



**FOIA 2000 and local government in 2009:
*The experience of local authorities in England***

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Table of contents

Tables and figures	4
Executive Summary	5
Key findings	5
Summary of conclusions	7
Background.....	9
Methodology	9
Findings	11
Requests, releases, refusals, internal reviews, and meeting the 20-day deadline (Q1, Q2, Q3, Q4, Q5)	11
Staff assigned to FOI and EIR compliance tasks (Q6).....	16
Requesters' volume and time intensity (Q7,Q8)	17
Information requested (Q9, Q10).....	19
Fees (Q11, Q12)	22
Problems with compliance (Q13).....	23
Benefits of FOI (Q14)	27
Increase in requests since 2005 (Q15, Q16)	29
Additional comments (Q17).....	32
Conclusions	36
Appendix A – FOI and local government preliminary findings	38
Appendix B – Survey invitation email	45
Appendix C – Survey	46
Appendix D – Breakdown of number of requests and appeals by council type.....	49
Appendix E – The cost of FOI in other regimes.....	50

Tables and figures

Table 1 – Estimated number of requests, refusals and internal reviews 1 Jan to 31 Dec 2009.....	5
Table 2 – Requesters responsible for the largest volume of requests.....	6
Table 3 – Requesters responsible for the most time-intensive requests.....	6
Table 4 – Types of information requested by volume.....	6
Table 5 – Types of information requested by time-intensiveness.....	6
Table 6 – Figures used to calculate compliance cost.....	6
Table 7 – Survey response rate by council type.....	10
Figure 1 – Proportion of councils represented in survey.....	10
Figure 2 – Average number of FOI/EIR requests per quarter.....	11
Table 8 – Average number of requests during 2009, per council.....	12
Figure 3 – Percentage of FOI/EIR requests that resulted in full disclosure.....	12
Figure 4 – Percentage of FOI requests that resulted in no information released.....	13
Figure 5 – Percentage of FOI/EIR requests settled within 20 days.....	14
Figure 6 – Percentage of requests subject to internal review.....	15
Table 9 – FTEs assigned to FOI compliance tasks and average hours spent per request.....	16
Table 10 – Types of requesters by volume of requests.....	17
Figure 7 – Most common types of requesters.....	17
Table 11 – Types of requesters by time intensiveness.....	18
Figure 8 – Most time-intensives requests, by requester type.....	18
Table 12 – Types of information requested, by volume of requests.....	19
Figure 9 – Most requested categories of information, by number of requests.....	20
Table 13 – Most time-intensive requests by information topics.....	20
Figure 10 – Most time-intensive requests by information topic.....	21
Figure 11 – Percentage of requests where a fee was quoted formally in 2009.....	22
Figure 12 – Percentage of requests where a fee was actually paid by a requester.....	22
Table 14 – Top three problems with compliance.....	23
Figure 13 – Problems with compliance.....	24
Figure 14 – Problems with compliance in 2007, 2008 and 2009.....	24
Table 15 – Top three benefits of FOI.....	27
Figure 15 – How FOI positively benefited your organisation in 2009.....	27
Figure 16 – Percentage of officers who estimate the increase in requests between 2005 and 2009.....	29
Table 16 – Estimated number of requests to English local councils 2005-2009.....	29
Figure 17 – Suggested reasons for increase in requests from 2005 to 2009.....	30
Table 17 – Annual FOI statistics.....	50
Table 18 – Cost of on FOI request, in British Pounds.....	50

Executive Summary

This is the report of a study of English local authorities' experiences complying with the Freedom of Information Act 2000 and the Environmental Information Regulations (EIRs) from January to December 2009. (We will refer to both types of requests as FOI requests throughout this report for the sake of brevity.) 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 focused 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 353 local authorities in England with an invitation to fill out the survey. Of those we reached, 117 practitioners, or 33 per cent of the total population, gave a substantive response. The Constitution Unit is also currently undertaking a wider project on Freedom of Information and Local Government, which this survey and our previous surveys will help inform.

Key findings

Volumes of requests: We estimate that between January and December 2009 the 353 local authorities in England received 164,508 requests for information under the FOI Act or the EIRs. County councils and London boroughs received on average the largest number of requests each and district councils the fewest.

Table 1 – Estimated number of requests, refusals and internal reviews 1 Jan to 31 Dec 2009

	Number of Requests Received	Number of requests resulting in full release	Number of requests resulting in no release	Number of internal reviews
England				
London boroughs and county, metropolitan and unitary councils (152)	103,806	80,027	8,904	2,252
Average/council	690	527	61	16
District councils (201)	60,702	48,864	2,990	411
Average/council	302	243	15	2
Total England: all councils	164,508	128,890	11,894	2,663

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 D.

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. Like last year, 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. Members of the public, businesses, and journalists were the top three for both questions. Here are the top three types of respondents by volume (Q.7) and then time intensiveness (Q.8), with the percentage of respondents who put them in first, second or third place.

Table 2 – Requesters responsible for the largest volume of requests

Requesters	Percentage of officials choosing the source of largest volume of requests	Percentage of officials choosing the source of the second largest volume of requests	Percentage of officials choosing the source of the third-largest volume of requests
Public	56	11	15
Business	28	49	21
Journalist	11	33	45

Table 3 - Requesters responsible for the most time-intensive requests

Type	Percentage of officials choosing most time-intensive requesters	Percentage of officials choosing second-most time-intensive requesters	Percentage of officials choosing third-most time intensive requesters
Public	30	22	34
Journalist	51	32	7
Business	14	36	40

We also asked practitioners to select the three types of information that garnered the largest volumes of requests (Q.9), as well as those request topics that were the most time-consuming to answer (Q.10). Here are the top-three topics and the percentage of respondents choosing them:

Table 4 - Types of information requested by volume

Request Topic	Percentage of officials choosing topic of largest volume of requests	Percentage of officials choosing topic of second-largest volume of requests	Percentage of officials choosing topic of third-largest volume of requests
Finance	34	26	24
Delivery of Public Services	7	12	21
Personal	21	26	12

Table 5 - Types of information requested by time-intensiveness

Request Topic	Percentage of officials choosing most time-intensive topic	Percentage of officials choosing second most time-intensive topic	Percentage of officials choosing third most time-intensive topic
Finance	42	16	18
Delivery of Public Services	11	24	22
Contracts/business	6	13	21

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 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 £36.6 million.

Table 6 – Figures used to calculate compliance cost

	Total number of requests	Average hours per request
England – overall total	164,508	8.9

Note: The compliance costs relate to the twelve month period from January to December 2009.

We asked about the percentage of cases in which the authority had charged a fee for an FOI request. 65 per cent of authorities reported that they did not charge at all, while 22 per cent charged in 1 per cent or less of cases. 6 per cent of the respondents claimed they charged in 5

per cent of cases or less. The remaining 7 per cent of officials charged for requests in 6 per cent or more cases.

What problems do practitioners have with FOI compliance? Respondents were asked to list the top three problems they experienced with compliance in 2009. They identified

- Requesters and requests
- Resources
- Cooperation and support from service departments and management

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

- Better records management
- Openness, transparency and accountability
- Improvements to organisation (not related to records management)

Overall/additional comments: At the end of the survey we asked practitioners for any additional comments about their experiences with FOI compliance. 66 officials provided 72 comments in total, which we then grouped under broad headings.

1) Problems with applicants and requests: This category included 28 mentions which can be grouped into themes:

- Complexity of requests: many of the respondents commented on requests becoming increasingly dense and time-consuming, making it difficult to respond within the 20 day timescale.
- Use of FOI to pursue grievances: practitioners seem to be unhappy about requesters who tried to use FOI as a route to pursue unresolved grievances with the council.
- Abuse of 'spirit' of the Act: the responses demonstrated that officials were most upset by journalists using the Act for stories and businesses using FOI for commercial gain. They lamented the fact that FOI was not being used to serve the local community.

2) Internal issues including, management, culture, resources and systems: This category included 26 mentions. The comments focused upon:

- The lack of resources for FOI compliance, both in terms of staff and finance. Resources do not sufficiently match the increasing numbers and complexity of requests.
- Colleagues' and senior managers' reluctance to comply with FOI. It is seen as a nuisance rather than a duty.

3) Issues about the legislation and advice: There were 10 mentions in this category:

- Too little guidance, advice or training provided by the ICO on various procedural aspects of the Act
- Confusion between different legislation that overlaps
- Desire to see cost limit lowered, or fees introduced, to manage demand

Summary of conclusions

This study provides an analysis of local authorities' experiences with FOI compliance in 2009. During the year the average council received 39 FOI/EIR requests a month and refused to disclose any information in fewer than four cases per month. The number of requests to councils rose by 45,939 (39 per cent) from 2008, and there was an increase in the rate of refusal from 7 per cent in 2008 to 9.3 per cent in 2009. Each request took an average of 8.9 hours, a significant reduction from last year's figure of 11.6 hours.

The source of most requests were journalists, and their requests were ranked by officials as the most time-intensive to answer. As in 2008, the type of information most often requested was

financial, and requests for financial information were also considered by officials the most time-intensive to answer. A majority of authorities (65 per cent) did not charge under any circumstances, and of those that did charge, less than half received payment.

The main problems with compliance was a lack of resources, requests and requesters, and the cooperation of management or service departments. The most significant positive effects of the Act were the improvements to records management, the development of more open, transparent and accountable authority, and general improvements to the organisation.

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.¹

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.² 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.³ We have now carried out the following annual surveys:-

- calendar year 2005 with the results published in September 2006,
- calendar year 2006 with the results published in September 2007,
- calendar year 2007 with the results published in September 2008
- calendar year 2008 with the results published in December 2009

This report describes the findings of our fifth annual survey, which covers January to December 2009.

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. However subsequently we decided to return to focus solely on English authorities due to time and resource constraints.

The main aim of this project was to identify how local authorities coped with FOI in 2009 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. We refer to both types of request in this study as FOI requests for the sake of brevity. Comparisons with the results of earlier years are highlighted where appropriate and explored in more depth in the conclusions.

Nine unitary authorities were created in England in April 2009. Five of these were created from existing county councils and their district councils, the other four created through the division of two authorities along existing district council boundaries. This accounts for the difference in the number of councils in England between 2008 and 2009.

Methodology

A web-based survey of 23 questions was designed and built using Survey Monkey, fee-based Internet survey software. In April 2009, we sent an email invitation to FOI officers in England to participate in the study. We sent two reminder emails to those whom we believed had not yet responded and closed the survey at the end of September 2010. (The survey can be found in Appendix C.)

¹ 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.

² 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/research/foi/foi-and-local-government/2005-idea-survey>)

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

Response rate

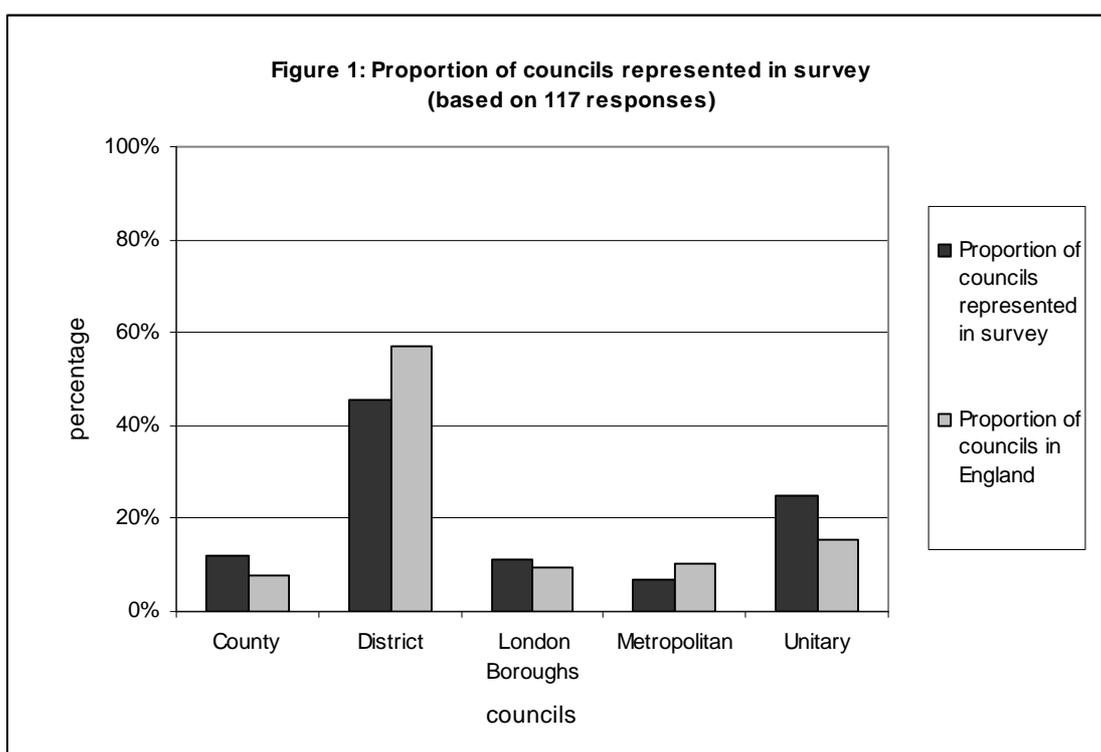
Our target population was the 353 local authorities in England. We sought to obtain responses from the central FOI officer in each authority. For the sake of cost-effectiveness and efficiency we communicated with authorities only via email. We built our list of email addresses of FOI practitioners from 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 per cent of councils received an email inviting them to fill in the survey. When we closed the survey on 30 September, FOI practitioners at 117 authorities had filled out the survey in whole or part, which gave us a response rate of 33 per cent of the total population. Broken down by category of council, we achieved response rates in each category ranging from 22 per cent to 53 per cent (see Table 7). Our analysis takes into account the fact that not all individuals who filled out the survey answered every question. Therefore, for each question in the report we state the number of officials who actually supplied an answer.

Table 7 – Survey response rate by council type

England	Total number in England	Number that responded to our survey	response proportion
County Councils	27	14	52%
District Councils	201	53	26%
London Boroughs	33	13	39%
Metropolitan Councils	37	8	22%
Unitary Councils	55	29	53%
Total	353	117	33%

Of the respondents to our survey, 45 per cent were district council FOI practitioners, 12 per cent of respondents were from county councils, 11 per cent were from London boroughs, 25 per cent work for unitary authorities, and seven per cent metropolitan councils.

Figure 1 below shows the councils represented in our survey, relative to the proportion of different types of councils in England. It shows that district and metropolitan councils are underrepresented in our sample, while county, London and unitary councils are overrepresented.



Findings

Requests, releases, refusals, internal reviews, and meeting the 20-day deadline (Q1, Q2, Q3, Q4, Q5)

Q1. How many FOI and EIR requests did your authority receive during each quarter of 2009?⁴ (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.)

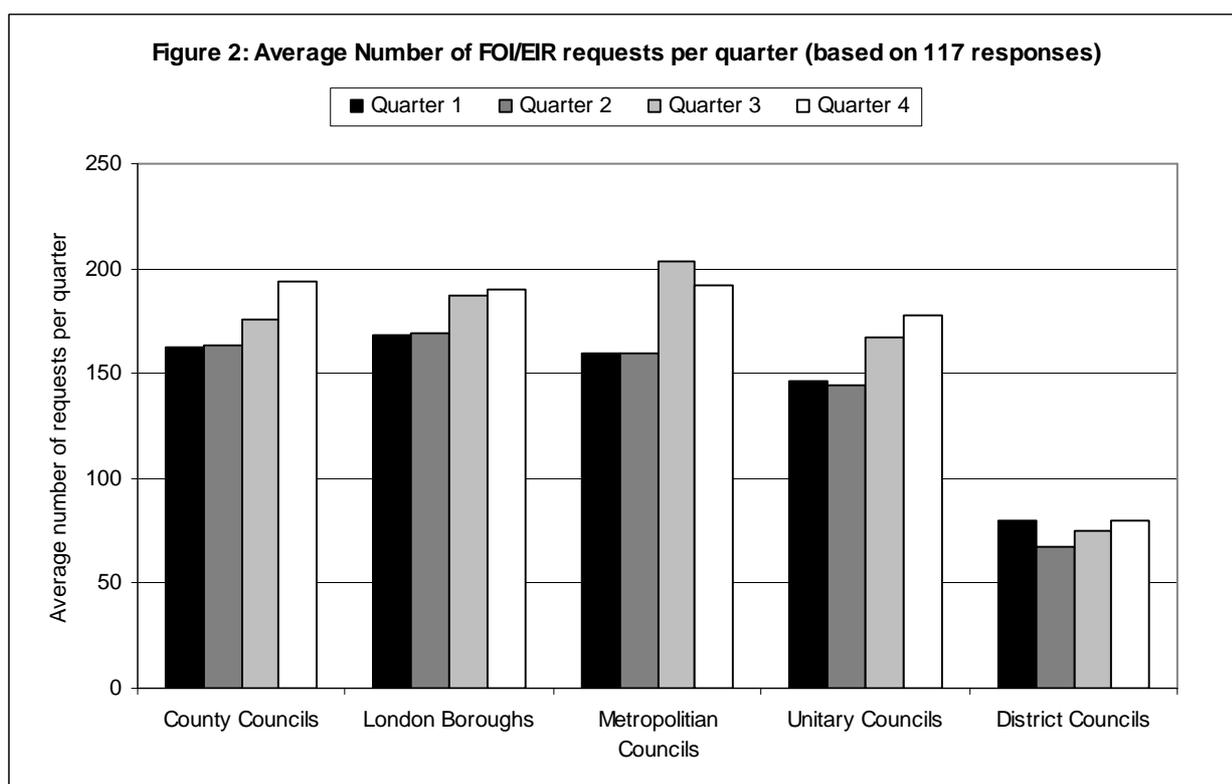


Figure 2 displays the average number of requests received by each type of council in each quarter of 2009. The trend has continued from last year, as all council types again saw an increase in the annual number of requests, from an average of 306 per council in 2008 to 466 in 2009.⁵ The average was 207 in 2007. Extrapolating the data received from our 117 respondents, we estimate the total number of requests received by all 353 English local authorities was 164,508. This is 46,000 higher than the 2008 estimate.

All council types experienced the highest volume of requests in quarter four, with the exception of metropolitan councils and, with the exception of districts and unitaries, the lowest volume of requests in quarter one. Table 8 shows Metropolitan and London authorities received the average highest number of requests over the year.

⁴ 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.'

⁵ See Appendix D for the table that shows how we calculated this number of total requests.

⁷ The Constitution Unit (2006) *Freedom of Information Act 2000: The First Year. The experience of local authorities in England*

Table 8 – Average number of requests during 2009, per council

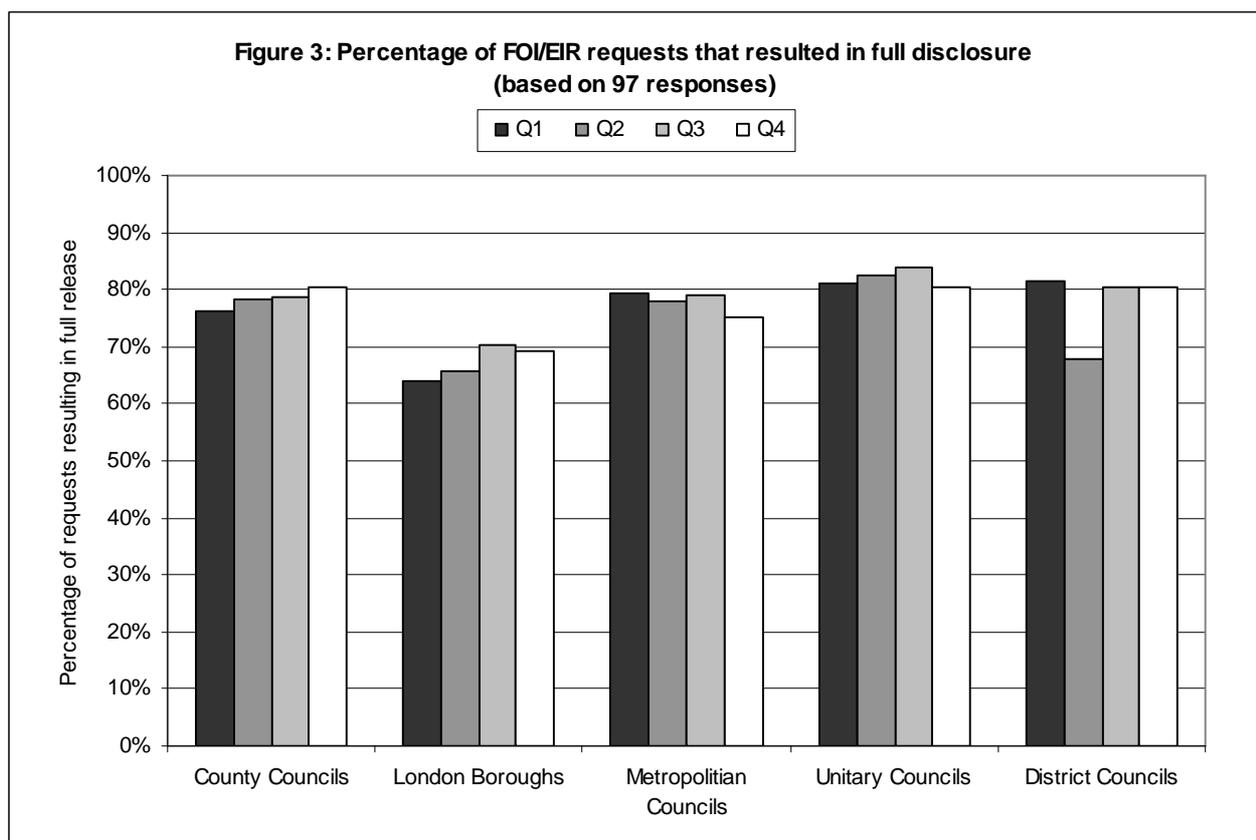
Metropolitan	716
London Borough	715
County	696
Unitary	635
District	302

We used the figures provided from question one as a benchmark to calculate the percentages of different requests' outcomes in the following questions. Not all 117 respondents to the first question answered subsequent questions, so we take the averages per council type to calculate the following data. See Appendix D for more details.

Q2. How many FOI and EIR requests resulted in a FULL release of the information requested in 2009?

Figure 3 shows the percentage of requests resulting in full disclosure. Averaging across all councils, the full disclosure rate fell from 84 per cent in 2008, to 78 per cent in 2009. This is still higher than the 2007 figure of 73 per cent.

In metropolitan councils, the percentage rate of full disclosure reduced from 91 per cent in 2008 to 78 per cent in 2009. Districts and London boroughs too dropped by 10 and 6 per cent respectively. County councils' full disclosure rate increased from 78 to 79 per cent, and so did unitaries, increasing from 80 to 82 per cent, the highest figure of all the council types.



Q3. How many FOI and EIR requests resulted in a release of NONE of the information requested in 2008?

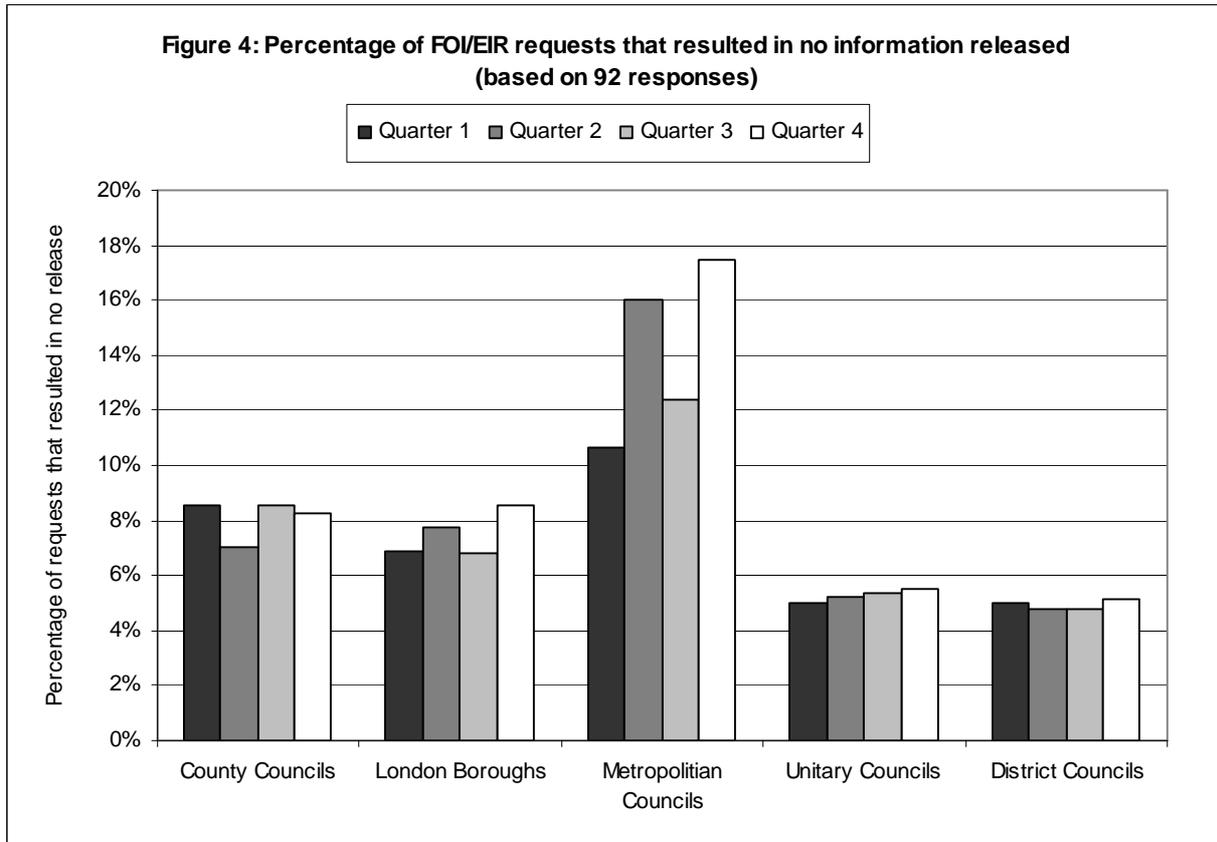
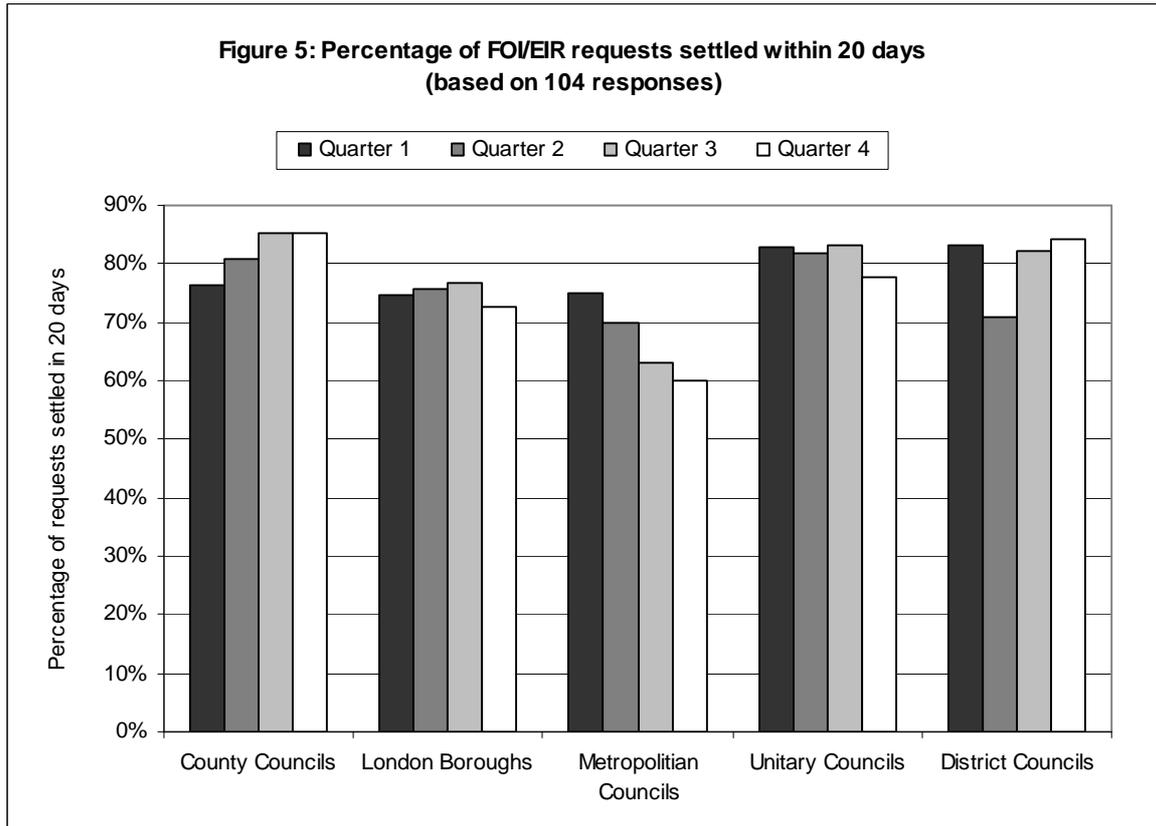


Figure 4 shows the percentage of requests refused. The average refusal rate across councils in 2009 was 7.2 per cent, slightly higher than the rate of 7 per cent in 2008.

Percentage refusals by London boroughs has changed significantly from year to year. It has ranged from 17 per cent in 2006, 8 per cent in 2007, 13 per cent in 2008, and 7.5 per cent in 2009. County councils' refusal rates have continued to decline, from 22 per cent in 2007, to 10 per cent in 2008, and 8 per cent in 2009. Unitary and district councils reported similar rates this year as last year.

The rate of refusals at metropolitan councils has increased from 5 to 14 per cent from 2008 to 2009. This is on account of disproportionately high figures provided by three of the seven respondents in this council category.

Q4. How many FOI and EIR requests were settled within the statutory 20-day time limit in 2009?



The percentage of all information requests answered within the 20 day time limit is 79 per cent. This is the average across all 353 councils, and it is the first time our surveys have reported a timeliness rate of less than 80 per cent (2005 – 85%; 2006 – 86%; 2007 – 83%; 2008 – 86%).

Figure 5 shows the percentage of requests settled within 20 days by council type. Metropolitan councils experienced a large drop in on-time responses, from 92 per cent in 2006 to 66 in 2007, but in 2008 increased their timeliness back to 95 per cent, and have now, in 2009 experienced a substantial drop to 66 per cent. They also experienced a drop in timeliness as the 2009 year progressed.

Unitaries have dropped from 88 to 82 per cent from 2008 to 2009, and districts from 89 to 83 per cent. After remaining steady at 80 per cent in 2007 and 2008, county councils have increased their timeliness rate to 82 per cent this year.

Q5. How many requests were subject to an internal review within your authority in 2009?

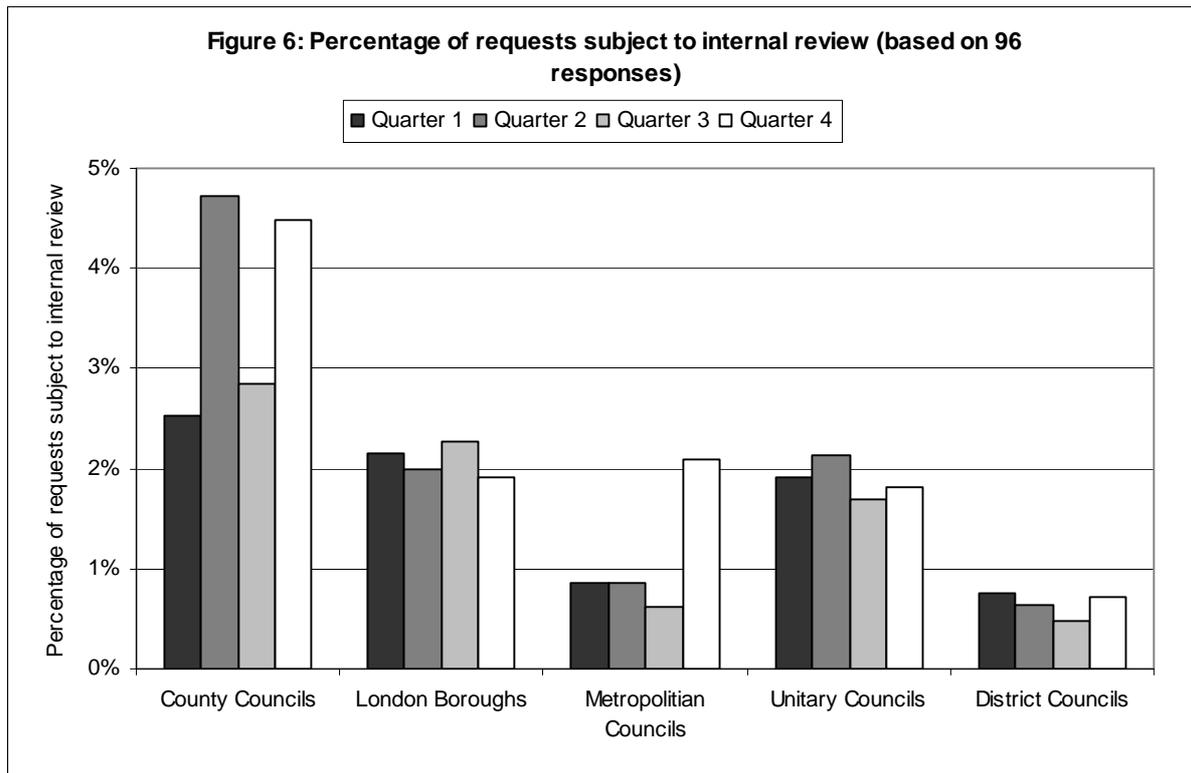


Figure 6 deals with internal reviews. In 2009, 1.6 per cent of all requests to local authorities were subject to internal review. This compares to 1.4 in 2008, 1.5 in 2007, 2.4 in 2006 and 2.2 in 2005.

The highest rate of internal reviews was carried out by county councils, up from 1.8 per cent in 2008 to 3.6 per cent in 2009. London boroughs remained fairly steady from 2008 to 2009, from 2.1 to 2.08 per cent, and so too did unitaries, falling from 1.6 to 1.36 per cent.

Metropolitan councils had a slight increase in the proportion of requests subject to internal review, up from 1.2 per cent in 2008 to 1.89 per cent in 2009. The proportion for district councils has continued to decrease, from 1.4 in 2007 to 0.9 per cent in 2008 and again to 0.7 per cent in 2009. This is the lowest council average.

Staff assigned to FOI and EIR compliance tasks (Q6)

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 2008? (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: a) in many authorities FOI compliance is only one of a number of staff responsibilities; b) 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.

We received 102 responses to the question excluding 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 8 below shows our analysis, based upon these 102 responses.

Table 9 – FTEs assigned to FOI compliance tasks and average hours spent per request

Authorities (102 responses)	Total FTEs	Total FTE hrs/month	Total requests (12 months)	Average requests/month	Average hours/requests
	273.7	38,318	51,126	4,261	8.9
<i>Only councils that provided both total requests and FTE numbers are included in this table</i>					

In 2009 we have again seen some differences between the different types of council. The range is from an average of 7.8 hours handling a request by London Boroughs to an average of 10.2 hours by Metropolitan councils. However, given the comparatively small samples and the difficulties about estimating described above we are cautious about drawing any firm conclusions from these differences.

Overall, there was a significant reduction in the average hours spent handling a request from 11.6 hours in 2008 to 8.9 hours – some 23 per cent.

By multiplying this hourly average by our estimate for the total number of requests, we can calculate 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 £36.6 million in 2009. This compares with our estimate of £34 million for 2008. In 2005, we estimated the annual cost as less than £25 million.⁷

As in our previous reports we would like to highlight the wide spread around the overall average of 8.9 hours. 42 councils - including 28 district councils - reported spending between an average of one to six hours handling a request. 26 councils reported spending ten hours or more on average handling a request. Both groups included all five types of council.

Requesters' volume and time intensity (Q7,Q8)

Q7. To the best of your knowledge, which were the top three categories of FOI requesters to your organisation in 2008 IN TERMS OF NUMBER OF REQUESTS? (e.g. public, media, business, NGOs, etc)

We asked respondents for a first, second and third choice for the top three sources of requests and suggested requester categories that were not prescriptive. We then coded the responses under broad headings. Not all officials provided a first, second and third choice (see Table 10).

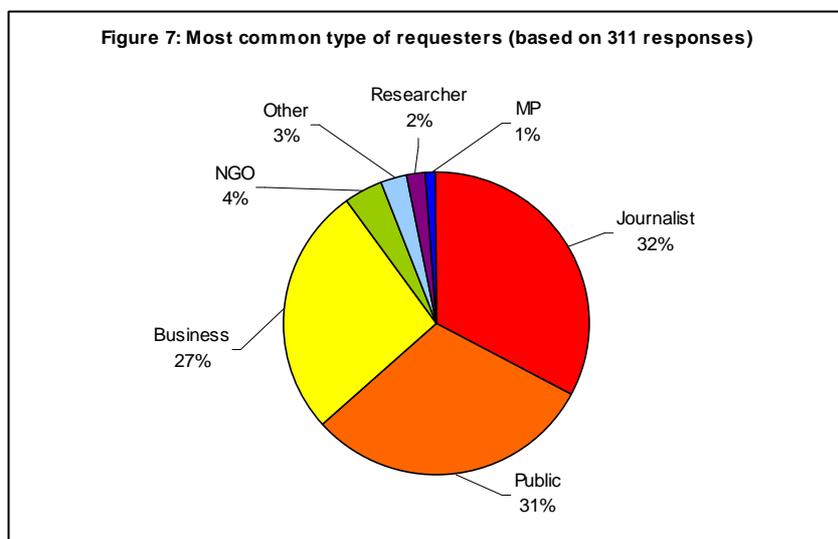
Table 10 – Types of requesters by volume of requests

Request source	Largest number of requests		
	Number of first choices by officials	Number of second choices by officials	Number of third choices by officials
Public	59	11	15
Journalist	30	51	21
Business	12	34	45
NGO	1	2	11
MP	0	1	2
Researcher	0	3	5
Other	3	2	3
Total responses	105	104	102

Table 10 shows the types of requesters by volume. 59 of the 105 officials who answered this question said the largest group of requesters in 2009 was the public, followed by journalists and then business. Second choices for the highest number of requests put journalists on 51 followed by business on 34 and the public on 11.

We then gave a weighting of 45 to first choices, 35 to second choices and 30 to third choices. We added the weighted totals in each category and adjusted the results to percentages. The results - almost identical to 2007 - are as follows:

1. Journalist 32%
2. Public 31%
3. Business 27%
4. NGO 4%
5. Other 3%
6. Researcher 2%
7. MP 1%



Q8. Using the same list of requester categories, please select the top three categories 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).

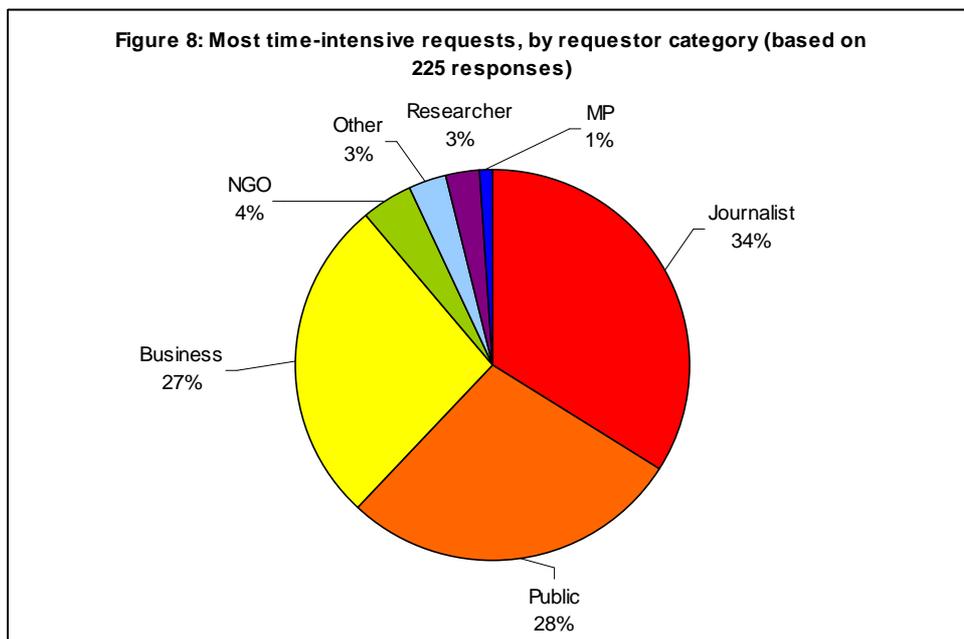
Table 11 – Types of requesters by time-intensiveness

Request source	Officials' choices		
	Most time-intensive requests	Second-most time-intensive requests	Third-most time intensive requests
Public	25	16	23
Journalist	43	23	5
Business	12	26	27
NGOs	1	2	6
MP	0	0	3
Researcher	0	4	2
Other	3	2	2
Total responses	84	73	68

Table 11 show requester types by time intensiveness. Not all officials provided three answers, but 84 did provide a first choice. Requests of journalists in particular were considered lengthy, chosen by over half of officials as the most time-intensive requests. Businesses and the public were also popular choices for the source of the first, second and third-most intensive requests. NGOs made the top three in choices for the third-most time intensive requests.

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, again similar to 2007, are as follows:

1. Journalist 34%
2. Public 28%
3. Business 27%
4. NGO 4%
5. Other 3%
6. Researcher 3%
7. MP 1%



Information requested (Q9, Q10)

Q9. To the best of your knowledge, which were the most requested categories of information to your organisation in 2009 IN TERMS OF NUMBER OF REQUESTS? (largest, second largest, and third largest)

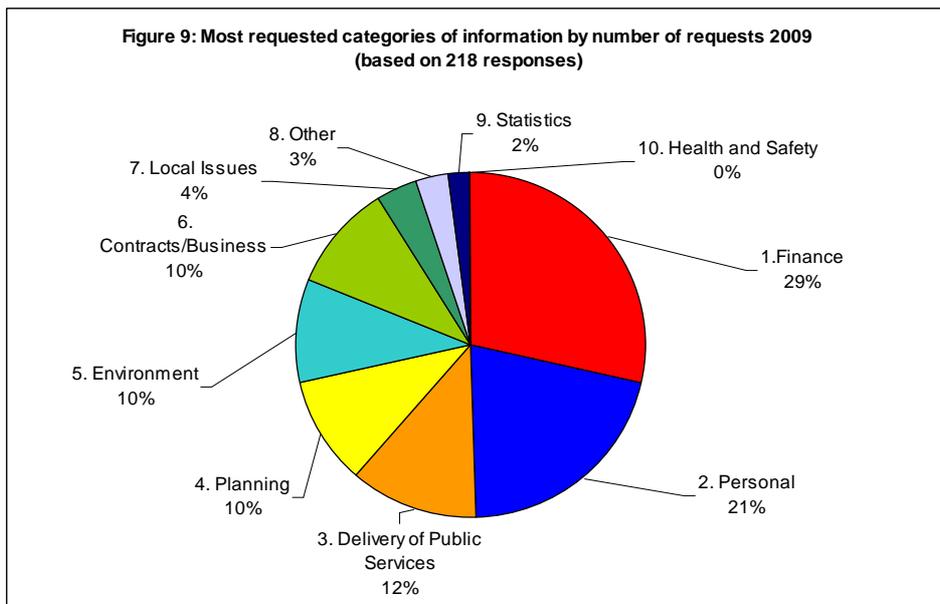
Table 12 - Types of information requested, by volume of requests

Request topic	Officials' choices		
	Largest volume topic	Second-largest volume topic	Third-largest volume topic
Finance	24	21	16
Delivery of Public Services	5	10	14
Environment	8	7	7
Planning	8	8	6
Contracts/business	4	9	9
Personal	15	21	8
Other	2	2	3
Local issues	2	3	3
Statistics	2	1	0
Health and Safety	0	0	0
Total responses	70	82	66

Table 12 shows the top three choices of officials for the most popular topics of requests. Not all officials provided a first choice, though finance was a clear leader for the topic of most requests. 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. Finance	29%
2. Personal	21%
3. Delivery of Public Services	12%
4. Planning	10%
5. Environment	10%
6. Contracts/Business	10%
7. Local Issues	4%
8. Other	3%
9. Statistics	2%
10. Health and Safety	0%

Requests relating to finance remain the most requested type of information in 2009, as was the case in 2008. The most significant change between 2008 and 2009 was the increase in requests for personal information – concerning human resources details, list of salaries of local authority employees and the costs incurred by individual council members – which now makes up 21 per cent of requests, up from eight per cent last year. Requests relating to planning, the environment and contracts/business have remained stable since 2008. Requests on the delivery of public services fell in demand from 25 per cent in 2008 to 12 per cent this year.



Q10. 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)

Table 13 - Most time-intensive requests by information topics

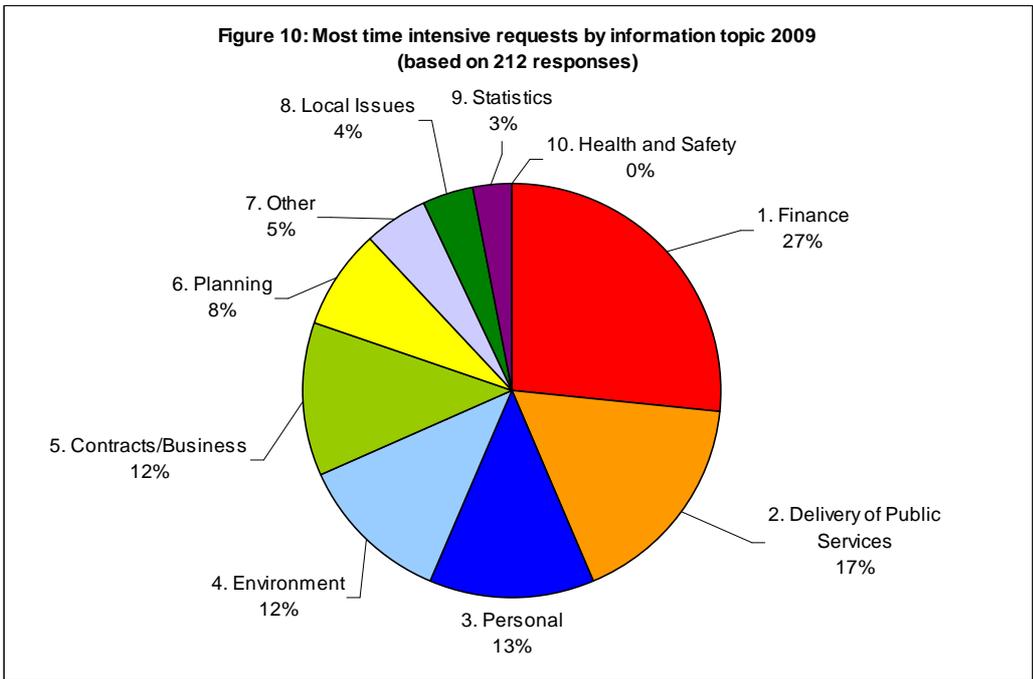
Request Topic	Number of choices by officials		
	Most time-intensive topic	Second most time-intensive topic	Third most time-intensive topic
Finance	30	11	12
Delivery of Public Services	8	16	15
Planning	5	6	6
Contracts/business	4	9	14
Environment	8	11	7
Other	3	2	5
Personal	10	12	5
Local issues	4	1	3
Stats	3	2	0
Health and Safety	0	0	0
Total responses	75	70	67

Almost one-third of officials placed finance as their first choice for the most time-intensive topic, a similar figure to last year. Personal information was chosen by 10 officials, then delivery of public services and environment chosen by eight officials each. Delivery of public services was the most popular second choice, and the most popular third choice.

We then 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. Finance | 27% |
| 2. Delivery of Public Services | 17% |
| 3. Personal information | 13% |
| 4. Environment | 12% |
| 5. Contracts/Business | 12% |
| 6. Planning | 8% |
| 7. Other | 5% |
| 8. Local Issues | 4% |

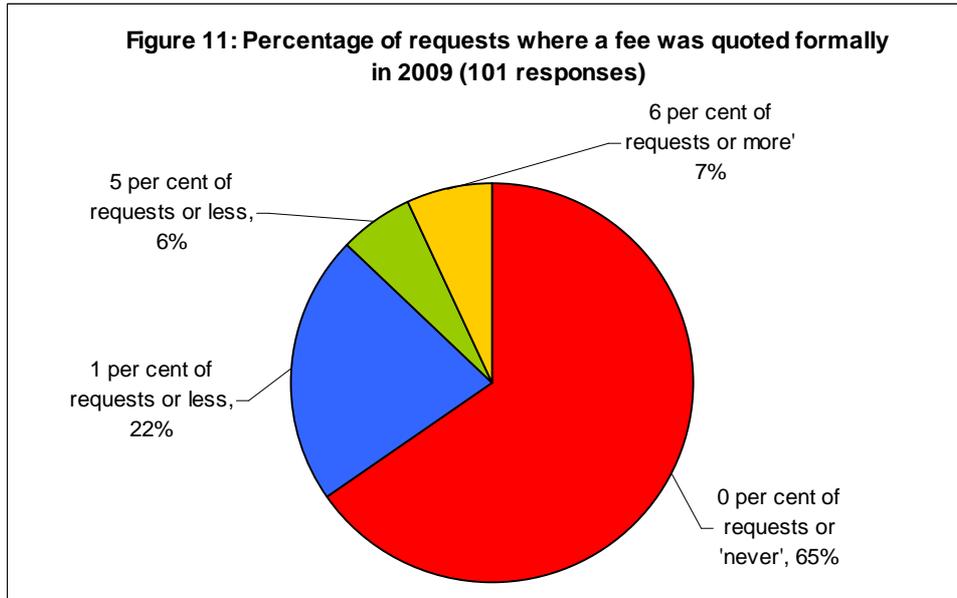
9. Statistics 3%
10. Health and Safety 0%



Fees (Q11, Q12)

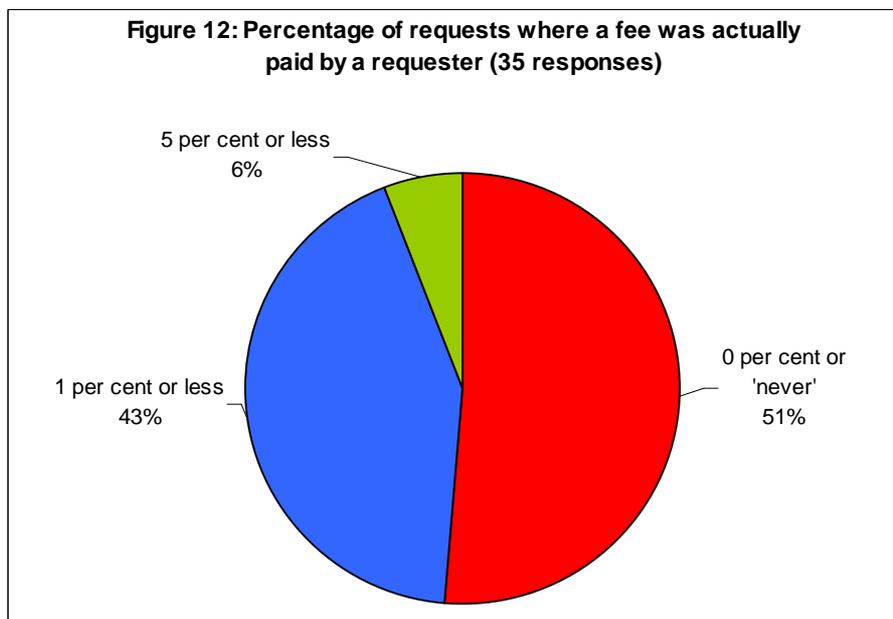
Q11. In approximately **WHAT PERCENTAGE** of cases did your organisation charge a fee for an FOI request in 2009 for any reason?

Figure 11 shows how few authorities charged for any type of request in 2009, whether for disbursement or charging for excessive cost. 65 per cent of authorities did not charge in any circumstances. This is slightly lower than last year's figure of 72 per cent. 22 per cent of authorities charged in 1 per cent of cases or less, and 6 per cent of authorities charged in 5 per cent of cases or less. 7 per cent of local authorities stated that they charged for a request in 6 per cent or more of cases (Figure 11).



Q12. In approximately what percentage of cases did your organisation **ACTUALLY RECEIVE** a fees payment for information?

According to the 35 responses we received from this question, 51 per cent of respondents stated that a fee is never actually paid. 43 per cent of the responses stated that the fee is paid in 1% or less of the cases, while 5 per cent of respondents listed it being paid in 5% or less cases. No respondent said fees were paid more than 6 per cent of the time



Problems with compliance (Q13)

Q13 . Please describe the top three problems you experienced with FOI/EIR compliance in 2008.

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 2009. We grouped these responses into categories and counted the number within each category.

Table 14 – Top three problems with compliance

Problems	number of responses as first choice	number of responses as second choice	number of responses as third choice
Cooperation	20	9	10
Requests and requesters	18	29	19
Training, processes	2	4	11
Records management	10	8	8
Timescales	9	19	4
Resources	35	13	13
Business use	1	4	3
Other	3	3	4
Total responses	98	89	72

We then 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. Requesters and requests | 25% |
| 2. Resources | 24% |
| 3. Cooperation and support from service departments and management | 15% |
| 4. Timescales | 12% |
| 5. Records management | 10% |
| 6. Lack of training, processes, systems and advice | 6% |
| 7. Business use | 3% |
| 8. Other | 4% |

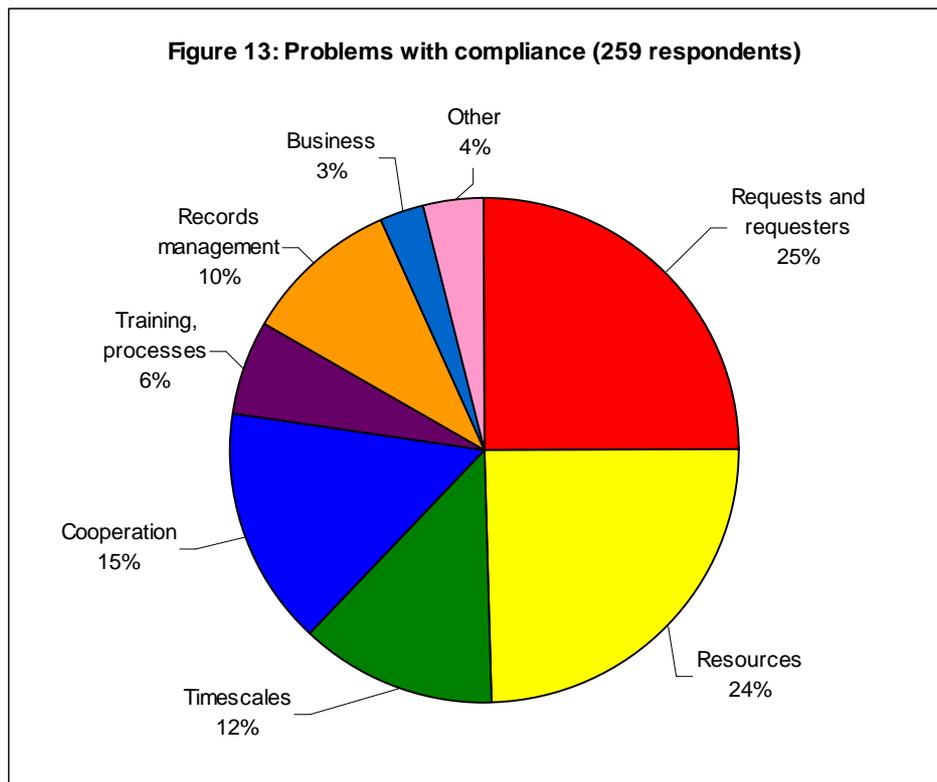
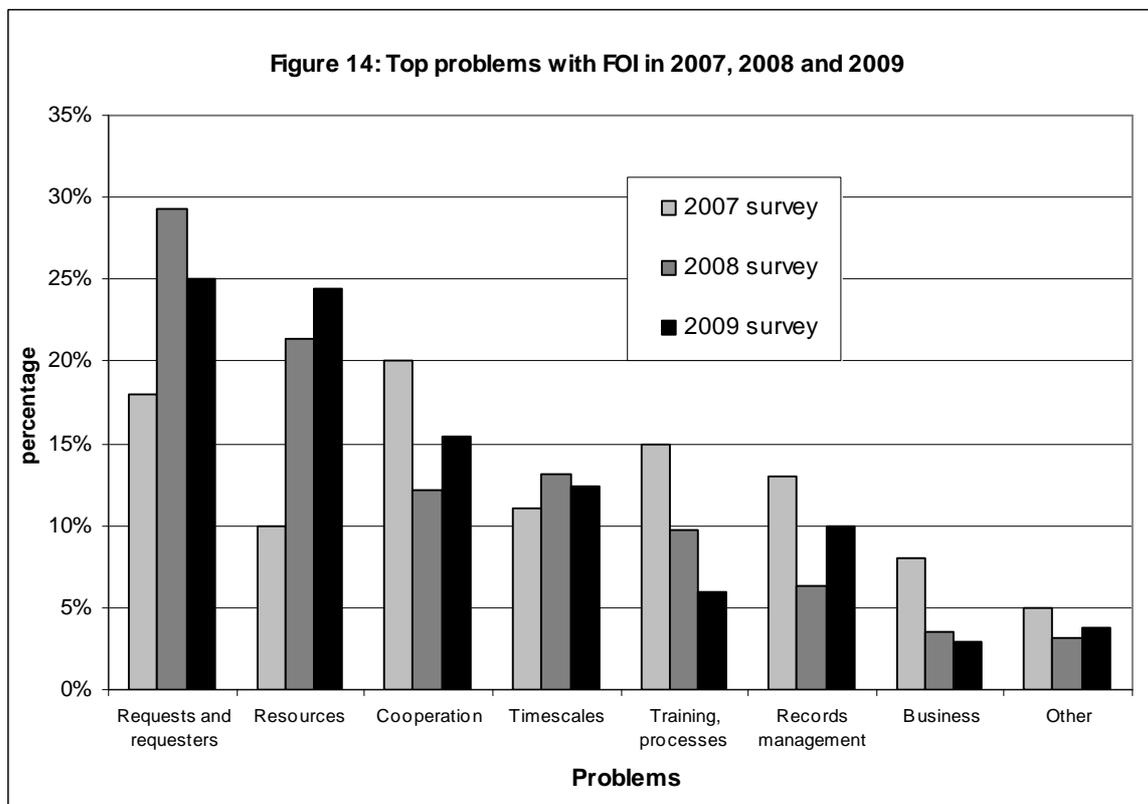


Figure 14 below shows the problems associated with 'resources' have continued to increase over the last three years, from 10 percent in 2007, to 24 per cent in 2009. Problems with 'requests and requesters' has decreased from last year, but remains the highest ranked problem by officials in 2009. Problems with training and business use have continued to decrease.



Some examples of the comments we received from respondents:

Requesters and requests (66 mentions: first choice - 18 respondents, second choice - 29 respondents, third choice - 19 respondents)

- “Persistent requesters never satisfied with response”
- “Repeated requests which became vexatious”
- “Long lists of questions rather than asking for information”
- “Increasing complexity of requests”
- “Unclear Requests”
- “Trawling requests from media and campaign groups”
- “Journalists!”
- “Anonymous Googlemail Requests”
- “Use of language by requestors - not same as council's”
- “Expectations of requesters as to what information would be held”
- “Some public over using FOI to further complaints”
- “Poor requests have made staff question the importance and value of FOI/EIR”

Resources (61 mentions: first choice - 35 respondents, second choice - 13 respondents, third choice - 13 respondents)

- “Answering requests where the information was difficult or time-consuming to extract.”
- “Massive increase in number of requests with no more staff”
- “Lack of staff time to collate the information”
- “Reduced staffing”
- “Increasing volumes of requests”
- “Increased impact on departments in having to divert from normal duties to dealing with often complex requests”
- “Officer time - no dedicated FOI department, staff fitting it round their other roles”
- “With cut backs in resource it is growing increasingly difficult to meet the statutory deadline”

Cooperation and support from service departments and management (39 mentions: first choice - 20 respondents, second choice - 9 respondents, third choice - 10 respondents)

- “Staff not providing information within time limits”
- “Timeliness of responses from contributing departments”
- “Getting staff to prioritise FOI work”
- “Senior management reluctance to cooperative fully with the spirit of the act”
- “Resistance from staff to do the 'extra' work for FOI requests on top of their normal duties. It's seen as an additional task and a hindrance rather than something everyone has to do now.”
- “Getting buy-in from officers regarding the handling of a request, when the request is clearly from a journalist and they are clearly making the request to use the information against the Council (i.e. trying to name and shame).”
- “Lack of co-operation due to low morale and staff cuts”
- “Council departments trying to influence the way we respond to requests”

Timescales (32 mentions: first choice - 9 respondents, second choice - 19 respondents, third choice - 4 respondents)

- “Locating, extracting & collating information within the appropriate limit if not held centrally”
- “Complying with statutory timescales for complex requests”
- “Time consuming - time not spent on working for our residents”
- “Increased workload on staff who find it difficult to find time to answer”
- “The amount of time taken to collate requests”

Records management (26 mentions: first choice - 10 respondents, second choice - 8 respondents, third choice - 8 respondents)

- “Data quality in some systems is not always great, therefore requiring manual checks/cleaning of spreadsheets etc”
- “Information/Records Management - email retrieval in particular”
- “Lack of knowledge as to what information we hold”
- “Identifying the specific data requested from the whole records we hold, and who holds that data.”
- “Information not being held in an organised manner”
- “Poor quality information management procedures in service areas”
- “Not having the data in easily retrievable formats”
- “Information not centrally held”

Lack of training, processes, systems and advice (17 mentions: first choice - 2 respondents, second choice - 4 respondents, third choice - 11 respondents)

- “Uncertainty over applying exemptions”
- “Staff not recognising FOI requests”
- “No time to train staff which results in more queries”
- “Determining what is EIR compared to FOI”
- “Determining the use of exemptions/exceptions”
- “Keeping on top of training requirements”

Other (10 mentions: first choice - 3 respondents, second choice - 3 respondents, third choice - 4 respondents)

- “Whatdotheyknow.com - requests not coming through and being criticised for not receiving them”
- “Competing statutory duties”
- “Redacting personal information”
- “More appeals”
- “Frustration that some information could be made more readily available.”

Business Use (8 mentions: first choice - 1 respondent, second choice - 4 respondents, third choice - 3 respondents)

- “Being plagued with organisations "touting" for business under cover of the FOI Act”
- “Large number of commercial requests taking much officer time”
- “Sometimes it may adversely affect procurement processes if information has to be given (and cannot be withheld under FOI) during a tendering phase.”
- “Requests from commercial organisations for information to be used for marketing demoralise staff”
- “Reduced staff buy-in is also caused by the significant number of commercial requests for information we receive (i.e. to populate commercial organisation's marketing list). This use of the FOI is seen to undermine the spirit of the Act and uses up limited resources.”

Benefits of FOI (Q14)

Q14. Please fill in the top three ways in which you think FOI positively affected your organisation in 2008.

We asked respondents to give us the top three most positive effects of FOI on their authority in 2009. We then grouped the responses into several categories and counted the number within each category. We received 91 first choices, 68 second choices and 43 third choices.

Table 15 – Top three benefits of FOI

Benefits of FOI	number of responses as first choice	number of responses as second choice	number of responses as third choice
Openness, transparency and accountability	36	18	6
Improvements to the organisation	11	16	16
Better records management	31	27	12
Improved relationship with the public	5	2	4
None/I don't know	8	5	5
Total responses	91	68	43

We then 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. Better records management | 35% |
| 2. Openness, transparency and accountability | 31% |
| 3. Improvements to organisation (not related to records management) | 20% |
| 4. None/I don't know | 9% |
| 5. Improved relationship with the public | 5% |

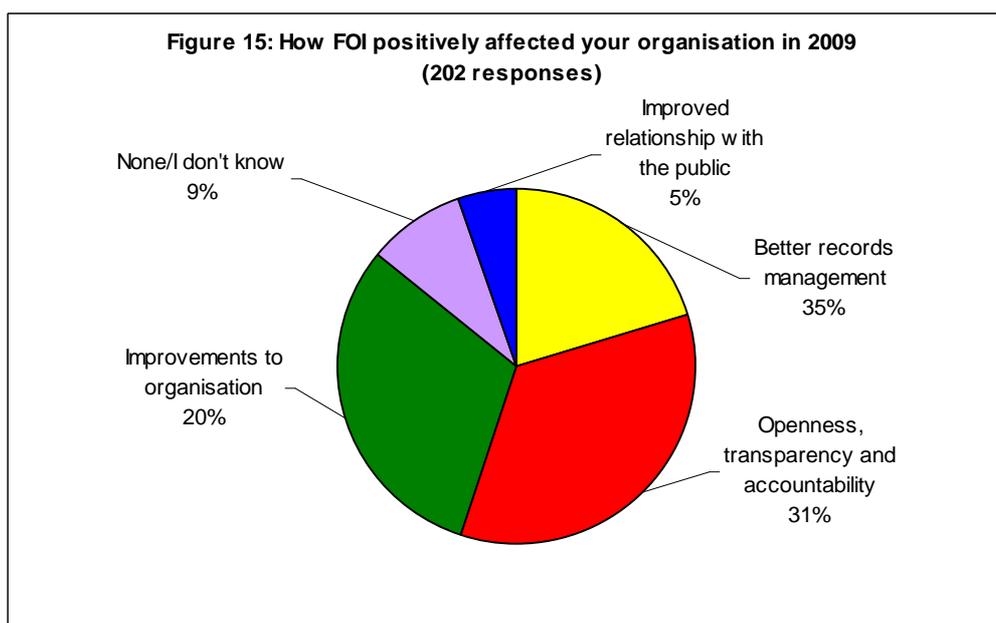


Figure 15 shows the biggest positive impact of 2009 was the 'Improvement of record keeping and data management' at 35 per cent. This was ranked second last year, at only 22 per cent. 'Openness, transparency and accountability' in local government was ranked third last year; it is

now ranked second at 31 per cent. Improvements to the organisation has dropped from the first ranking in 2008, to third in 2009, with 20 per cent.

Examples of responses:

Better records management (including information and website management) (70 mentions: first choice – 31 respondents, second choice – 27 respondents, third choice – 12 respondents)

- “Better record management practices since FOI”
- “Highlighted poor information management processes and the need for internal action”
- “Information is being collated into ‘standard answers’”
- “Increased awareness of the need to be careful about what is recorded and retained”
- “Identified some areas where more information can be published on the website”
- “Similar requests has resulted in making the information publicly available on the web”
- “Being able to put more information on the website as a result – knowing what information people want most and being able to be proactive in providing it”

Openness, transparency and accountability (60 mentions: first choice – 36 respondents, second choice – 18 respondents, third choice 6 respondents)

- “More openness and transparency”
- “Reputation – gaining trust through transparency”
- “Encourages accountability and openness of organisation – helps us demonstrate proactively what we do”
- “Process seen as transparent and workable”
- “Increased awareness about information created and the reasons for doing so”
- “Greater accountability”

Improvements within the organisation (43 mentions: first choice – 11 respondents, second choice – 16 respondents, third choice 16 respondents)

- “Developing good working relationships between departments”
- “Increased awareness of people’s rights to access information”
- “Council officers are more aware of FOI requests”
- “Increased member and senior officer interest as a consequence of publishing a full disclosure log”
- “Encourages breaking down of ‘silos’ of knowledge supports greater cross-departmental partnership working”
- “Made officers more aware of issues regarding other departments”

None/I don’t know (18 mentions: first choice – 8 respondents, second choice – 5 respondents, third choice 5 respondents)

- “I don’t think it did”
- “Can’t think of any”
- “It has not positively affected our organisation this year”

Improved relationship with the public (11 mentions: first choice – 5 respondents, second choice – 2 respondents, third choice 4 respondents)

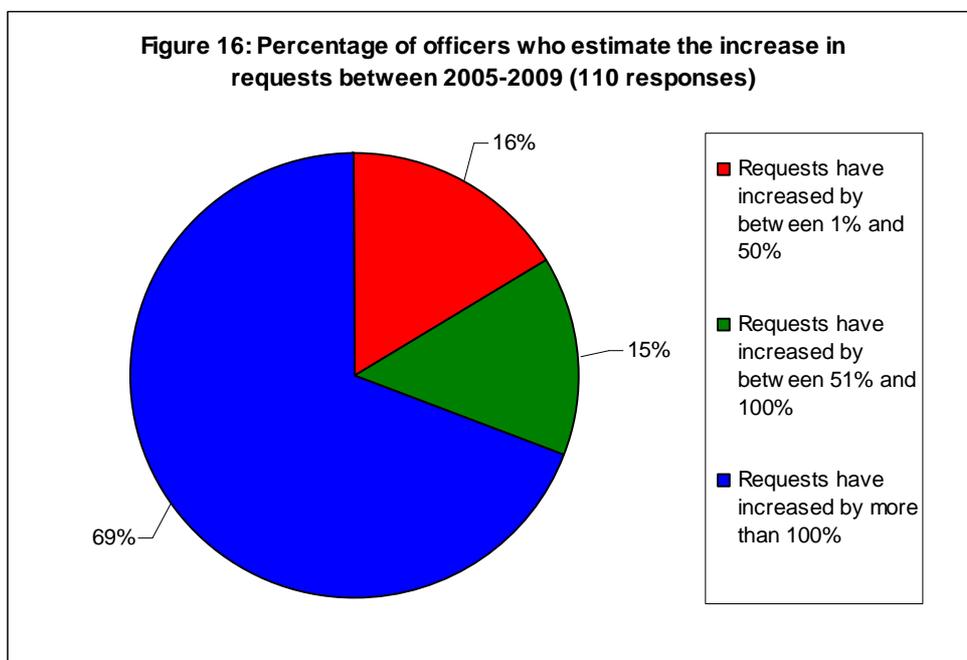
- “Engagement”
- “Community awareness”
- “Satisfied applicant/customer”

Extra mentions:

- “Opportunity to contribute to current issues”
- “State does not have a monopoly on public information”
- “Greater awareness of the need for professionalism in communications”

Increase in requests since 2005 (Q15, Q16)

Q15. Data collected from our previous surveys shows the number of requests to local government authorities has increased by over 95 per cent since 2005. Comparing 2005 with 2009, by how much have requests to your own authority increased? Please make a rough estimate.



The results indicate that there has been a large increase in FOI requests to English local councils between 2005 and 2009, with 69 per cent of respondents estimating that the number of requests has increased by more than 100 per cent. Our own estimate puts the increase at 172 per cent (see Table 16).

Table 16 – Estimated number of requests to all English local councils 2005- 2009⁸

Year	Estimated number of requests	Percentage increase year on year
2005	60,361	
2006	72,361	19.8%
2007	80,114	10.7%
2008	118,569	48.0%
2009	164,508	38.7%
Increase from 2005 to 2009		172.5%

Q16. In your opinion, what do you think accounts for the number of requests changing since 2005? Please suggest up to three reasons.

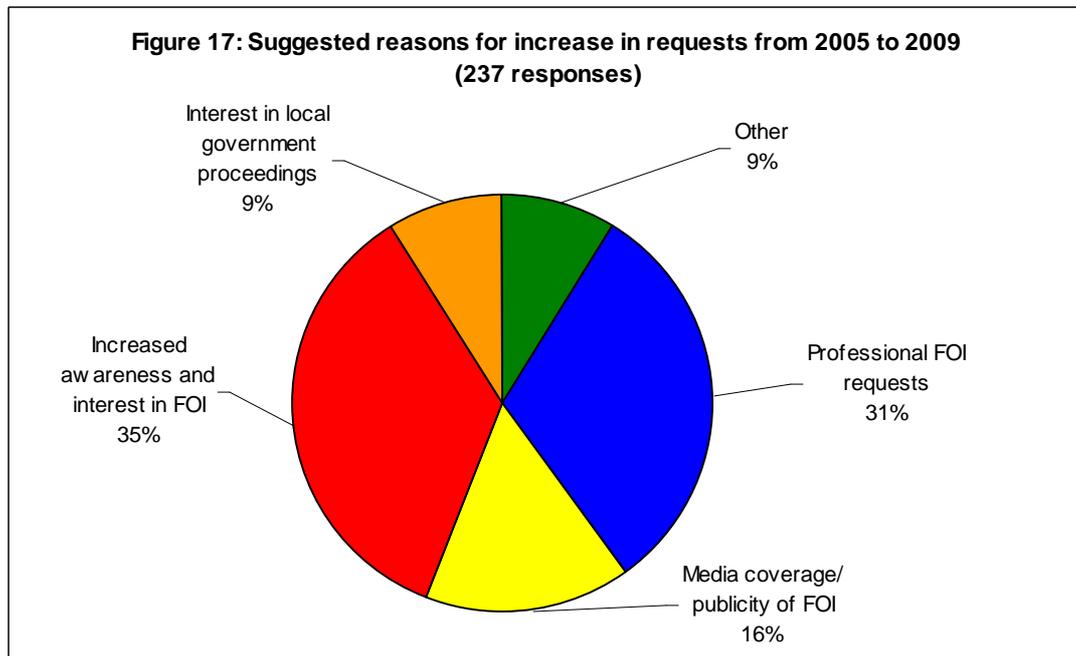
Many answers to this question included more than one substantive reason. We have broken the answers up into responses, thus we received 237 responses to this question.

⁸ See previous Constitution Unit surveys of English local government officials, at <http://www.ucl.ac.uk/constitution-unit/research/foi/foi-and-local-government>.

We then gave a weighting of 40 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. Increased awareness and interest in FOI	35%
2. Professional FOI requests (journalists, businesses, researchers)	31%
3. Media coverage/publicity of FOI	16%
4. Interest in local government proceedings	9%
5. Other	9%

The most common reason listed for accounting the increase in request numbers was ‘Increased awareness and interest’ with 36 per cent of respondents listing this. Increase in use of FOI by journalists, businesses and researchers was understood to be the second greatest factor at 30 per cent. Media coverage and increased publicity of FOI is ranked at the third main reason for the increase in number of requests received.



Examples of responses:

Increased awareness and interest (92 mentions: first choice – 61 respondents, second choice – 14 respondents, third choice 18 respondents)

- “Awareness of FOI Act”
- “Increase in public awareness of provisions of Act”
- “Public more aware of legislation”
- “Awareness – people now know FOI exists and are more aware of what it can be used for e.g. material for media stories, help with coursework, information to help people get the edge on their competitors. This wasn’t how it was ‘sold’ initially but it’s now clear it can be used for this”

Professional FOI requests (87 mentions: first choice – 18 respondents, second choice – 44 respondents, third choice – 25 respondents)

- “Greater use by media”
- “Commercial request for data”
- “More journalists becoming aware of FOI and utilising it (the pattern of requests we receive suggests journalists go on training courses where FOI request making is part of the course)”
- “Lazy journalism – anyone can be an ‘FOI journalist’”

- “Businesses collecting information to sell”
- “Increased use of FOI by media/researchers/businesses”

Media coverage and publicity (43 mentions: first choice – 18 respondents, second choice – 11 respondents, third choice – 14 respondents)

- “Through the media (including use of ‘Under FOI we have obtained the following information...’ in headline news); through visibility in ICO and Public Authorities’ communication channels; and through headline news concerning Public Sector information itself e.g. MPs’ expenses”
- “Publicity around FOIA in media”
- “Improved awareness via the press and media”
- “Media interest/hype on topical issues”
- “Publicity about MPs expenses”
- “Increased use of FOI by the media to try and find a ‘juicy’ story, particularly following the MPs expenses scandal and other high profile cases”
- “Media proactively using FOI for bad news stories”
- “Increased awareness of rights (promoted by constant media coverage)”

Interest in local authority proceedings (25 mentions: first choice – 5 respondents, second choice – 11 respondents, third choice – 9 respondents)

- “Public interest in Council”
- “Lack of confidence in government”
- “Interest in Councillor expenses”
- “Change to unitary bringing together 8 councils”
- “The ever-growing assumption – encouraged by media, political and special interest campaigns – that authorities receive too much funding/revenues, waste money and make bad decisions”

Other/Unsure (26 mentions: first choice – 2 respondents, second choice – 13 respondents, third choice – 11 respondents)

- “Local campaigners”
- “Access to email”

Additional comments (Q17)

Q17. 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 66 responses, some of which contained more than one substantial comment. In total we received 72 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	39%
2. Internal issues, including, management, culture, resources and systems	36%
3. Issues about legislation and the advice available	17%
4. Positive and constructive comments	1%
5. Problems completing the survey	1%
6. Other	6%

Below are some examples of the comments listed under each category.

Problems with applicants and requests (28 mentions)

- “Students submitting complex requests to support their thesis and the increasing complexity of requests which will be used commercially - we are not just giving facts we are doing some analysis and restructuring.”
- “A large volume of requests are a complete waste of time. I feel the act is being abused and not used for its true purpose. I think a fee similar to that of the DPA act should be introduced.”
- “It is very frustrating and stressful at times. People do not want to give out information for fear of extra work coming back in because of the requests. It is a very costly way of answering everyday questions.”
- “Often disbelief from the public - they tend to accuse you of withholding information.”
- “I think there could be more done to make requesters think twice about making silly requests.”
- “Despite a lot of the requests being genuine members of the public exercising their rights to knowing how the council works etc, I often feel like I am doing work for lazy journalists in that they jump on the band wagon with topical issues and dig for dirt to discredit councils.”
- “I feel the Act is being abused by the media and business which I believe is not what it is about, although I accept some good has come of it, such as bringing to light expenses claims.”
- “Frivolous requests and journalists looking for headlines and not actually trying to use FOI to improve services.”
- “I have significant concerns about the large number of ad-hoc, time specific FOI statistical requests that are being made to ourselves and other local authorities by journalists. These requests are time consuming to compile responses to, and also when officers take time to put the information in context and the journalist only utilise the headline figure in their article, then this can reduce staff buy in to FOI. Also requests relating to how much we spend on tea and coffee, tend to have the effect of undermining the importance of the FOI access regime.”

- “Requests are becoming more complex. A recent campaign on Potholes.com advised people to put in FOI's (should have been EIR's). It would have been useful if they'd have spoken to an expert in the field for advice on the wording before going live.”
- “There are occasions where people use FOI in place of just having a conversation with service areas if they have a complaint about something. Their problems would probably be sorted out a lot quicker and easier if they didn't just bang in an awkward FOI request as their first action.”
- “In our experience the FOI legislation is being used mainly by journalists to create a story, by commercial organisations for marketing purposes, for charities/unions etc for information gathering to force us to take part in surveys we may previously have declined, and by complainants requesting information to support their complaint. In very few cases is it being used in the spirit of the legislation.”
- “Global [‘round robin’] requests sent to many organisations have to be complied with yet the information given from this organisation is of very minimal value and doesn't not equate to the amount of time trying to retrieve the information.”
- “I wish the local community would use it more to find out information on issues. Most of the requests come from outside the community.”
- “Journalists use FOI to meet an agenda and use the results to fit that agenda. For instance: we didn't have a Christmas party paid for by our council. But I did not read about the savings being made for council tax payers from us not ‘enjoying’ - and I use the word loosely - a Christmas party.”
- “The main reason for FOI was to introduce transparency with public spending, however companies have taken advantage of the Act and are requesting information which has no public interest, only their own gain. Some information is being re-used and this can not be controlled if we don't find them out.”
- “Perception by the public that councils have 'something to hide' even though officers try hard to answer all requests.”
- “Despite making information available on the Disclosure Log it is noticeable that many requesters 'blanket' a large number of authorities without attempting any research and become accusatory if re-directed to information they must access and collate themselves. It is very hard to predict likely requests since many are prompted by media stories around specific issues, so publishing information, as we are encouraged to do by the ICO, has little effect.”
- “FOI has clearly increased over the five years it has been in place. This has meant an increase in the number of requests, the amount of staff time dealing with these and the amount of associated work such as publishing statistics, record keeping etc. Whilst I have always been in favour of openness and transparency and this is echoed by my employer, it seems that the Act is now being used for purposes for which it was not meant: tying up staff and resources on getting information to enable businesses to get contracts and serial complainers getting information to make the life of the local authority unbearable.”
- “The number of commercial requests is putting a strain on Authority resources (financial and human) and I don't believe this is what the Act was introduced for.”

Internal issues, including, management, culture, resources and systems (26 mentions)

- “FOI compliance is not given enough priority by senior managers, and this approach trickles down to all staff. Compliance is seen as an option rather than a requirement.”
- “We don't have any dedicated staff to deal with FOI/EIR/DPA requests and all have to be dealt with in addition to the ‘day job’. Numbers of requests are increasing alarmingly (148 in 2005, 420 last year and pro rata around 600 this year).”
- “If increased demand continues resourcing will become a serious issue. Given the financial difficulties that lie ahead for all public sector agencies additional resourcing will not be possible.”
- “It is also extremely time consuming to administer especially as we also receive increasing numbers of requests for information on our performance in responding to FOIs so we are having to keep more and more detailed stats on the volumes, timescales, topics, refusals, exemptions used etc all of which has a huge impact on officers at a time when there is pressure on budgets”

Issues about legislation and the advice available (12 mentions)

- “The £450 limit for Local Government is too high. We are having to make cutback to front line services yet are expected to provide marketing information to commercial companies free of charge using up vast amounts of staff time. I would love to have the public's opinion of how that provides them with value for money from their Council Tax.”
- “The Information Commissioner's Office is not helpful at providing guidance on individual enquiries. It seems that they would prefer for someone to launch a formal appeal for them to investigate, so they can come to a ruling on it, instead of just giving advice over the telephone to the authority requesting guidance. This is hardly an efficient way of doing things as it involves time being wasted in the internal review process and in preparing the papers to be sent to the ICO.”
- “If possible the relationship between EIR and FOI should be explained more clearly. At the moment it seems EIR covers the preposterously vague category of ‘environmental’ information, whereas FOI covers everything else, which means the rules are different.”
- “The penalties for not complying with the legislation are not stringent enough, resulting in organisations not taking it seriously and not resourcing it adequately.”
- “A flat fee of £10 per request should be introduced to manage the requests. The collection of information has been paid for by the taxpayer but there should be a flat fee to cover admin.”

Positive and constructive comments (1 mention)

- “The increasing number of requests and the lack of any specific funding creates problems. I think attitudes are finally beginning to change for the better though - towards greater openness and transparency.”

Some respondents mentioned issues that indirectly relate to complying with FOI:

- “Even though you inform the public of where they can find the information they still want you to obtain it for them.”
- “Often the FOI Act is used as a last request by the applicant after a long-running dispute with a Council service or department. The reliance on FOI leads to an information being disclosed that often still gives the applicant an incomplete picture, often leads to going over the same

ground again and often does not lead to satisfactory outcome. It leads the FOI officer into the middle of a dispute when the best resolution would be for the two parties to meet and discuss. The best example I can think of are contentious planning issues.”

- “Information requested through public websites such as whatdotheyknow.com, which display the responses to the public without our knowledge.”

Conclusions

We estimate that the number of FOI requests made to the 353 local authorities in England in 2009 is 164,508. This is 45,939 more requests than 2008 – an increase of 38 per cent.

We estimate the cost of FOI to English local authorities in 2009 to be approximately £36.6 million. This compares with our estimate of £34 million for 2008 requests. Request processing has become more efficient: dividing the total cost of FOI by the estimate of the number of requests results in £286.75 per request in 2008, and £222.48 per request in 2009.

County councils and London boroughs received on average the largest number of requests each, and district councils the fewest.

The respondents' answers highlight the MPs' expenses scandal as being a primary reason for increased interest and awareness in FOI, as would be expected. Secondly, the increase in requests was linked to improvements in accessibility of information through developments of online resources and databases. The recession was also quoted as an important factor in prompting increasing FOI requests as information relating to spending is more in demand.

This is reflected in the type of information requested. From 2008 to 2009, the proportion of requests for personal information - concerning human resources details, list of salaries of local authority employees and the costs incurred by individual council members – is up from 8 per cent last year to 21 per cent this year.

Local authorities are spending on average 8.9 hours per request, down from last year's average of 11.6 and the 2007 average of 15.3. While the public make the most requests, it is the requests from journalists and businesses that are the most time consuming. This time-intensiveness may account for the negative comments about journalists and businesses in Q13 and Q17.

Few authorities charged for requests in 2009, and less than half that did actually received the payment they asked for. We did not ask for the reasons for this non-payment, so cannot say whether this is due to a requester's refusal, or administrative difficulties. We also cannot assume that non-payment means a council would thus refuse to provide the information.

While authorities are receiving more requests, on average, than last year, the proportion of requests meeting the 20-day deadline, or resulting in full release, declined. There was also a slight increase in the number of internal reviews and the proportion of 'non-disclosed' requests.

The percentage of requests that resulted in a full release of information declined from 84 per cent in 2008 to 78 per cent in 2009, while the proportion of non-disclosure cases increased from 7 per cent to 7.2 per cent in the same period.

Local authorities processed 78.8 per cent of requests within the statutory deadline in 2009, down from 86 per cent of requests in 2008. The percentage of requests subject to internal reviews rose slightly from 1.4 per cent in 2008 to 1.6 per cent of all FOI requests in 2009.

Problems with FOI compliance in 2009 show a similar pattern to last year, with the proportion of respondents mentioning 'resourcing' continuing to rise. The main finding that emerges from the comments is that there has, almost universally, been a significant increase in FOI and 'round robin' requests without the increase in resources to match this level of demand.

Another issue is the perception that FOI is being 'misused': officials feel that the use of FOI by 'lazy' journalists and students does not comply with the spirit of FOI. They feel they are burdened by vexatious requests and then accused of withholding information by requesters.

A number of respondents recommended the introduction of fees to curb the requests. They argue that currently FOI is poor value for money. Seeing 'training and processes' as a problem continues to decline, presumably as the legislation continues to bed in.

'Improving records management' was a significant positive outcome of FOI in 2009, as was 'increased openness and transparency', which after a dip last year, has almost returned to 2007 levels. Mentions of 'an improved relationship with the public' have dropped after remaining static from 2007 to 2008. It is now the lowest ranked benefit of FOI.

Accounting for the increase in FOI requests in 2009, two-thirds of all officials cite awareness of the Act or professional use. Only 9 per cent cite an 'interest in local government proceedings', suggesting most officials do not see FOI as a conduit to participation or understanding of local government.

Looking back over the Act's first five years, there has been an increase in the number of requests made to English local authorities of over 172 per cent. Over the same period of time, the average time taken to process a request has dropped from an average of 16.4 hours to 8.9 hours. The estimated total cost of FOI to English local authorities has increased from £24.8 million in 2005 to £36.6 million in 2009.

The Unit has received funding from the Economic and Social Research Council to undertake a two-year study into the impact of FOI of English local government, which these officials surveys will help inform. See Appendix A for some preliminary findings from this project at the half-way point. We are also hoping to elicit the views of those who make requests to local government. We are very grateful to the councils who have provided a link to our online requesters survey on their websites or in their FOI responses. If any other council would like to help us disseminate the survey to requesters, please contact Ben Worthy at b.worthy.ucl.ac.uk or tel: +44 (0) 20 7679 4974.

Appendix A – FOI and local government preliminary findings

Our [FOI and Local Government project](#) began in August 2009. It is funded by the ESRC (RES-062-23-1748)

The Project

Local government in England has been the focus of more than two thirds of all FOI requests. Understanding the impact of FOI on local government is central to a wider understanding of how the Act is working. The Constitution Unit at University College London has been funded by the ESRC to do a two year study of the impact of FOI upon local government.

This is the first systematic study of the objectives, benefits and consequences of FOI and local government. The study evaluates the impact of the legislation by speaking to selected officials across 15 different local authorities and conducting a survey of FOI officers in local authorities across England. The project also surveys requesters who use FOI, interviews local journalists and examines media articles that report FOI.

We seek to measure FOI against the objectives set for it, asking whether FOI has made local government more transparent, more accountable and improved decision-making; as well as evaluating the effect of FOI upon public understanding, participation and trust in local government. All interviews are anonymous.

The study also examines how FOI has interacted with the new structures and ways of working of local government. It will seek to measure how FOI has impacted upon local political leadership, local accountability, partnership working and local service provision.

Project progress

- The project is now at its half way point (14 months of a total 28).
- The findings below are by no means final and complete-some (especially the interviews) are impressionistic.
- 8 authorities have been interviewed. The range of authorities is quite wide in terms of size but also in terms of attitude to FOI.
- We can roughly classify them as (i) 2 very well performing/'model' authorities, (ii) 4 medium to good and (iii) 2 authorities that have had particularly bad experiences.
- The FOI requesters survey is based on **only 40 responses**
- Survey of local journalists is based on 16 responses
- We have done 50% of the national press coding (around 1k out of 1500).
- We have done 30% of the regional coding (have not yet done all the analysis but around 300 out of 1k).

When examining the impact of FOI on local government 3 key contextual points need to be borne in mind

(i) The first point is that local government's patchwork of openness is very variable. Local government as a whole sees itself as very open. However, as with central government levels of openness are variable but this even more so at local level with 354 different local authorities all of who can 'do' FOI differently. This can be down to a range interrelated factors (but difficult to generalise)

1. **Political attitudes.** Does FOI have the support of senior staff or is it seen as a burden or legal straitjacket? Also in terms of best use of resources. This can change over time either positively or negatively.
2. **Experience.** Some authorities may have been 'hit' by particular uses of FOI that shaped perceptions e.g. heavy use by business, high profile exposure of salaries or allowances, long running issues (parking, particular development etc).
3. **Political balance.** A 'one party state' can absorb any FOI revelations far better than a hung or authority with a small majority.

There does not appear to be clear ways to generalise. For example a well performing council appears no less likely to be enthusiastic than a less well performing one and political ideology has little influence.

(ii) The second key contextual point is that FOI requests are increasing

- The Unit's surveys of FOI officials show that use of FOI has increased sharply against the central government trend that FOI use gradually increases:

Year	Estimated number of requests
2005	60,361
2006	72,361
2007	80,114
2008	118,569
2009	164,508

- No single explanation for the rise in requests has been given. A number of explanations have been offered, though all are accorded very different weighting
 - **Increased general use by the public** particularly post MPs' expenses scandal
 - **Increased use by the media** (particularly round robins from the national media i.e. requests sent to all local authorities)
 - **Increased use by business** (also round robins)

(iii) The third point is that we are attempting to measure organisations in constant change

- **In general local government has gone, and is going through, a great deal of change:** committee system to Cabinet, shift from government and direct service delivery to governance/partnership, a wide range of democratic experiments (more to come with increased financial and political autonomy)
- **In terms of openness** there has been a range of access legislation since 1960s covering open meetings, publication of documents, access to accounts (more to come for publication of spending, contracts and online innovations)

We can now turn to the question of examining if FOI has met each of its objectives.

Has FOI met its Objectives?

Survey of FOI officers (2008)

Objective	Agreed
Transparency	95 %
Accountability	78 %
Improved public understanding of decision-making	49 %
Better decision-making	26 %
Participation	25 %
Trust	25 %

Has it increased transparency?

- Majority of officials seem to feel that FOI may have made a slight improvement but that authorities are very open in general due to (i) earlier legislation (ii) general shift towards openness with other reforms (consultation and other initiatives).
- It has encouraged more pro-active disclosure
- A few feel FOI has created a 'legalistic straitjacket' and inhibited previously informal openness
- Requesters seem to feel that local government is now more transparent.

Has it increased accountability?

- As with transparency some officials felt that local government was always very accountable and open and cite the range of external mechanisms, performance targets and other instruments such as the Audit regulations (though not clear what the abolition of central monitoring will do here).
- Others felt it had done so especially over smaller activities such as allowance use or decisions made on a low level (e.g. licensing decisions)
- Requester felt it has made local authorities more accountable.

Has it led to better decision-making?

- Few officials felt it had any impact
- Had been changed by wider reforms particularly the shift from Committee to Cabinet system
- This reform was viewed as a mixed blessing bringing increased efficiency and speed but at the expense of democracy and full deliberation.

Has it increased public understanding of local decision-making?

- The difficulty is that local government is, and has been, accessible by many other means: local government legislation since the 1970s, minutes online, public access to meetings.
- Few officials felt it has had any impact - when there has been interest it has been irregular and around a particular issue of personal interest or controversial.
- However, the largest group of requesters felt it had increased their understanding.

Has it increased participation?

- Very difficult because local government has always been very experimental and constantly changing in terms of participation
- Many cited range of participation mechanisms such as council meetings, questions at Cabinet/council meetings, juries, surveys, community groups, LSPs-that have helped improve it (though many point out it is still low)
- However FOI is used by groups around local issues and there exists examples of long running campaigns over particular issues (e.g. planning, parking).
- Proxy use by national groups

Has it increased trust?

- Local government is always more trusted than central government.

However, officials had a range of views on this topic

- Majority feel that trust has not been improved because of (i) MPs' expenses fallout (ii) high profile stories about 'wasting money' and salaries
- Many feel that trust has little to do with openness and more to do with being (i) responsive (ii) visible and less a faceless bureaucracy (iii) efficient/improving performance
- National media coverage has reduced trust with focus of stories being on councils wasting public money, salaries of Chief Executives or CCTV/RIPA

But

- Both local news and requester survey point to very ambiguous findings-split evenly between articles and requesters who feel FOI increases trust, stays the same and decreases.
- There exists a complexity of views towards the local council, as officials and journalists give a whole range of reasons for how FOI, and other changes, impact upon trust:
 - Some public say 'I don't use council services' or 'think that teachers, carers, social workers do a good job but when asked about "the Council" have very poor perceptions' (Official)
 - 'Stories are 'exposing' with an assumption that councils are incompetent and/or corrupt'(Journalist)
 - 'Change from the committee system to the Cabinet system has narrowed accountability' (Journalist)
 - 'It makes the public more aware of how their money is being spent but this could go either way on trust' (Journalist)

We can now look at whether FOI has impacted upon how Local Government works

Has it impacted upon leadership?

- No impact upon how the leadership of an authority works and operates (though leadership may be influential in levels of openness)

Has it impacted upon service delivery?

- A few felt it may have caused services to change as FOI created a feedback loop
- Majority felt it had no impact

Has it impacted upon partnership work?

- Most felt it had no impact
- A few mentioned how it had (i) made private companies nervous (ii) given an extra edge to the tendering process

A separate issue but related to impact upon how local government works is the Chilling effect. Has FOI led to this?

- Few officials felt it had an effect
- FOI had the positive effect of 'cleaning up' emails and correspondence
- It also may have created more of an audit trail for minutiae (e.g. some now record in detail all expenses).

But

- One authority had a clear example regarding official-member discussion about drafts. Following an FOI that revealed a draft comment all members now discuss draft in caucus and simply present a memo-no notes are taken (where they were before)
- Interestingly this in a hung authority where the ruling party existed on a knife edge.
- In another hard hit council a few staff on frontline services were recording less on case notes

We can now take a look at some other areas of importance. The two big issues for officials is use of FOI by (i) the media and (ii) business. We can look at each in turn.

For the media we need to discriminate between the **national press** (who appear to pursue a narrow set of issues) and **local press**.

Media (national)

- **Rarely reports local stories**
- Use of 'round robins'
- Particularly *Mail*, *Telegraph* and *Times*
- By far the biggest issue is 'wasting public money' (CE salaries, non-jobs etc) and within this 'fat cat' officials
- Others are mainly round robin: include issue relating to schools (e.g. incidences of drugs or knives), benefits/welfare, waste/refuse (Attacks on bin men)

Media (regional/local)

- Dependent on individual relations between press office and newspaper
- Also it may depend on the type of newspaper e.g. is it a 'community' newspaper or more 'abrasive'
- Driven by decline of local press
- Most popular stories appear to be council spending
- Some are local equivalent of national stories (allowances, staff days out etc)
- Some are pursuance of local stories
- Also used information from council is used to run stories on other public bodies e.g. schools but also private such as bus companies, restaurants or mobile phone companies.

Business

- Also cited as an increasing user-viewed, unsurprisingly, as against the 'spirit' of the Act
- Often submits complex requests and is a key cause of frustration
- Business use FOI in normal way to find information on tendering, contacts, ICT use

- Also some innovations e.g. deceased without easily traceable heirs, details of council tax rebates, asking for address/information to build a database (then sold back)

The final issue that interviewees mentioned and we asked about is that of the future. FOI is presented with opportunities by the new commitment to transparency but also by a possible threat from cuts to budgets.

Future: opportunities

- FOI is presented with opportunities by the new commitment to transparency
- Publication of all spending over £500: many support principle but feel figure is too low to be of much use, the information will be de-contextualised and the reform itself will be difficult and costly to do (see recent whatdotheyknow/openly local collaboration)
- Rise of online transparency with sites such as Openly Local, Spotlight on spend
- Other wider reform may assist e.g. greater financial/political autonomy

Future: concerns

- Many feel working at capacity or over-capacity.
- How FOI can be dealt with within 26 % cuts
- Some officials are keen to 'filter' requests from difficult requesters
- Some mention application fees but highlight political difficulties of introducing it and operating it
- Others question its usefulness and say in future they may not be able to answer all requests.
- Will authorities take unilateral action? Bexley 'name and shame', Chester and Chester West issued notice about fees and aggregating requests

Given this opportunities and threats, and the rising requests described above, are there any solutions from their viewpoint?

- Some officials are keen to 'filter' requests from difficult requesters such as national 'fishing' round robins and business without excluding others.
- Some mention application fees but highlight political difficulties of introducing it (runs against spirit of the law) and operating it (officials may not be happy)
- Will authorities take unilateral action? Bexley threatened to 'name and shame' 3 problem requesters, Chester and Chester West issued notice about fees and aggregating requests that appeared to be part of a 'campaign'.

Here is a set of preliminary thoughts/conclusions we can offer for discussion

- FOI is bound up in the wider changes to local government
- Authorities do FOI in different ways with differing degrees of enthusiasm and support depending on experience and attitudes
- FOI has made local authorities more open though the level of openness (and pre-existing level) varies
- It has contributed to increased accountability and understanding of decision-making. It may have influenced participation
- The impact upon trust is not clear - directly (for the requester) and at regional/local press level it seems evenly split between having increased, no effect and decreased. National level appears to have not done so.
- The key issue appears to be the continuing rise in requests and a sense that FOI is being 'abused'.

- It has had little impact on the functions of local authorities.
- Little chilling effect except in particular places.
- FOI is being heavily used by business and the press. Pressure groups have also used it.
- In terms of what for FOI is being used at local level for a whole, it not only being used to access LG activities but also central government policy (e.g. on ASBOs), other public bodies (schools, libraries) and private bodies (bus companies, restaurants).

Themes for further analysis

- **Trust:** how and why is local government different? Can local authorities be more visible? More responsive?
- **Online transparency:** where do new sites such as 'Spotlight on Spend' and 'Openly Local' fit in?
- **Requests:** are there fixed patterns in request topics? Or are they niche?

Questions/issues

- Need to speak with requesters/and or 'proxy' requesters e.g. whatdotheyknow.com
- Need to speak with local journalists
- Analysis of sample of requests?

Appendix B – Survey invitation email

EMAIL TITLE: Constitution Unit survey of FOI and local government

Dear FOI Officer,

[Link to survey: The FOI Act in 2009: How did things go for local authorities?](#)

This email is an invitation for you to participate in our latest survey of FOI officials in local government. The Constitution Unit – based in the School of Public Policy, University College London – has carried out annual surveys since 2005, and above is a link to our 2009 edition.

The data we collect from the survey will help to show how FOI is working at the local level, ensuring that local authorities' needs are properly taken into account when the operation of the Act is reviewed and policy changes are considered.

This year the findings from the survey are even more important. In August 2009 we began an in-depth, two-year study of the [impact of FOI upon local government](#) funded by the [Economic and Social Research Council](#). This and our previous surveys form a core part of this study, helping us to assess objectives, benefits and consequences of FOI upon local government.

We publish reports outlining the findings for each year – to read the results of the 2008 survey and others, please click [here](#). We are very grateful to FOI officers who have filled out our previous surveys.

This is a voluntary survey, which is quick and easy to do. The survey is web-based and seeks information that we hope is readily available to you. If you do not have exact answers to hand, just make the best guesses you can.

Your answers to this survey will be treated in confidence. **Any material from the survey will be written so that no individuals or authorities are identified.**

To fill out this year's survey, please click on this link:

[The FOI Act in 2009: How did things go for local authorities?](#)

Survey instructions

- 1) Please click the link to the survey above. This will take you directly to the survey.
- 2) We estimate that it will take you about 20 minutes to complete.
- 3) You may return to the survey at any point before we close it on 1 August 2010 to edit your answers. You may also return to an incomplete survey before 1 August 2010 to complete it – if so, you will be taken to the page that you left off.
- 4) Some of your answers may be approximations or best guesses. This is OK. If you do not have information available and are not in a position to make a fair estimate please leave the question and go to the next.
- 5) The last day you will be able to fill out the survey is 1 August 2010.
- 6) If you experience any problems with the survey or have any general questions about this study, please do not reply to this address – please contact either Gabrielle Bourke at 0207 679 4979 or by email at g.bourke@ucl.ac.uk; or Ben Worthy at 020 7679 4974 or by email at b.worthy@ucl.ac.uk.

Thank you for your help,

Dr Ben Worthy, Research Associate

Appendix C – Survey

The FOIA 2000 in 2009: How did things go for local authorities?

The Constitution Unit is part of the School of Public Policy at University College London. We are 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 survey covers the year 2009 (January-December).

This year, it is even more important that we understand the situation. We have received ESRC funding to undertake an in-depth two year study of the impact of FOI in local government. The results from this and previous studies will be of benefit to our work, which will begin in August 2009. Some of what we are looking at is described in Question 14. Please feel free to see our website for details (www.ucl.ac.uk/constitution-unit) and give any comments you feel may be appropriate.

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.

Number of FOI and EIR requests

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 2009? (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. How many FOI and EIR requests resulted in a FULL release of the information requested in 2009?

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

3. How many FOI and EIR requests resulted in a release of NONE of the information requested in 2009?

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

4. How many FOI and EIR requests were settled within the statutory 20-day time limit in 2009?

- Quarter 1
- Quarter 2

Quarter 3
Quarter 4

5. How many requests were subject to an internal review within your authority in 2009?

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 – central information team and all other departments – in 2009? (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.)

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 2009 IN TERMS OF NUMBER OF REQUESTS? (e.g. public, media, business, campaign groups, etc)

1.
2.
3.

8. 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)

1.
2.
3.

9. To the best of your knowledge, which were the most requested categories of information to your organisation in 2009 IN TERMS OF NUMBER OF REQUESTS? (largest, second largest, and third largest)

1.
2.
3.

10. 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)

1.
2.
3.

11. In approximately WHAT PERCENTAGE of cases did your organisation charge a fee for an FOI request in 2008 for any reason?

12. In approximately what percentage of cases did your organisation ACTUALLY RECEIVE a fees payment for information?

13. Please describe the top three problems you experienced with FOI/EIR compliance in 2009.

1.
2.
3.

14. Please describe the top three ways in which you think FOI positively affected your organisation in 2009.

- 1.
- 2.
- 3.

15. Data collected from our previous surveys shows the number of requests to local government authorities has increased by over 95 per cent since 2005.

Comparing 2005 with 2009, by how much have requests to your own authority increased? Please make a rough estimate.

- 0%
- Between 1% and 50%
- Between 51% and 100%
- More than 100%

16. In your opinion, what do you think accounts for the number of requests changing since 2005? Please suggest up to three reasons.

- Reason 1
- Reason 2
- Reason 3

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

18. For which type of authority do you work?

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

19. Please provide us with the name of your organisation:

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

- Yes, in principle
- No

21. Please provide us with your work email address.

22. Please let us know if you have any comments about the survey itself, including suggestions for improvements.

23. If you would like to help, please tick 'yes' below to be provided with the survey link and an explanatory blurb.

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

Estimates of requests, refusals and appeals by council type					
1st January to 31st December 2009					
Local Authorities	Total Requests	Total Full release	No info. released	20 days requt. met	Internal reviews
County					
Total for 14 councils	9741	6009	509	7428	255
Average/council	696	546	57	571	26
Total for 27 councils	18786	14749	1527	15427	689
London Borough					
Total for 13 boroughs	9292	3855	430	5357	119
Average/borough	715	482	54	536	15
Total for 33 boroughs	23587	15902	1774	17678	491
Metropolitan					
Total for 8 councils	5728	3905	710	3331	78
Average/council	716	558	101	476	10
Total for 37 councils	26492	20641	3753	17607	361
Unitary					
Total for 29 councils	18423	11494	673	12437	300
Average/council	635	522	34	518	12
Total for 55 councils	34940	28735	1851	28501	660
Other Councils: ave./cncl	690	527	61	525	16
Other Councils: total (152)	103806	80027	8904	79214	2200
District					
Total for 53 councils	16006	11912	714	12560	92
Average/council	302	243	15	251	2
District: total (201)	60702	48864	2990	50491	411
All Local authorities					
Totals (353 authorities)	164508	128890	11894	129705	2611
average/authority	466	365	34	367	7
%s of total requests		78.3	7.2	78.8	1.6

Note: Estimated totals for each council type are based upon multiplying the average per council by the total number of councils. 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.

Appendix E – The cost of FOI in other regimes

Below are the estimated costs of administering Freedom of Information Acts internationally. The statistics listed in Table 1 relate to the most recent accessible data for the United Kingdom, Scotland, Ireland, Canada, Australia and the United States relating explicitly to costs. The figures were sourced from the country's published annual FOI figures or from academic reports analysing national figures.

It should be stressed at the outset that the final figures listed below are borne from a number of diverse methodologies, all of which are subject to a number of limitations. As such, any cross-comparative exercise between FOI costs should remain tentative.

Table 17: Annual FOI statistics

Country	Year	Total Number of Requests per year	Total Cost of FOI per year	Average time taken to complete request	Average Cost per FOI request
U.K.	2005	121,000	£35.5 million	7.5 hours	£293
Scotland	2009	-	-	7 hours 22 minutes	£189
Ireland	2009	14,290	6.9 million euros	-	€ 425
Canada	2000-2001	20,789	\$28.8 million (*IN 1999*)	38 hours	\$1,035
Australia	2008-2009	27,561	\$30,358,484	56.2 hours	\$1,208
U.S.	2009	557,825	\$382,244,225	-	\$685

Table 18: Cost of one FOI request in British Pounds

	Cost in £GBP
U.K.	293
Scotland	189
Ireland	364
Canada	637
Australia	748
U.S.	248