOTAL	4310	3915.5	314	77	11
AVERAGE	52.6	49.6	3.8	0.9	0.1
MAX	111	110	20	4	2
MIN	14	8	0	0	0

London boroughs (15)

	# requests	# satisfied	# refused	# appealed	# to ICO
TOTAL	2437	1857	226	65	10
AVERAGE	162.5	132.6	15.1	4.3	0.7
MAX	476	450	42	15	5
MIN	35	30	2	1	0

Unitary councils (20)

	# requests	# satisfied	# refused	# appealed	# to ICO
TOTAL	2797	2377	242	76	16
AVERAGE	139.9	118.9	12.1	3.8	0.8
MAX	290	275	41	18	4
MIN	44	25	0	0	0

Metropolitan councils (18)

	# requests	# satisfied	# refused	# appealed	# to ICO
TOTAL	2911	2528	296	63	11
AVERAGE	161.7	140.4	16.4	3.5	0.6
MAX	480	400	53	15	4
MIN	50	42	0	0	0