

**FOIA 2000 and local government in 2007:  
*The experience of local authorities in England***

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## **Acknowledgements**

We are grateful to everyone who responded to the invitation to participate in this study. We received valuable material from 121 of the 387 local authorities in England that we invited to participate. Their contributions reflect a 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

This is the report of a study of English local authorities' experiences complying with the Freedom of Information Act 2000 from January to December 2007. In order to understand how the authorities coped with FOI compliance, we conducted a web-based survey of the authorities' FOI practitioners. The questions in the survey centered on the numbers and types of requests they received the problems they encountered with compliance and their thoughts about different aspects of FOI. We succeeded in reaching FOI officers at most of the 387 local authorities in England with an invitation to fill out the survey. Of those we reached, 121 practitioners, or 31% of the total population, gave a substantive response.

### Key findings

**Volumes of requests:** We estimate that between January and December 2007 the 387 local authorities in England received 80,114 requests. County councils and London boroughs received the largest number of requests and district councils the fewest.

**Table 1 – Estimated number of requests, refusals and internal reviews 1 Jan to 31 Dec 2007**

	Number of Requests Received	Number of requests resulting in full release	Number of requests resulting in no release	Number of internal reviews
<b>England</b>				
London boroughs and county, metropolitan and unitary councils (149)	53,319	37,034	6,057	817
Average/council	358	249	41	5
District councils (238)	26,795	21,764	2,221	388
Average/council	113	91	9	2
<b>Total England - all councils</b>	<b>80,114</b>	<b>58,798</b>	<b>8,278</b>	<b>1,205</b>

Note: To arrive at the estimates found in Table 1, we added up the numbers reported by those who provided this information in the survey, calculated the average number per council that responded and multiplied that average by the total number of councils in each category. Numbers are rounded to the nearest whole number. For a more detailed explanation see appendix C.

**Who is making the requests and what are they asking for?** We asked practitioners to identify the types of FOI requester that made the largest number of requests, as well as which groups' requests were the most time-consuming to process. Unlike previous years, we did not give them set categories from which to choose from but presented them with an open question. We then arranged their answers under categories broadly similar to previous years. Private individuals, businesses, and journalists were the top three - in that order - for both questions. Here are the percentages of top three types of respondents by volume and then time intensiveness, with the percentages of respondents who put them in first, second or third place.

### Requester types by volume

Requesters	Largest volume	Second largest volume	Third largest volume
Private individuals	54%	13%	12%
Businesses/companies	17%	34%	23%
Journalists	11%	29%	33%

## Requester types by time spent on their requests

Requester	Most time-intensive	Second most time-intensive	Third most time-intensive
Private individuals	28%	17%	17%
Businesses/companies	17%	23%	21%
Journalists	17%	23%	19%

We also asked practitioners to select the three types of information that garnered the largest volumes of requests, as well as those that were the most time-consuming to answer. FOI officers reported financial information (including costs and expenses) as the most requested followed by planning, procedures, policy decisions meeting minutes and then personal data. Here are the issues and the percentages of respondents mentioning them:

## Types of information requested by volume

Types of information	Largest	Second largest	Third largest
Financial information, including costs and expenses	40%	20%	13%
Planning, procedures, policy decisions and meeting minutes	26%	37%	28%
Personal data	4%	7%	29%

## Types of information requested by time-intensiveness

Respondents	Most time-intensive	Second most time-intensive	Third most time intensive
Planning, procedures, policy decisions and meeting minutes	21%	18%	10%
Financial information, including costs and expenses	19%	19%	7%
Contracts and business data	5%	1%	3%

**How much does FOI compliance cost?** We asked practitioners how many full-time equivalent staff (FTE) were employed by their respective authority on FOI and EIR (Environmental Information Regulations) compliance activities in the central FOI team and in the service departments. We then calculated the average number of hours spent on each request and multiplied this by our estimate for the total number of requests and calculated the total hours spent on FOI and EIR. Multiplying this number by an hourly rate of £25, we found the annual cost of FOI to local authorities to be approximately £30M.

**Table 2 – Figures used to calculate compliance cost**

	Total number of requests	Average hours per request
England – overall total	80,114	15.3

Note: The compliance costs relate to the twelve month period from January to December 2007.

**Who charges for FOI requests?** We asked about the percentage of cases in which the authority had charged a fee for an FOI request. In terms of disbursements (photocopying, postage, etc), 62% of authorities reported that they did not charge at all, 30% said they charged in 5% of cases or fewer and 5% charged in 6% of cases or more.

A minority of authorities (13%) charged a fee in 5% or fewer of the cases when the cost of the request exceeded the appropriate limit under section 12 of the Act and as stated in the regulations

(2.5 days or £450). 87% did not charge in these cases, though it is not clear from their responses whether they provided the information, refused the request or gave advice to bring the request within the appropriate limit.

**What problems do practitioners have with FOI compliance?** Respondents were asked to list the top three problems they experienced with compliance in 2007. They identified

- insufficient co-operation and support
- difficult requests and requestors
- a lack of personnel, resources and advice

**What positive aspects of FOI do practitioners identify?** When asked to name the top three ways in which they thought that FOI had positively affected their organisation, they listed

- greater openness / transparency and accountability
- general improvements within the organisation (debate, better communication, involvement of senior staff)
- improved records management practices

**Overall/additional comments:** At the end of the survey we asked practitioners for any additional comments about their experiences with FOI compliance. Fifty-five provided responses, which we grouped under broad headings. The majority generally echoed or emphasised the responses to the questions above.

**1) Problems with requests and requestors:** This category included 33 mentions, which we grouped under a number of different sub-headings:

- *Journalists:* a number of respondents complained about journalists requesting large volumes of information or using FOI to 'dig' for story material
- *Use of FOI to pursue grievances:* practitioners seem to be unhappy about requestors who tried to use FOI as a route to pursue unresolved grievances with the council
- *Use of FOI as a research tool:* some respondents expressed frustration that a variety of requestors use FOI to carry out research

**2) Internal issues including management, staff, training, systems and resources:** This category included 17 mentions. The comments focused upon

- the lack of resources for FOI compliance, both in terms of staff and finance
- colleagues' lack of understanding of the requirements of the Act and the need to comply with it. This was particularly noted as a problem among senior management

**3) Issues about the legislation and advice:** There were 11 mentions in this category, many of which related to the Information Commissioner's Office (ICO):

- helpfulness of ICO web site.
- delay in getting decisions back from the ICO
- too little guidance and advice from the ICO
- the 'confusion between EIRs and FOI'

**4) Positive Comments:** Respondents gave a range of positive comments including

- improvements in the process of responding to FOI requests
- the fact that other staff are taking the Act more seriously
- increased trust and confidence in the authority on the public's part
- new channels of communication between the authority and local people that have resulted from FOI

## Summary of conclusions

This study provides an analysis of local authorities' experiences with FOI compliance in 2007. During the year the average council received 17 FOI/EIR requests a month and refused to disclose

any information in only two cases per month. The number of requests to councils rose by 7753 (11%) from 2006, and there was a slight decrease in the rate of refusal from 10.5% in 2006 to 10.3% in 2007. Each request took an average of 15.3 hours, higher than last year's figure of 13.1 hours.

The main users of the Act were private individuals closely followed by businesses and the media. The types of information differed somewhat from 2006 because we gave an 'open' question rather than prescriptive categories, although the answers fell within the same broad range of subjects. In 2006 the types of information most often requested were contracts, costs and expenses and local issues. In 2007 people wanted financial information [including costs and expenses], information about procedures, policy decisions and meeting minutes and personal data. A majority of authorities did not charge under any circumstances.

The main problems with compliance were insufficient cooperation and support from service departments, difficult requests and requesters, and lack of training processes, systems and advice. The most significant positive effects of the Act were the development of more open, transparent and accountable working practices, improvements within the organisation and improved records management.

## Background

The Freedom of Information Act 2000 has been in force since 1 January 2005. Though statistical data on FOI requests to central government departments in the UK are compiled and published by the Ministry of Justice (MOJ) on a quarterly basis, and the Association of Chief Police Officers (ACPO) maintain similar data about FOI requests to the police, no single organisation gathers data on FOI compliance at the local government level<sup>1</sup>.

In 2005, the Constitution Unit was commissioned by the Improvement and Development Agency (IDeA) to carry out a study of English local authorities' experiences with FOI compliance in the six months following implementation. The report of the study was published in September of that year.<sup>2</sup> However, this was a one-off project; IDeA has since removed FOI from its list of policy priorities. As a result, Unit researchers decided to continue to collect data on FOI compliance by surveying local authorities on an annual basis but on a reduced scale due to lack of funding<sup>3</sup>. We carried out a survey about calendar year 2005 and published the results in September 2006 and a third survey that covered the calendar year of 2006 and published the results in September 2007. This report describes the findings of our third annual survey, which covers January to December 2007.

In our survey covering the first six months of 2005, IDeA asked us to look only at FOI compliance by English authorities. For uniformity's sake, we did the same for the 2005 calendar year study. However, for the 2006 study we widened the scope to include authorities in Northern Ireland and Wales. This year we decided to return to the 2005 model due to time and resource constraints.

The main aim of this project was to identify how local authorities coped with FOI in 2007 by studying the numbers and types of requests they received, problems they encountered, costs they incurred and benefits they reaped. While the primary focus of the study was the FOI Act 2000, requests handled under the Environmental Information Regulations 2004 (EIRs) were also included. Comparisons with the first year's results are highlighted where appropriate and explored in more depth in the conclusions.

## Methodology

A web-based survey of 21 questions was designed and built using Survey Monkey, fee-based Internet survey software. In early March 2007, we sent an email invitation to FOI officers in England to participate in the study. As an incentive for completing the survey, we offered FOI practitioners the chance to win one of five £30 certificates toward Constitution Unit publications. We sent reminder emails in March to those whom we believed had not yet responded and closed the survey in early April 2008. The questionnaire can be found in Appendix B.

### Response rate

Our target population was the 387 local authorities in England. We sought to obtain responses from the central FOI officer in each authority. For the sake of cost-effectiveness and efficiency we communicated with authorities only via email. We built our list of email addresses of FOI practitioners from our existing email address list and filled in the missing addresses by locating them on council web sites. Despite our best efforts, we did not reach all councils but we estimate that over 90% of councils received an email inviting them to fill in the survey. When we closed the survey in early April, FOI practitioners at 121 authorities had filled out the survey in whole or part, which gave us a response rate of 31 per cent of the total population<sup>4</sup>. Broken down by category of council, we achieved response rates in each category ranging from 24% to 39% (see Table 3). Our

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<sup>1</sup> On 8 May 2007, the Department for Constitutional Affairs (DCA) was renamed the Ministry of Justice. All statistical reports on FOIA 2000 requests to central government in 2005 and 2006 were published by the DCA.

<sup>2</sup> The Constitution Unit (2005) *Freedom of Information Act 2000: the first six months – the experience of local authorities in England*. (<http://www.ucl.ac.uk/constitution-unit/foidp/research/>).

<sup>3</sup> The study commissioned by IDeA included in-depth phone interviews with the FOI officers of several local authorities in addition to the online survey.

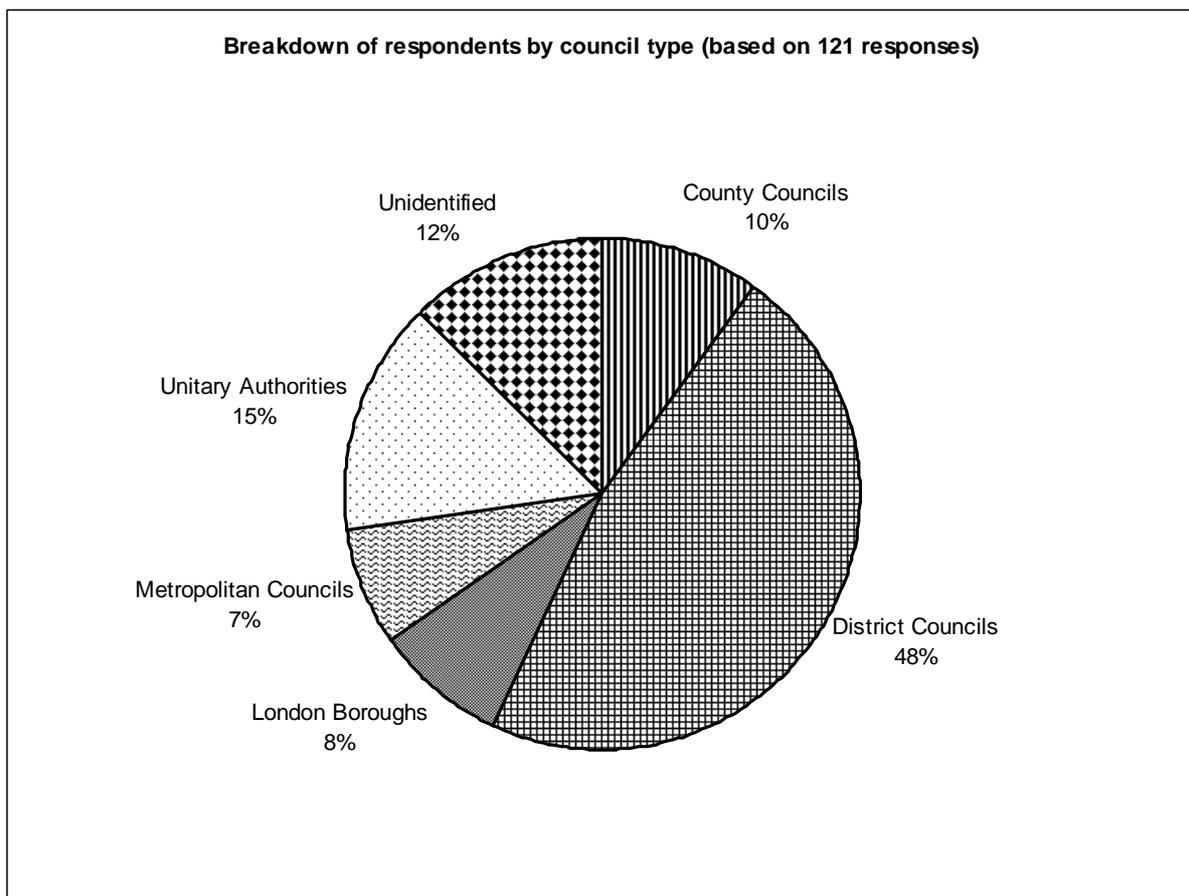
<sup>4</sup> Not all individuals who filled out the survey answered every question. Therefore, for each question in the report we state the number of practitioners that actually supplied an answer.

analysis takes into account the fact that most respondents did not answer every question. In the report we indicate the number of responses per question.

**Table 3 – Survey response rate by council type**

	Total Number	Number that Responded	Percentage of Total Population
<b>England</b>			
County Councils	34	12	35%
District Councils	238	57	24%
London Boroughs	33	10	30%
Metropolitan Councils	36	9	25%
Unitary Councils	46	18	39%
Unidentified		15	
<b>Total</b>		121	

Figure 1 below shows the breakdown of respondents. Forty eight per cent of respondents to the survey were district council FOI practitioners, 15% work for unitary authorities, 8% of respondents were from London boroughs, 10% from county councils, and 7% metropolitan council FOI officers. Twelve per cent of the total did not identify the type of council for which they work.



## Findings

### **Statistics relating to requests, release of information, refusals, internal reviews, and meeting the 20-day deadline (Q1, Q2, Q3, Q4, Q5)**

1. How many FOI and EIR requests did your authority receive during each quarter of 2007<sup>5</sup>? (Please use information recorded in your tracking system or your best estimate when reporting the number of requests. Please note that Quarter 1 refers to January to March, Quarter 2 to April to June, Quarter 3 to July to September, and Quarter 4 to October to December.)

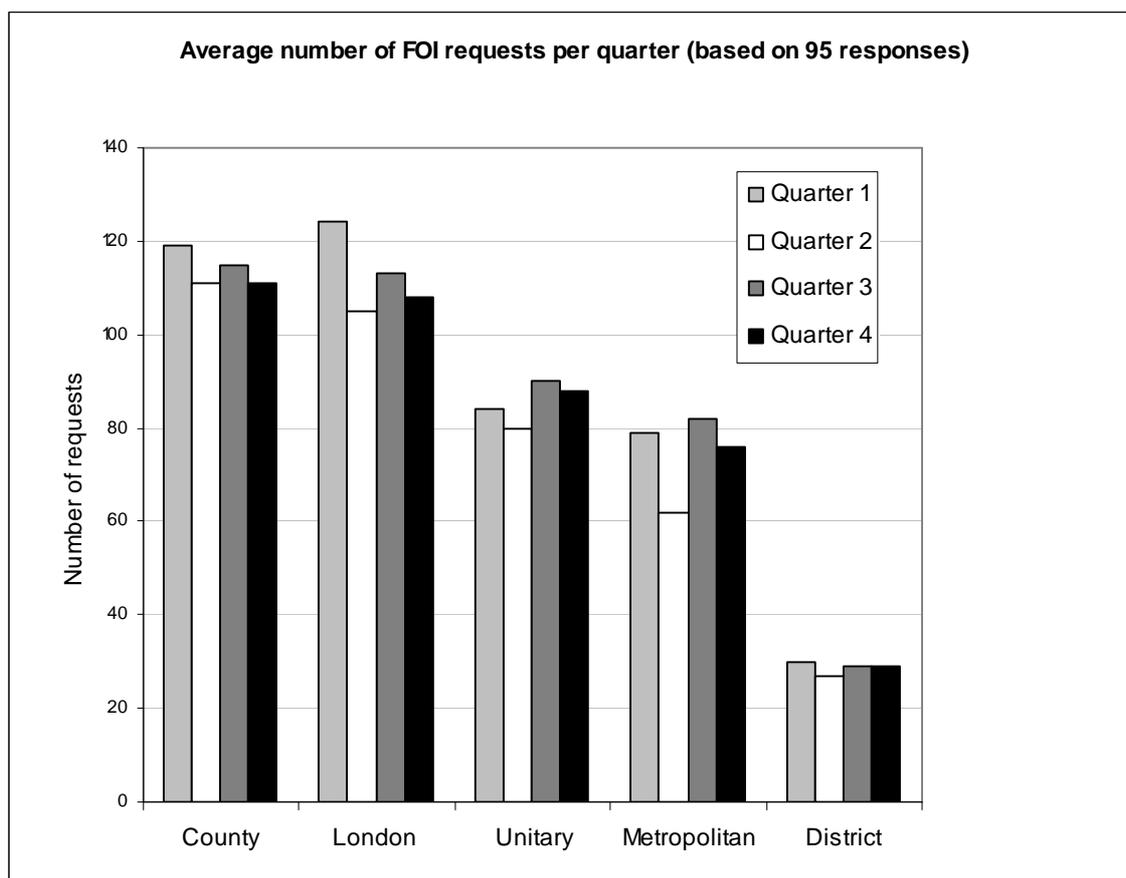


Figure 2 displays the average number of requests received by each type of council in each quarter of 2007. All council types saw an increase in the annual number of requests, from an average 187 per council in 2006 to 207 in 2007. The total number of requests received by all local authorities was approximately 8,000 higher than last year<sup>6</sup>.

All council types experienced a drop in volume from quarter one to quarter two and an increase from quarter two to quarters three and four. County and London authorities received the highest number of requests over the year. However, unlike last year, county authorities had the most requests, with a range of 111 to 119 per quarter, up from 63 to 93 last year. London boroughs received an average of between 108 to 124 (up from 92 to 121 last year). Both unitary and metropolitan authorities received their highest number of requests in quarter three, followed by a slight fall in quarter four.

<sup>5</sup> We provided the following definition of a request at the beginning of the survey: 'For our purposes, an 'FOI request' is a request for any information that 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 considered '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. Please include requests that fall under the Environmental Information Regulations within this definition.'

<sup>6</sup> See Appendix C for the table that shows how we calculated this number of total requests.

2. How many FOI and EIR requests resulted in a FULL release of the information requested in 2007?

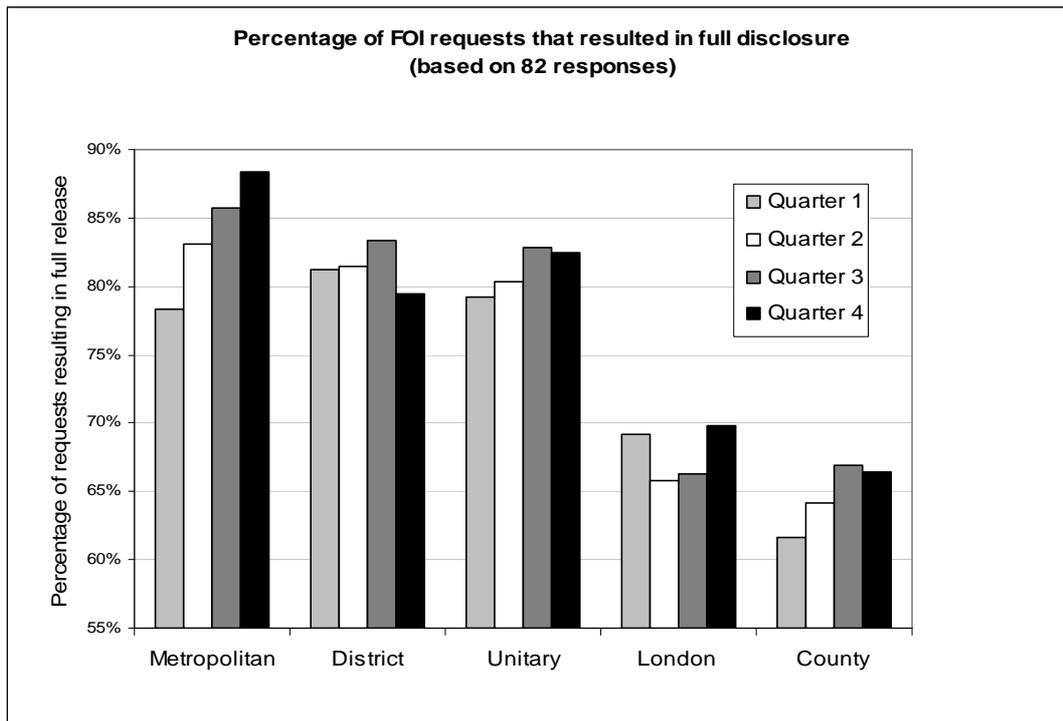


Figure 3 shows the proportion of requests resulting in full disclosure. County and London authorities reported the lowest rates of full disclosure, averaging approximately 62% and 67% respectively over the year, whereas metropolitan and unitary councils both had averages of around 75%. The unitary council rate fell by 8% from 2006 while that of metropolitan councils remained the same. For the second year in a row, district councils had the highest rate of full disclosure, though it fell slightly from 83% in 2006 to 81%.

3. How many FOI and EIR requests resulted in a release of NONE of the information requested in 2007?

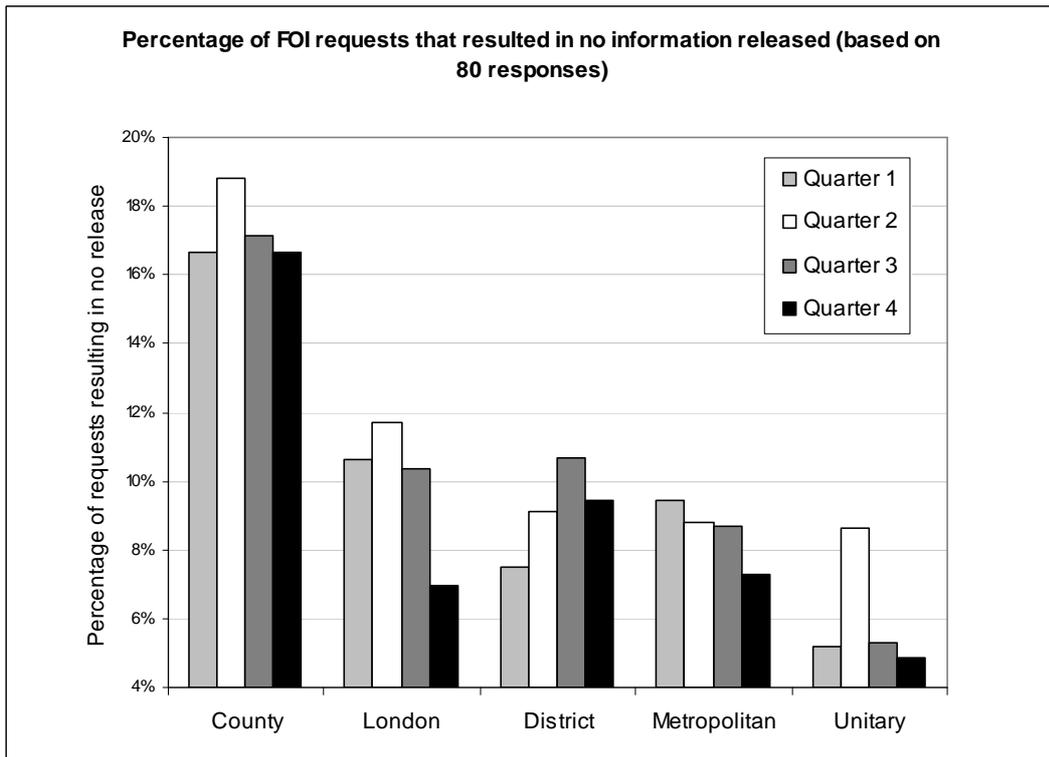


Figure 4 shows the percentage of requests refused. The average refusal rate across councils in 2007 was 10.3%, which was slightly lower than the rate of 10.5% in 2006, but above that of 8.3% in 2005. At 22%, county councils had the highest refusal rate, up from around 12% in 2006, while London boroughs, which had the highest average refusal rate at 17% in 2006, saw a decrease to 8%. Unitary councils had the lowest average refusal rate over all four quarters at 5.5%, a slight fall on last year's 7.1%. District councils' refusal rates rose from 8.1% in 2006 to 8.3% in 2007.

4. How many FOI and EIR requests were settled within the statutory 20-day time limit in 2007?

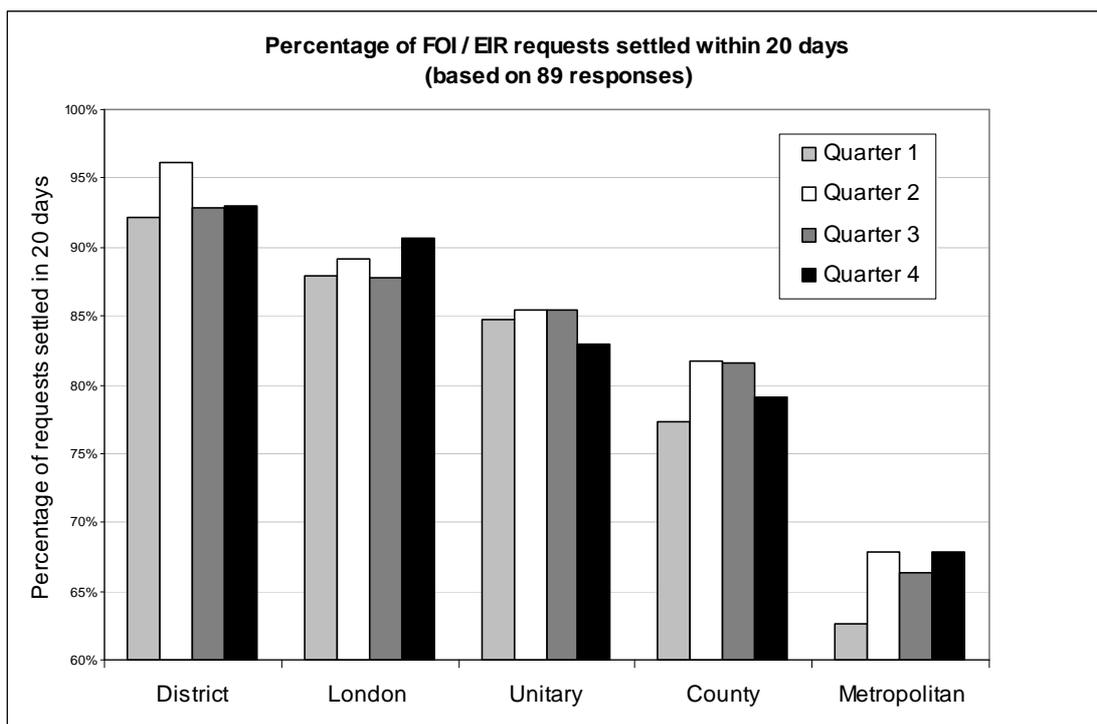


Figure 5 shows the percentage of requests settled within 20 days. Eighty three percent of all information requests made in 2007 were answered within the 20-day time limit, down from 87% in 2006 and from 85% in 2005. No council saw a consistent increase throughout the year. London councils made the most improvement year-on-year (2006 to 2007) from 78% to 89%. County council's rate fell from 87% in 2006 to 80% and unitary authorities' from its 2006 level of 86% to 85% in 2007, while district councils' rate increased from 91% to 94% in the same period. Metropolitan councils experienced the biggest drop in on-time responses, from 92% in 2006 to 66% in 2007.

5. How many requests were subject to an internal review within your authority in 2007?

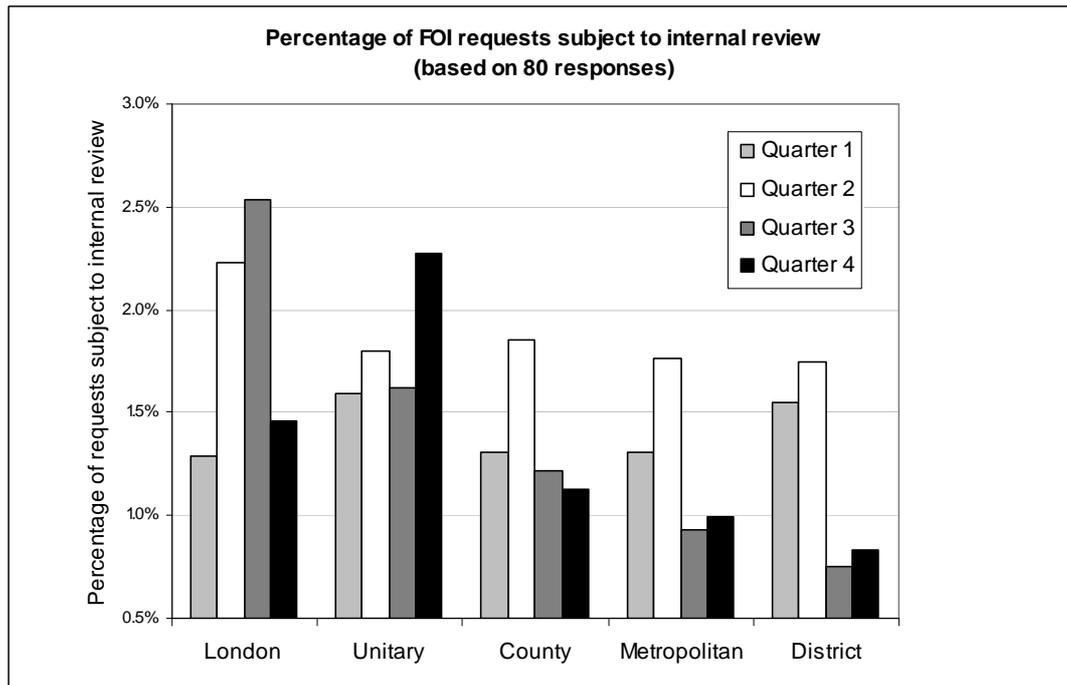


Figure 6 deals with internal reviews. In 2007, 1.3% of all requests to local authorities were subject to internal review, down from 2.4% in 2006 and 2.2% in 2005. The highest rate of internal reviews – 1.6% – was carried out by county and unitary councils, while London, metropolitan and district councils had rates of 1.5%, 1.4% and 1.4%, respectively. London boroughs' rate dropped from 2.9% in 2006 to 1.5% in 2007.

**Staff assigned to FOI and EIR compliance tasks (Q6)**

*On average, how many full-time equivalent (FTE) staff were assigned to FOI and EIR compliance tasks in the following areas of your organisation – central information team and all other departments – in 2007? (Please count staff in terms of full-time equivalents. For example, one full-time person and four people at 25% time each equals two FTEs.)*

This is a difficult question for FOI officers to answer for two main reasons: 1) in most authorities FOI compliance is only one of a number of staff responsibilities; 2) in few authorities are the hours spent on FOI compliance recorded. Nevertheless we believe that the great majority of authorities that replied were able to produce fair estimates.

Some respondents gave us the total number of FTE staff who had been trained to deal with FOI requests, rather than the number that represented total FTE staff time spent on FOI. We were able to speak to a number of these FOI officers on the telephone and seek their help in estimating the latter. Some FOI officers indicated that calculating FTE time on FOI compliance is becoming increasingly difficult as FOI becomes more embedded in the normal activities of authorities. As one stated, “We do not record time taken to deal with requests as we accept it as part of everyday life as a public authority.”

We received 111 responses to the question but excluded those that we believe resulted from a misunderstanding of the question, being clearly unfeasible numbers, and about which we were unable to phone the respondent to clarify. Thus, table 4 below shows our analysis, based upon 105 responses.

**Table 4– FTEs assigned to FOI compliance tasks and average hours spent per request**

<b>Authorities (105 responses)</b>	<b>Total FTEs</b>	<b>Total FTE hrs/month</b>	<b>Total requests (12 months)</b>	<b>Average requests/mth</b>	<b>Average hours/request</b>
	215	30062	23574	1965	15.3

We did not see a significant difference across the five types of councils in the time spent handling requests, although there were differences between authorities within each category. This can be seen by the wide spread around the overall average of 15 hours per average request.

Eleven councils - eight district and three unitary - reported spending between an average of one to five hours on average handling a request. Thirty-two councils reported spending between five and twelve hours on average handling a request. This group included all five types of council. Fifty-four councils reported spending between an average of 12 to 50 hours handling a request. This group also included councils of all types. The remaining seven councils reported spending little time on a very small number of requests

## **Sources of requests and information requested (Q7, Q8, Q9, Q10)<sup>7</sup>**

***(The manner in which we collected information about requester categories and types of information requested changed from 2006 to 2007. For the 2006 survey we presented respondents with categories of requesters and types of information, which we based on responses obtained in 2005. We asked practitioners to identify from among these the top three categories, both in terms of the volume and time-intensiveness of the requests. However, to allow more flexibility this year we simply asked respondents to list the top three and suggested categories that were not prescriptive. We then coded the responses under broad headings.)***

***8. To the best of your knowledge, which were the top three categories of FOI requesters to your organisation in 2006 IN TERMS OF NUMBER OF REQUESTS? (Largest, second largest, and third largest volume of requests)***

<sup>7</sup> For these questions, as well as questions 16 and 17, we weighted the responses and then ranked them according to the frequency by which they were mentioned. First mentions received a weight of 45, second mentions 35 and third mentions 30. This allowed us to aggregate the data and summarise it in the charts on this and the following pages, according to the cumulative percentage of respondents.

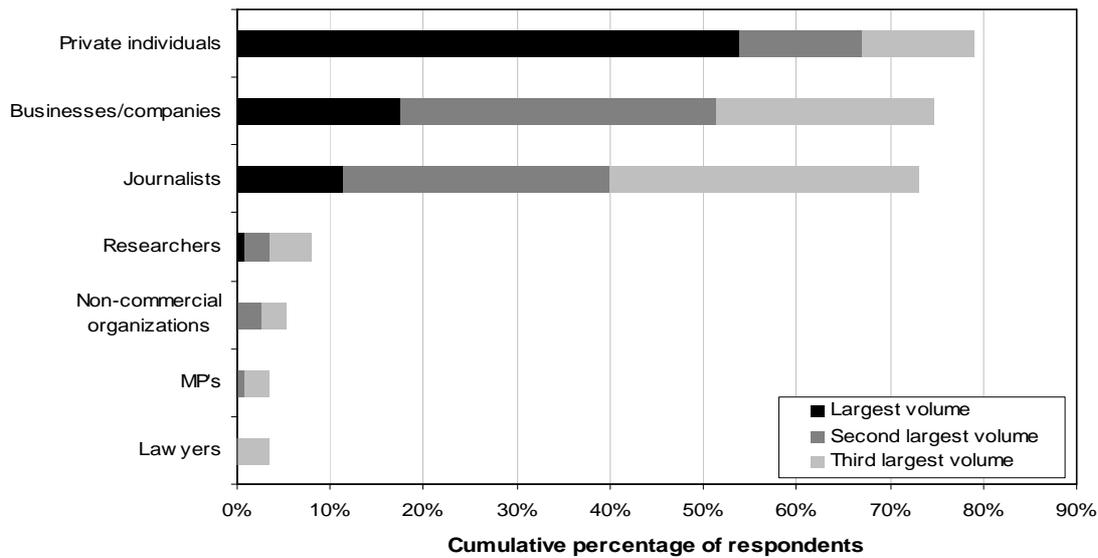


Figure 7 shows the percentage of requesters by volume. Overall, private individuals generated the largest volume of requests followed by businesses and journalists. Sixty-two individual FOI practitioners chose private individuals as the category of requester responsible for the largest volume of information requests in 2007, followed by 20 who selected businesses / commercial entities. Only 13 identified journalists as the group that made the most requests. In terms of the second largest volume of requests, 39 practitioners identified businesses, 33 selected journalists and only 15 stated private individuals. However, as in 2006, more practitioners chose journalists as the group that made the third highest volume requests, more than any other single group. In the third category, researchers had five mentions and MPs, lawyers and non-commercial organisations received three to four mentions each.

9. Using the same list of requester categories, please select the top three category of FOI requesters *IN TERMS OF AMOUNT OF TIME* spent on the respective group's requests. (Most time-intensive, second most time-intensive and third most time-intensive requests)

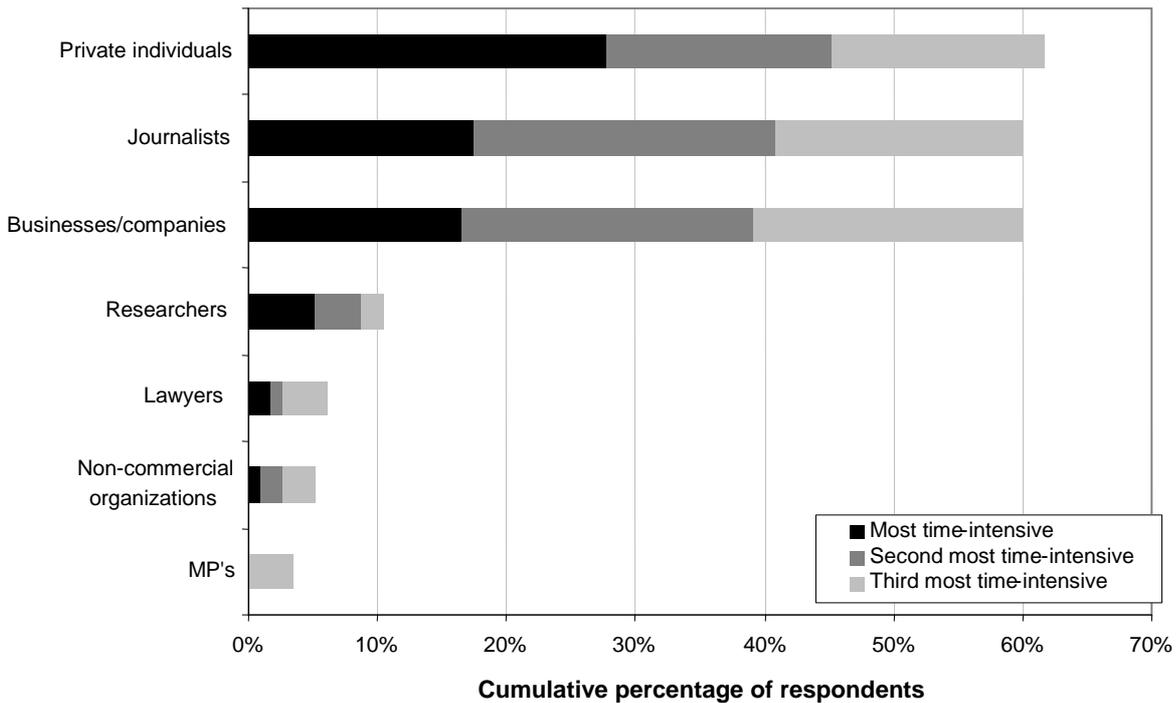


Figure 8 shows requester types by time intensiveness. The ranking of requester groups by the amount of time their requests took differed only slightly from the ranking by the number of requests they made. Private individuals, selected by 32 practitioners as the group that made the most time-intensive requests, were followed by journalists on 20 and businesses on 19. This pattern shifted, however, when naming the second most time-intensive requester group – 27 identified journalists, 26 selected businesses and 20 chose private individuals. Businesses were selected as the group that made the third most time-intensive requests, with 24 mentions, closely followed by journalists on 22 and private individuals on 19. In third place lawyers and MPs had four mentions each, non-commercial organisations three and researchers two.

*Q10. To the best of your knowledge, which were the most requested categories of information to your organisation in 2007 IN TERMS OF NUMBER OF REQUESTS? (largest, second largest, and third largest volume of requests)*

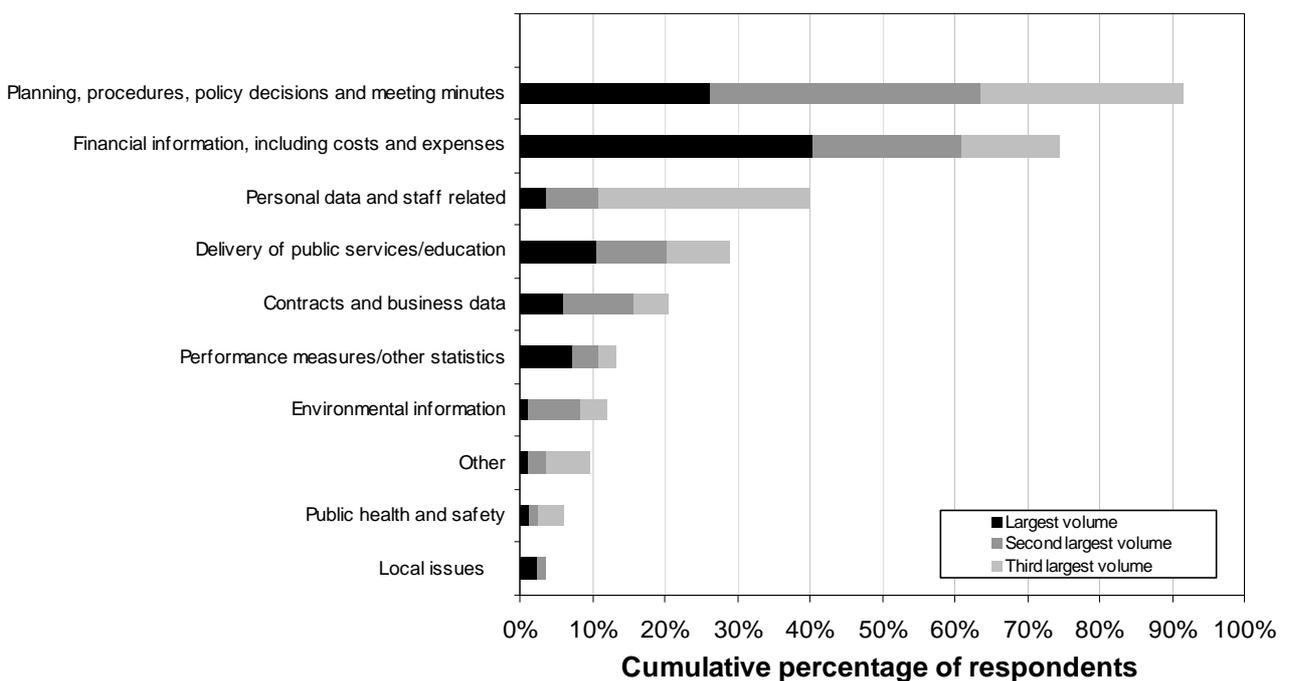


Figure 9 shows type of requests by volume. Overall, the single most requested type of information was planning, procedures, policy decisions and meeting minutes, followed by financial information and then personal data. This differs from 2006 when contracts were the most requested, followed closely by costs and expenses and then information regarding local issues and environmental information. In contrast to 2006, the category of local issues was mentioned very rarely. Environmental information remained a popular topic.

11. Using the same list of information categories, please select the top three categories of information *IN TERMS OF AMOUNT OF TIME* spent on that type of information request. (most time-intensive, second most time-intensive and third most time-intensive requests)

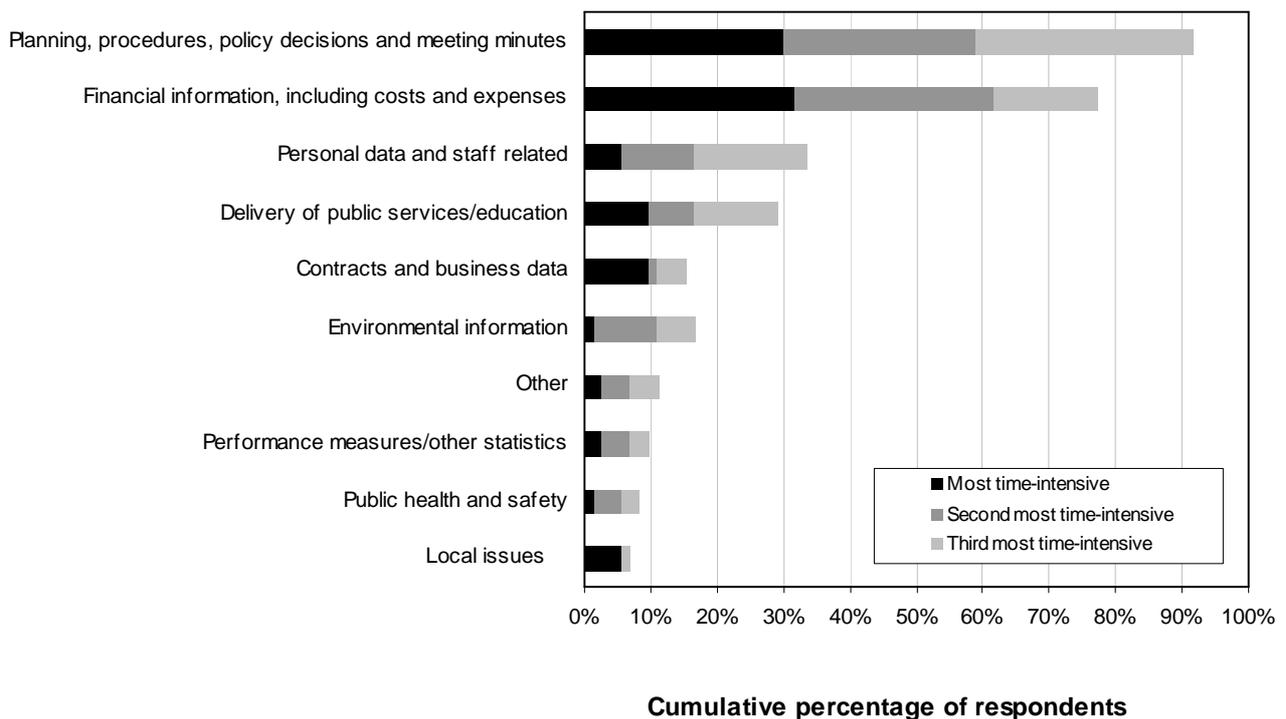
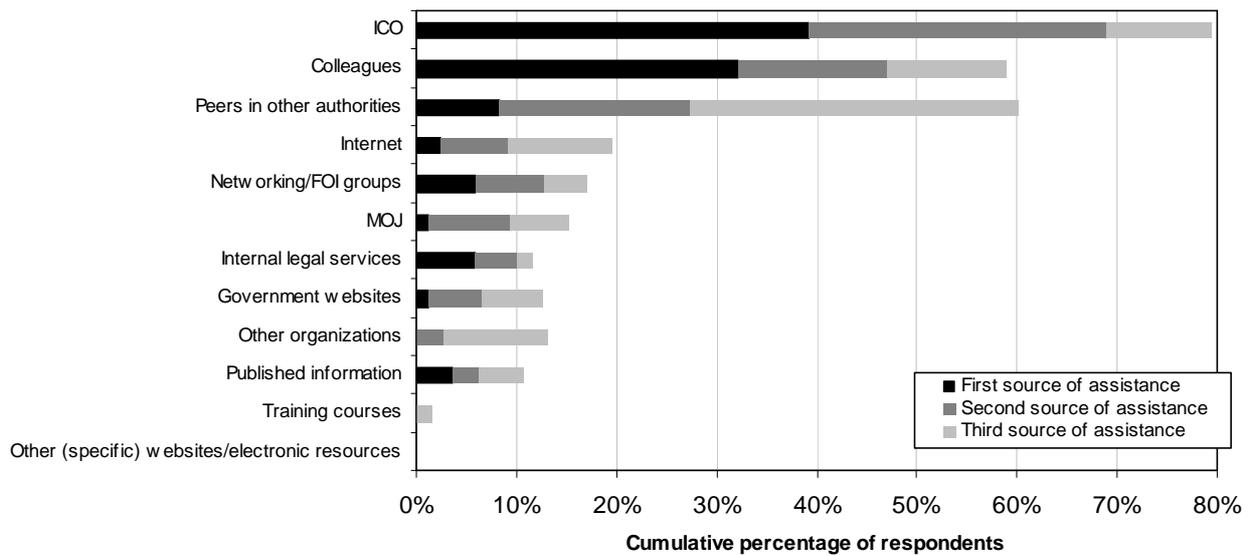


Figure 10 deals with the time-intensiveness of requests broken down by type. When looking at the categories of requested information from the perspective of time-intensiveness, the rankings change slightly. Planning, procedures and policy decisions were the most time-intensive, followed closely by financial information and then personal data. In terms of second most time intensive financial data was first, followed by planning procedures and policy decisions, and in third was planning followed by personal and then environmental information.

## Help and assistance, Publication of disclosure log and charging policy (Q11, Q12, Q13)



### Guidance and assistance

Figure 11 shows where respondents went for help and assistance with requests. The most popular first choice was the ICO, mentioned by 33 respondents, closely followed by colleagues on 27 and then peers in other authorities. The order was the same for second choice but peers and colleagues were most popular for the third choice.

### Disclosure log

Only 4% of all authorities published all information on their disclosure log or online, though 42% published some information thought to be of wider interest. However, this can only be seen as slightly indicative, since 54% of respondents did not answer the question. In terms of what was published online more generally, of the 56 who answered, 91% reported that their authority published information thought to be of wider interest and 9% the details of all requests.

### Charging

Few authorities charged for any type of request in 2007, whether for disbursement or charging for excessive cost. 62% of authorities did not charge in any circumstances, 32% in 5% of cases or less and 7% in 6% of cases or more.

### Problems with compliance (Q14)

In order to understand the difficulties that local government FOI practitioners face in their job, we asked respondents to fill in the top three problems they encountered with compliance in 2007. We grouped these responses into categories and counted the number within each category. Not all practitioners gave three responses - 85 gave us their biggest challenge with FOI compliance, 78 gave us their top two, and 62 gave us three. We gave a weighting of 45 to first choices, 35 to second choices and 30 to third choices, then added the weighted totals in each category and adjusted the results to percentages. The results are as follows:

1. Cooperation and support from service departments and management 20%

2. Problems with requesters and requests	18%
3. Lack of training, processes, systems and advice	15%
4. Records management	13%
5. Timescales	11%
6. Resources	10%
7. Business use	8%
8. Other	5%

**Cooperation and support from service departments (42 mentions, including 19 as the top challenge)**

- “Obtaining information from service departments ...”
- “Departments not properly answering the questions asked”
- “Convincing some staff to disclose information”
- “Distracting staff from regular duties”
- “Changing the attitudes of senior members of staff”
- “Interference from senior managers”

**Problems with requesters and requests (43 mentions, most of which were listed as third choices)**

- “Responding to research questions”
- “Lack of clarity in requests”
- “Vexatious requests”, “Dealing with clients with a perceived grudge against the council”
- “Serial applicants”
- “Requests from local interests action groups”
- “Journalists submitting useless requests whilst fishing for stories that don’t exist”
- “Between 60 and 70% of our requests are from journalists ... (who) then go and twist the information for the purposes of a story”

**Lack of training, processes, systems and advice (37 mentions, evenly spread between first, second and third choices)**

- “Dealing with exemptions/refusals/public interest letter”
- “Deciding whether to use FOI or EIR”
- “Staff training”
- “Interpreting complex legislation”
- “Use of the public interest test”
- “Lack of guidance on issue from ICO”

**Records management (28 mentions, half of which were listed as the first choice)**

- “Locating data”
- “Time required to locate the information”
- “Information management”
- “Determining if information held (contractors)”
- “Historically bad record keeping”
- “Gathering information”

**Timescales (15 mentions, 10 as first choice)**

- “Responding in timeframe”
- “Time compliance with extremely complex requests”
- “Timescale too short”
- “Meeting the 20 day deadline”
- Comments were sometimes linked with resources, e.g.:
- “Difficulty meeting deadlines with insufficient resources”

**Business use (19 mentions, 10 as second choice)**

- “ Number of companies using FOI for purely commercial reasons”
- “ Abuse of the Act by private companies”
- “ Press agencies and other researchers using FOI as a free way of obtaining the information they want”
- “ Companies abusing system just to get info for business”
- “ Private businesses ‘taking advantage’ of the legislation”

**Other (15 mentions, evenly spread between first, second and third choices)**

- “Getting a straight answer out of ICO”
- “ Fee calculations”
- “ Sharp increase in volume”
- “ Interface with Enterprise Act”
- “ Requests can be excessive – estimating which exceed cost limits”

**Benefits of FOI (Q15)**

We asked respondents to give us the top three most positive effects of FOI on their authority in 2007. We then grouped the responses into several categories and counted the number within each category. We received 84 first choices, 65 second choices and 42 third choices. We gave a weighting of 45 to first choices, 35 to second choices and 30 to third choices, then added the weighted totals in each category and adjusted the results to percentages. The results, expressed in table form are as follows:

1. Openness, transparency and accountability	32%
2. Improvements within the organisation (not related to records management)	28%
3. Better records management, including information management	25%
4. Improved relationship with the public	11%
5. None/don't know	3%

**Openness, transparency and accountability (54 mentions, 32 as first choice)**

- “ Made us more open with the information we hold”
- “ Making people more accountable”
- “ Accountability and transparency”
- “ Information made available to members of the public (tax payers)”
- “ Evidence that we are good value for money”
- “ Greater perception of accountability”
- “ Greater awareness of the need not to be pointlessly secretive”

**Improvements within the organisation (not related to records management) (56 mentions, of which 27 were second choices)**

- “ Forced debate at senior level and cabinet”
- “ Departments starting to think about proactive publication, e.g., when planning consultation, rather than waiting for flood of FOI requests”
- “ Senior managers more involved/aware”
- “ Staff think more before writing”
- “ Elected members becoming more open in approach to council activities”
- “ Improved communication between officers”
- “ Better decisions as a record needs to be kept of reasons etc., so better thought out”

**Better records management, including information management (51 mentions, 21 named as the top positive effect)**

- “ Encouraged better naming and filing of electronic information”
- “ We have been forced to look at records management”
- “ Slowly driving records management improvements”
- “ Information procedures are more streamlined”
- “ Wider organisational recognition of Information Governance”

- “ Now implementing project to ensure better information management systems”
- “ Makes everyone think more professionally about records when they are being created”

### **Improved relationship with public (23 mentions, 8 as first choice and 9 as second)**

- “ It has shown the public that there is nothing to hide and I believe this will improve public confidence in the local authority”
- “ Raising awareness of what the public wants to know”
- “ Helps us to build confidence with our public”
- “ Generally encouraged members of the council to contact the council, allowing us to supply them with information that increases their understanding of how the council works and how decisions are made etc.”
- “ Reduced complaints from local taxpayers”
- “ Dispelled local myths”

### **None/don't know**

This was a very small category with a total of 4 mentions. The longest comment was “none noticeably”.

### **Additional comments (Q16)**

“Please provide any additional comments and any specific concerns about your experiences as an FOI practitioner.”

The final survey question provided practitioners with an opportunity to provide information not covered by the previous questions or to expand on their answer to one or more of those questions. We received 55 responses, some of which contained more than one substantial comment. In total we received 78 comments. We grouped these into several categories and counted the number within each category. The breakdown is as follows:

1. Problems with applicants and requests	42%
2. Internal issues, including, management, culture, resources and systems	22%
3. Issues about legislation and the advice available	14%
4. Positive and constructive comments	12%
5. Problems completing the survey	8%

### **Problems with applicants and requests (33 mentions)**

- “ Increasing use of FOI as a research tool by MPs – quite an irony in view of their resistance to the application of FOI to their own information”
- “ I do feel that some individuals with a grudge against the local authority are using the FOI legislation as another avenue to vent their complaint/frustration”
- “ A lot of time is spent supplying specific information to research students, journalists and prospective businesses”
- “ Main concern is that people are not using the publication scheme”
- “ My main concern is that FOI is now mostly used by journalists who are often digging around for ‘a story’ and even if there is not ‘a story’ they often construe the information provided to make one”
- “ Journalists tend to make many frivolous requests ... for statistical data, which require a great deal of work ...”
- “ We have had a high level of requests for information we simply don't hold ...”
- “ Year on year we are seeing an increase in the number of requests for information”

### **Internal issues, including, management, culture, resources and systems (17 mentions)**

- “ I sometimes feel I'm the most unpopular person in the authority”
- “ It is still not sufficiently recognised that FOI represents a culture change and not just a compliance issue”

- “Lack of resources both financial and physical ... to fully implement the legislation”
- “I am still having to explain to senior management why this is important and that they have to comply”
- “It is very difficult to act as a go-between between the ICO and managers within the council”
- “Despite the number of requests increasing ... cost cutting has reduced staff by half for 2008 ...”

### **Issues about legislation and the advice available (11 mentions)**

- “The IC website is very helpful but it would be useful if themes could be drawn from the case decisions”
- “Continuing delay in getting decisions from the Information Commissioner”
- “Messy and confusing interaction with EIR, a specific exemption for copyright for FOI would be helpful cf s.47 Copyright Designs and Patents Act 1988”
- “The imposition of the 20 day decision requirement on FOI requests ... and the lack of any such timescale on appeals to the ICO”
- “Search facilities for Tribunal decisions still inadequate”
- “Still too little guidance and advice being offered by the regulator”

### **Positive and constructive comments (9 mentions)**

- “Most requests have been straightforward and have been handled efficiently as the FOI Act has bedded down”
- “We do not record time taken to deal with requests as we accept it as part of everyday life as a public authority”
- “... there have been improvements in procedures and the majority of staff are happy to assist”
- “The service has an improved profile and more notice is taken by senior managers”
- “We welcome UCL survey and look forward to seeing the results, but wish there was a standard/common reporting format”
- “The time spent on answering FOIs is left blank deliberately; we have found it is sufficiently small that it is not really worth recording”

### **Problems completing the survey (6 mentions)**

- “Q 11 could not be responded to correctly as it required a positive number yet the question asked for words!”
- “Please note that Q12 did not actually allow me to say what we do”
- “... in the figures for those requests that resulted in release of no information, I included those where we did not hold the requested information (which is almost 20% of requests we received)”

## **Conclusions**

The number of FOI requests made to authorities in England rose by 7,753 from 2006 to 2007. The percentage of requests that resulted in a full release of information fell from 79% in 2006 to 73% in 2007, while the proportion of non-disclosure cases decreased from 10.5% to 10.3% in the same period. Local authorities processed 83% of requests within the statutory deadline in 2007, down from 87% in 2006. The percentage of requests subject to internal reviews fell from 2.4% in 2006 to 1.5% of all FOI requests in 2007.

Local authorities are spending 15.3 hours per request, up from last year's average of 13.1 but still down on 2005. Few authorities charged for requests in 2007.

In this year's survey we asked practitioners to fill in free-form the top three problems they experienced with FOI compliance in 2007. In 2007 we found that insufficient co-operation and support from service departments was their biggest challenge, followed closely by problematic requesters/requests and lack of training, systems, processes and advice. This differs somewhat from 2006, when practitioners found the FOI response process to be most challenging, followed by a lack of resources and time and then difficult requests and requesters. Inadequate resources were also a problem in 2006 but this category dropped down to 6<sup>th</sup> place this year. The problems are all within a similar area – internally, problems with systems and colleagues have been an obstacle, replacing the earlier problem of lack of resources, while externally, difficulties with requesters have remained constant.

In terms of benefits, the top responses in both 2005 and 2006 years were greater openness/transparency, followed by better records management and internal improvements (besides records management), in that order. In 2007, however, as with the problems, the ranking shifted slightly. In terms of benefits, the top responses were greater openness/transparency, but this year they were followed by internal improvements (besides records management) and then records management, the latter two having swapped place since 2006. This may be because records management has now improved to certain degree or that the other internal changes have improved more so.

As in previous years, the additional comment question solicited a wide range of responses. Most comments were about requesters/requests, especially regarding the use of FOI to conduct research, to pursue grievances and to garner news stories. Like last year, the second most frequently mentioned issue was internal issues, especially persuading colleagues of FOI's importance and dealing with insufficient resources and staff. However, amid the problems were a number of positive comments about the fact that FOI has bedded down and is operating well.

As we were unable to carry out follow-up interviews with the people who filled out the survey, we can only speculate as to the reasons behind some of the above answers. As time passes, FOI requesters become better educated about what to ask for and their requests become more complex and/or increasingly touch upon sensitive areas. This may be the reason for the rise in the number of hours required to comply with a request and, conversely, the fall in the number of releases of all requested information. It may also explain the fall in the number of requests processed within the time limit. However, the fall in internal reviews may be indicative of a greater satisfaction with request results, though it may also stem from a growing reluctance to go through the appeal process.

Patterns are now beginning to emerge and we can see a clear need for further research to understand these better. The Constitution Unit has recently submitted a research proposal to undertake a two years study of the impact of FOIA upon local government using a series of case study departments drawing upon interviews, survey of requesters and media analysis. Should the bid be successful, we will be able to expand and refine the survey and investigate to a greater depth our findings as part of this project.

## Appendix A – Survey invitation letter

Dear FOI Officer,

This is not an FOI request - it is a voluntary survey from UCL's Constitution Unit, the results of which will benefit your council. The survey is quick, simple and easy to do. It should take no longer than say 30 mins of your time. The survey is web-based and seeks information that we hope is readily available to you.

The Constitution Unit is part of the School of Public Policy at University College London and is the principal independent research body on constitutional affairs in the United Kingdom. The field of Freedom of Information and Data Protection is one of our most important fields of study and we are eager to continue our programme to investigate its application in local government.

The Constitution Unit has already carried out surveys of the experience of local authorities with FOI in 2005 and 2006, making this, our survey of 2007, the third annual survey. The Unit's surveys helped identify specific issues of concern to local authority FOI practitioners. After analysing the responses and drafting suggestions for best practice, we published [reports](#) outlining the findings. We are grateful to all FOI officers who filled out those surveys. As a result of their input, we have begun building up a solid base of data on FOI at the local government level and plan to carry out this survey every year. We think that the results of these surveys could help:

- to ensure that local authorities' needs are properly taken into account when the operation of the Act is reviewed and policy changes are considered (for example, the data collected was cited by Frontier Economics in their October 2006 [report](#) on the impact of FOI);
- to identify the need for advice, guidance and training to address issues specific to local authorities;
- to help ensure good practice;
- to provide objective information to enable individual local authorities to see how they are doing in comparison with others and inform reviews of their own systems and policies.

As an incentive to participate, we will give away five £30 certificates toward any Constitution Unit publications to a random selection of authorities whose FOI officers complete the survey.

### Confidentiality

Your submission will be treated in confidence. **The report and any published material will be written so that no individuals or authorities are identified.** However, we may want to publish the full list of authorities that participate.

Thank you for your help,

Ben Worthy, Research Associate

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## Appendix B – Survey

The Constitution Unit is part of the School of Public Policy at University College London and is keen to stay abreast of developments in the application of FOI at the local government level. We do this in the form of annual online surveys. This is the third annual survey we are conducting and covers the year 2007.

Approximately half of all FOI requests submitted to public organisations each year are sent to local authorities. Our previous surveys have enabled us to identify the number of requests made, positive effects of FOI legislation and specific issues of concern to local authorities. The results have helped us to understand the challenges of complying with FOI and EIRs and where future resources for FOI compliance might best be directed. It is our aim to identify FOI issues that specifically relate to local government, to ensure that the needs of local authorities are accounted for when the operation of the FOI Act is reviewed, and to provide objective information to permit local authorities to evaluate their systems and policies.

Thank you in advance for participating in our survey. Your submission will be treated in confidence and the report and any published material will be written so that individuals and authorities are not identified. We may, however, want to publish the full list of authorities who participate.

For the purposes of this survey, please use the following definition of an FOI request: *An ‘FOI request’ is a request for any information that 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 considered ‘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. Please include requests that fall under the Environmental Information Regulations within this definition.*

**1. How many FOI and EIR requests did your authority receive during each quarter of 2007? (Please use information recorded in your tracking system or your best estimate when reporting the number of requests. Please note that Quarter 1 refers to January to March, Quarter 2 to April to June, Quarter 3 to July to September, and Quarter 4 to October to December.)**

- Quarter 1
- Quarter 2
- Quarter 3
- Quarter 4

**2. To the best of your knowledge, how many FOI and EIR requests resulted in FULL release of the information requested in 2007?**

- Quarter 1
- Quarter 2
- Quarter 3
- Quarter 4

**3. To the best of your knowledge, how many FOI and EIR requests resulted in a release of NONE of the information requested in 2007?**

- Quarter 1
- Quarter 2
- Quarter 3
- Quarter 4

**4. To the best of your knowledge, how many FOI and EIR requests were settled within the statutory 20-day time limit in 2007?**

- Quarter 1
- Quarter 2
- Quarter 3
- Quarter 4

**5. To the best of your knowledge, how many requests were subject to an internal review within your authority in 2007?**

- Quarter 1
- Quarter 2
- Quarter 3
- Quarter 4

**6. On average, how many full-time equivalent (FTE) staff were assigned to FOI and EIR compliance tasks in the following areas of your organisation in 2007? (Please count staff in terms of full-time equivalents. For example, one full-time person and four people at 25% time each equals two FTEs.)**

- Central information team
- All other departments

*For the following questions, please provide your best estimate or guess based on your experience of dealing with FOI requests.*

**7. To the best of your knowledge, which were the top three categories of FOI requesters to your organisation in 2007 IN TERMS OF NUMBER OF REQUESTS? (e.g. *Private individuals, Journalists, Businesses/Companies, Lawyers*)**

- 1.
- 2.
- 3.

**8. To the best of your knowledge, which were the top three categories of FOI requesters IN TERMS OF AMOUNT OF TIME spent on the respective group's requests. (e.g. *Private individuals, Journalists, Businesses/Companies, Lawyers*)**

- 1.
- 2.
- 3.

**9. To the best of your knowledge, which were the top three most requested categories of information to your organisation in 2007 IN TERMS OF NUMBER OF REQUESTS? (e.g. *Costs and expenses, Procedures, policy decisions and meeting minutes, Personal data about staff member/s or other 3rd party*)**

- 1.
- 2.
- 3.

**10. To the best of your knowledge, which were the top three categories of information IN TERMS OF AMOUNT OF TIME spent on that type of information request.**

- 1.
- 2.
- 3.

**11. What are the top three places you would look for help and advice in relation to good practice compliance with FOI and EIRs (e.g. colleagues, peers in other authorities or groups, blogs or websites [if so which?])**

- 1.
- 2.
- 3.

**12. Does your authority publish its request and/or disclosure log on its web site?**

- It publishes details of all its requests
- it publishes some information thought to be of a wider interest

**13. In approximately what number of cases did your organisation charge a fee for an FOI request in 2007 for**

**[a] disbursement (postage, photocopying etc)**

**[b] charge a fee where costs had exceeded the appropriate level**

**14. Please describe the top three problems you experienced with FOI/EIR compliance in 2007.**

1)

2)

3)

**15. Please fill in the top three ways in which you think FOI positively affected your organisation in 2007.**

1)

2)

3)

**16. Please provide any additional comments and any specific concerns about your experiences as an FOI practitioner in the box below:**

**17. For which type of authority do you work?**

- London borough
- Unitary council
- Metropolitan council
- County council
- District council

**18. Please provide us with the name of your organisation:**

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

- Yes, in principle
- No

**20. Please provide us with your work email address. (If you wish to be entered in the draw for one of five £30 vouchers toward Constitution Unit publications, we will need this information. A full list of publications can be found on the Constitution Unit website.)**

## Appendix C – Breakdown of number of requests and appeals by council type - England

Category of Council	FOI Requests	Requests Resulting in Full Release	Requests Resulting in No Release	Requests meeting the 20-day requirement	Internal Reviews
<b>County Councils</b>					
Total for 9 councils	4111	2513	981	2878	70
Total for 25 from 6 smaller	8150	5213	1117	7196	67
Total for 9 from 3 larger	6465	3786	2139	3453	162
Total for 34 councils	14615	8999	3256	10649	229
<b>London Boroughs</b>					
Total for 8 boroughs	3600	1774	235	2989	53
Total for 30 from 6 smaller	10660	7410	850	8525	150
Total for 3 from 2 larger	2202	1179	225	1917	42
Total for 33 boroughs	12862	8589	1075	10442	192
<b>Metropolitan</b>					
Total for 8 councils	2389	894	124	1485	25
Total for 32 from 7 smaller	8517	n/a	n/a	6197	n/a
Total for 4 from 1 larger	2104	n/a	n/a	1292	n/a
Total for 36 councils	10621	8046	893	7489	150
<b>Unitary</b>					
Total for 17 councils	5838	3501	233	4829	77
Total for 40 from 14 smaller	11817	8967	707	10223	150
Total for 6 from 3 larger	3404	2433	126	2502	96
Total for 46 councils	15221	11400	833	12725	246
<b>Other Councils</b>					
<b>(average/council)</b>	<b>358</b>	<b>249</b>	<b>41</b>	<b>277</b>	<b>5</b>
<b>Other Councils (total 149)</b>	<b>53319</b>	<b>37034</b>	<b>6057</b>	<b>41305</b>	<b>817</b>
<b>District Councils</b>					
Total for 56 councils	6349	4838	496	5556	90
Total for 214 from 51 smaller	21391	16726	2130	19969	268
Total for 24 from 6 larger	5404	4556	272	5170	120
<b>District Councils total (238)</b>	<b>26795</b>	<b>21282</b>	<b>2402</b>	<b>25138</b>	<b>388</b>
<b>District Councils average/council</b>	<b>113</b>	<b>89</b>	<b>10</b>	<b>106</b>	<b>2</b>
<b>All Local authorities</b>					
<b>Totals (387authorities)</b>	<b>80114</b>	<b>58316</b>	<b>8459</b>	<b>66443</b>	<b>1205</b>
average/authority	207	151	22	172	3
<b>Percentage of total requests</b>		72.8%	10.6%	82.9%	1.5%

Note: Estimated totals for each council type are based upon multiplying the average per council by the total number of councils. In most categories we had a few responses with very large numbers and in order to produce realistic overall estimates, we separated these from the other (normal) responses and gave a weighting to each before calculating estimates for each category. Because the number of responding councils did not reach the level of a representative sample, this is not a scientifically reliable method of calculating the total number. However, we use it to give an idea of the numbers across local government.