DEPARTMENT OF POLITICAL SCIENCE
The Constitution Unit

FOIA 2000 and local government in 2010: The experience of local authorities in England

November 2011

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Acknowledgements

Table of contents

Tables and figures

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 2010. (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, 104 practitioners, or 29 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 2010 the 353 local authorities in England received 197,737 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 2010

	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)	126,170	93,448	9,686	2,300
Average/council	858	630	70	16
District councils (201)	71,566	62,889	2,804	552
Average/council	356	313	14	3
Total England: all councils	**197,737**	**156,337**	**12,490**	**2,852**

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.

There is some correlation between the number of requests received, and other indicators of FOI compliance. District councils received fewer requests on average than other types of councils in 2010, and also have the highest disclosure rates, the lowest withholding rates, and the lowest rates of internal review.

Table 2 shows the number of requests each year between 2005 and 2010 and the year on year increase.

Table 2 – Request volume 2005-2010

Year	Number of requests	Percentage change
2005	60,361	
2006	72,361	20% increase
2007	80,114	11% increase
2008	118,569	48% increase
2009	164,508	38% increase

2010	197,737	20% increase

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. Like 2009, members of the public, businesses, and journalists were the top three for both questions. Here are the top three types of requesters by volume (Q.11) and then time intensiveness (Q.12), with the number of respondents who put them in first, second or third place. Other types of requesters chosen by officials have been aggregated for comparison.

Table 3 – Requesters responsible for the largest volume of requests

Requesters	Number of officials choosing the source of largest volume of requests	Number of officials choosing the source of the second-largest volume of requests	Number of officials choosing the source of the third-largest volume of requests
Journalists	24	51	19
Members of the Public	54	4	20
Businesses	10	33	35
(All others)	18	6	19

Table 4 – Requesters responsible for the most time-intensive requests

Requesters	Number of officials choosing most time intensive requesters	Number of officials choosing second-most time intensive requesters	Number of officials choosing third-most time intensive requesters
Members of the Public	28	20	18
Businesses	35	13	19
Journalists	19	24	22
(All others)	6	9	17

We also asked practitioners to select the three types of information that garnered the largest volumes of requests (Q.13), as well as those request topics that were the most time-consuming to answer (Q.14). We weighted the choices according to order they were chosen by respondents, and created overall percentages. Here are the top three most common topics in terms of volume and time intensity.

Table 5 – Types of information requested by volume

Finance	33%
Delivery of Public Services	14%
Personal information	11%

Table 6 – Types of information requested by time-intensiveness

Finance	37%
Planning	22%
Personal information	11%

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 £31.6 million.

Table 7 – Figures used to calculate compliance cost

	Total number of requests	Average hours per request
English councils' total	197,737	6.4

Note: The compliance costs relate to the twelve month period from January to December 2010.

Respondents were asked to list the top three problems they experienced with compliance in 2010. With almost identical results to 2009, this year they also identified:
- Difficult requesters and requests
- A lack of resources
- A lack of cooperation and support from service departments and management

When asked to name the top three ways in which they thought that FOI had positively affected their organisation in 2010, they listed:
- Openness, transparency and accountability
- Better records management
- Improvements to organisation (not related to records management)

Major conclusions

This study provides an analysis of local authorities' experiences with FOI compliance in 2010. During the year the average council received 47 FOI/EIR requests a month and refused to disclose any information in fewer than three cases per month. Based on information from our responses, and extrapolating this out to cover all 353 English Councils, the estimated number of requests is 197,737. This is an increase of 33,229 from 2009 to 2010 (an increase of 20 per cent).

- There has been a reduction in the refusal rate, from 9.3 per cent in 2009, to only 6.3 per cent in 2010. Each request took an average of 6.3 hours to process, another significant reduction from 8.9 hours in 2009, and the 11.6 hours recorded in the 2008 survey. The source of most requests was identified by respondents as the general public, however journalists' requests were considered the most time-consuming to answer.

- The trends relating to the topics of information requested from councils also have continued. As in 2008 and 2009, officials said 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 (62 per cent) did not charge fees under any circumstances.

- The main problems with compliance were requests and requesters, lack of resources, and the cooperation of management or service departments, similar results to the 2009 survey.

- The most significant positive effects of the Act were again similar to 2009 results: the development of more open, transparent and accountable authority, improvements to records management, 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, no single organisation gathers data on FOI compliance at the local government level.

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. In the years following, the Constitution Unit has independently continued to collect data on FOI compliance by surveying local authorities on an annual basis. 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
- calendar year 2009 with the results published in December 2010

This report describes the findings of our sixth annual survey, which covers January to December 2010.

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 ongoing project is to identify how local authorities cope with FOI 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 is the FOI Act 2000, requests handled under the Environmental Information Regulations 2004 (EIRs) are also included. We refer to both types of request in this report 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.

Methodology

A web-based survey of 21 questions was designed and built using Survey Monkey, a fee-based Internet survey software. In April 2010, we sent an email invitation to FOI officers in England to participate in the study. We sent three reminder emails to those whom we believed had not yet responded and closed the survey at the end of August 2010. (The survey can be found in Appendix C.)

The 2010 survey differs from the 2009 in several respects. In 2010 the Coalition Government encouraged local councils to publish details of their spending, for items costing over £500. By the time of this survey being started, almost all councils had begun to do this. We wanted to see the impact of this form of proactive publication upon FOI, so included three new questions in the survey. We removed some questions relating to fees, added another question about request results, and reordered the questions to make navigation easier. We have also changed the weighting system for first, second and third choices (Q11-14). While the survey asked for quarterly data in Q1-6, many responders chose to provide an annual figure. We allowed this option after feedback from last year regarding how councils record their FOI request numbers. As such, we have not broken down Q1-6 on a quarterly basis, to better reflect the actual statistics practitioners can provide us.

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. When we closed the survey on 1 September, FOI practitioners at 104 authorities had filled out the survey in whole or part, which gave us a response rate of 30 per cent of the total population. Broken down by category of council, we achieved response rates in each category ranging from 24 per cent to 54 per cent (see Table 8). 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 a response.

Table 8 – Survey response rate by council type

	Total number in England	Number that responded to our survey	Response proportion
County councils	27	12	44%
District councils	201	59	29%
London boroughs	33	8	24%
Metropolitan councils	37	9	24%
Unitary councils	55	16	29%
Total	353	104	29%

Figure 1 below shows the councils represented in our survey, relative to the proportion of different types of councils in England. The proportions of officials from each council type who answered our survey roughly mirror the council proportions in England. Figure 1 shows that county and unitary councils are overrepresented in our sample, while London boroughs, metropolitan and district and councils are underrepresented.

Figure 1 – Proportion of councils represented in survey
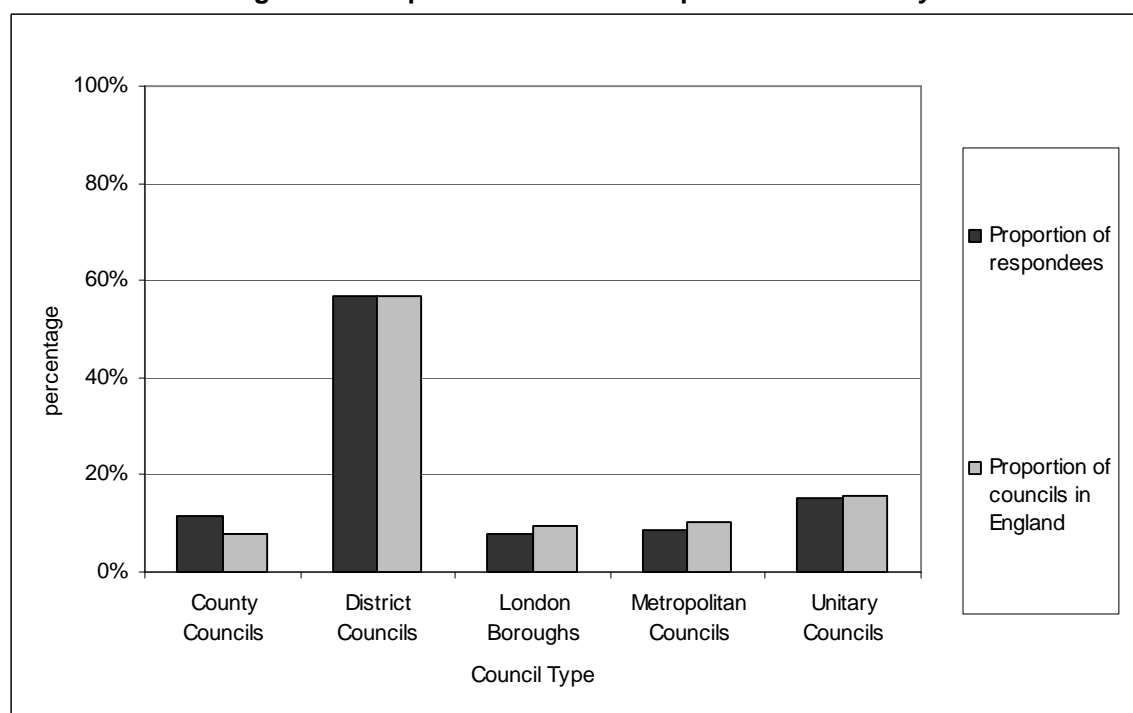
Findings

Requests, releases, refusals and others (Q1, Q2, Q3, Q4)

Q1. How many FOI and EIR requests did your authority receive during 2010?
Please use information recorded in your tracking system or your best estimate when reporting the number of requests. You can answer with either a year total, or break up the requests by quarters. 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.

We received 104 responses to this question As noted earlier, many respondents chose to answer this question providing an annual total, so we have displayed the results as such. Table 9 displays the annual average number of requests received by each type of council in 2010, and also extrapolates those figures provided to form a national average estimate.

Table 9 – Number of requests received in 2010, by council type

Council type	County	London borough	Metropolitan	Unitary	District	All respondents
Number of councils responding	12	8	9	16	59	104
Number of requests	11,485	7,978	5,044	8,562	21,007	58,718
Average per council	957	997	560	535	313	560
Extrapolated out to all councils of that type	25,841	32,909	28,638	38,782	71,566	197,737

Table 9 also shows the average number of requests received by a local authority in England in 2010 was 560. This continues the upwards trend from 2008, where the average was 306, and from 2009, when it was 466.

On average, London boroughs received more requests than other types of councils, and districts the fewest. County councils and London boroughs have seen the biggest increase in the number of requests received between 2009 and 2010, contributing most to the overall increase across England. Metropolitan and unitary councils saw a drop from 2009 to 2010 (See Table 10 below).

Table 10 – Average number of requests during 2009 and 2010, per council

Council type	2009	2010
County	696	957
London borough	715	997
Metropolitan	716	560
Unitary	635	535
District	302	313

Extrapolating the data received from our 104 respondents, we estimate the total number of requests received by all 353 English local authorities in 2010 was 197,737. This is a 20 per cent increase on our 2009 estimate (see Table 11 below).[1] In the six years of FOI in the UK, the estimated number of requests made each year to English councils has grown by 227 per cent, from just over 60,000 in 2005, to almost 200,000 in 2010 (see Table 11).

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[1] The Ministry of Justice estimates that central government bodies received 43,921FOI requests in 2010, an increase of 8 per cent over the number received in 2009. See Ministry of Justice, *Freedom of Information Act 2000 – Statistics on implementation in central government 2010 Annual and Q4: October - December 2010 .* Statistics bulletin, 28 Apr 2011.
http://www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/2010%20Annual%20and%20Q4%20FOI%20bulletin%20vfinal.pdf

Table 11 – Estimate of FOI requests received by English local councils, 2005-2010

Year	Number of requests	Percentage change
2005	60,361	
2006	72,361	20% increase
2007	80,114	11% increase
2008	118,569	48% increase
2009	164,508	38% increase
2010	197,737	20% increase

We used the figures provided from Q1 as a benchmark to calculate the percentages of different requests' outcomes in the following questions. In the following tables, the numbers in brackets next to the council types indicate the number of respondents. See Appendix D for more details.

Q2. To the best of your knowledge, how many FOI and EIR requests resulted in FULL release of the information requested in 2010?

Table 12 shows the percentage of requests resulting in full disclosure. Extrapolating the information from respondents out to all 353 councils, the rate in 2010 is 79.1, a slight increase from 78.3 per cent in 2009.

Table 12 – Number and percentage of fully disclosed requests in 2010, by council

Council type	Number of requests	Number of requests resulting in full disclosure	Percentage of requests
County (12)	11,485	7,383	64.3%
London borough (8)	7,978	6,465	81.0%
Metropolitan (9)	6,966	5,044	72.4%
Unitary (16)	11,282	8,562	75.9%
District (59)	21,007	18,460	87.9%
All English councils (353)	197,737	156,337	79.1%

Figure 2 – Percentage of fully disclosed requests, by council type
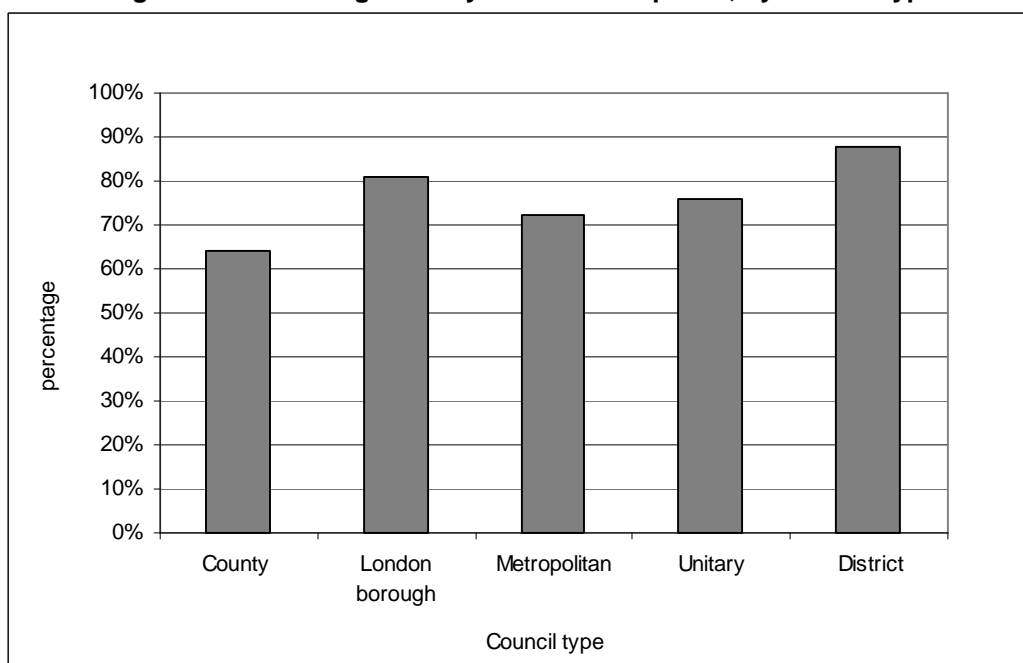
District councils have the highest rates of disclosure, at almost 88 per cent in 2010. County councils' rate has dropped by almost 15 per cent since 2009 to 64 per cent, the lowest figure of all the council types in 2010. London boroughs have significantly improved, from 67 per cent in 2009, to 81 per cent.

Q3. To the best of your knowledge, how many requests resulted in a release of NONE of the information requested in 2010?

Table 13 below shows the number and proportion of requests received where no information was released. The average refusal rate in 2010 across all councils was 6.3 percent, dropping from 7.2 per cent in 2009.

Table 13 – Refusal rates, by council type

Council type	Number of requests	Number of requests resulting in no information released	Refusal rate
County (12)	11,485	1,415	12.3%
London borough (8)	7,978	514	6.4%
Metropolitan (9)	6,966	468	6.7%
Unitary (16)	11,282	715	6.3%
District (59)	21,007	823	3.9%
All English councils (353)	197,737	12,490	6.3%

Refusal rates in county councils are significantly higher than other kinds of councils, while metropolitan councils have halved their refusal rate from 14 per cent in 2009, to 6.7 in 2010; however, last years' figures were skewed by disproportionately high figures provided by three of the seven respondents from metro councils. Metros are now back in line with the national average, along with London boroughs and unitaries. District councils' refusal rates are again the lowest, dropping further from 4.9 per cent in 2009, to only 3.9 in 2010.

Q4. To the best of your knowledge, how many requests were withdrawn, transferred, or dealt with in another way?

For the first time in this survey series, we asked a question about requests that were withdrawn, transferred, or otherwise dealt with outside the usual FOI system. This was in response to feedback from previous surveys. Not all responders were able to provide answers, but the data provided from Q2, 3, and 4 regarding the three categories of outcomes (release, withheld, other) leaves us with an estimate of the number of requests where part of the information was provided.

Table 14 shows district councils are less likely to have non-full release outcomes than other kinds of councils.

Table 14 - Results of requests, rates by council type

Council type	Fully disclosed	Withheld	Withdrawn etc	Remainder (partially disclosed)
County (12)	64.3%	12.3%	7.3%	16.1%
London borough (8)	81.0%	6.4%	2.6%	9.9%
Metropolitan (9)	72.4%	6.7%	4.2%	16.6%
Unitary (16)	75.9%	6.3%	2.3%	15.5%
District (59)	87.9%	3.9%	6.2%	2.0
All English councils (353)	79.1%	6.3%	4.7%	9.9%

Extrapolating out the data provided from the 104 responses, Figure 3 shows the average proportions of FOI results across all English councils:

Figure 3 – FOI request outcomes, all councils

9.90%

4.70%

6.30%

- Fully disclosed
- withheld
- Withdrawn etc
- Partially disclosed

79.10%
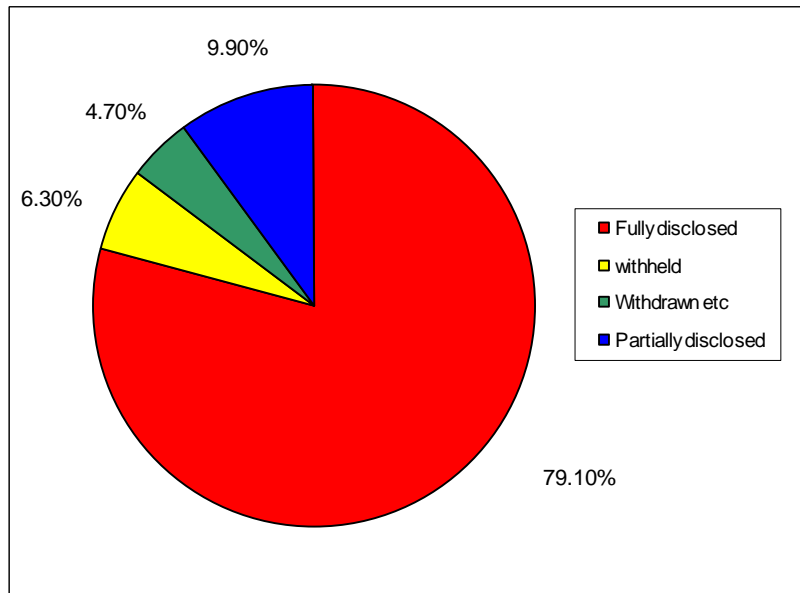
Timeliness and review (Q5, Q6)

Q5. How many FOI and EIR requests were settled within the statutory 20-day time limit in 2010?

The percentage of requests settled within 20 days has again returned to over 80 per cent (see Table 15), after dropping below that level for the first time last year. It now stands at almost 88 per cent, an improvement of 8 per cent from last year.

Table 15 – Timeliness of request responses, by council type

Council type	Number of requests	Number of requests resolved with 20 days	Timeliness rate
County (12)	11,485	9,641	83.9%
London borough (8)	7,978	6,376	79.9%
Metropolitan (9)	6,966	6,199	89.0%
Unitary (16)	11,282	9,389	83.2%
District (59)	21,007	19,827	94.4%
All English councils (353)	197,737	173,299	87.6%

District councils remain the most timely from last year, increasing their rate from 83 per cent in 2009 to almost 95 in 2010. County councils, London boroughs and unitaries all also improved their timeliness rates. This is significant as request numbers again increased this year.

Metropolitan councils continue their trend of dramatically changing rates from year to year: from 92 per cent in 2006, 66 in 2007, 95 in 2008, 66 in 2009, and now 89 in 2010.

Q6. To the best of your knowledge, how many requests were subject to an internal review within your authority in 2010?

In 2009, 1.4 per cent of all requests to English local authorities were subject to internal review (see Table 16).

Table 16 – Rates of internal reviews, by council type

Council type	Number of requests	Number of internal reviews	Rate of internal reviews
County (12)	11,485	211	1.8%
London borough (8)	7,978	187	2.3%
Metropolitan (9)	6,966	74	1.1%
Unitary (16)	11,282	218	1.9%
District (59)	21,007	162	0.8%
All English councils (353)	197,737	2,852	1.4%

This continues the downward trend over the last few years: the rate was 1.6 in 2009, 1.4 in 2008, 1.5 in 2007, 2.4 in 2006 and 2.2 in 2005.

County councils have halved their internal review rate from 2009 to 2010. London boroughs and unitaries have both had a slight increase. Metropolitan councils have slightly decreased from 1.89 to 1.1 percent. Districts continue to have the lowest rate, remaining under 1 per cent for the third year in a row (0.9 per cent in 2008, 0.7 per cent in 2009, 0.8 in 2010).

Performance indicators 2007–2010

Taking the data from Q1-6, from this survey and the last three surveys, we can trace the performance indicators of FOI against the number of requests received (see Figure 4 below).

Figure 4 – Performance indicators and request numbers 2007-2010
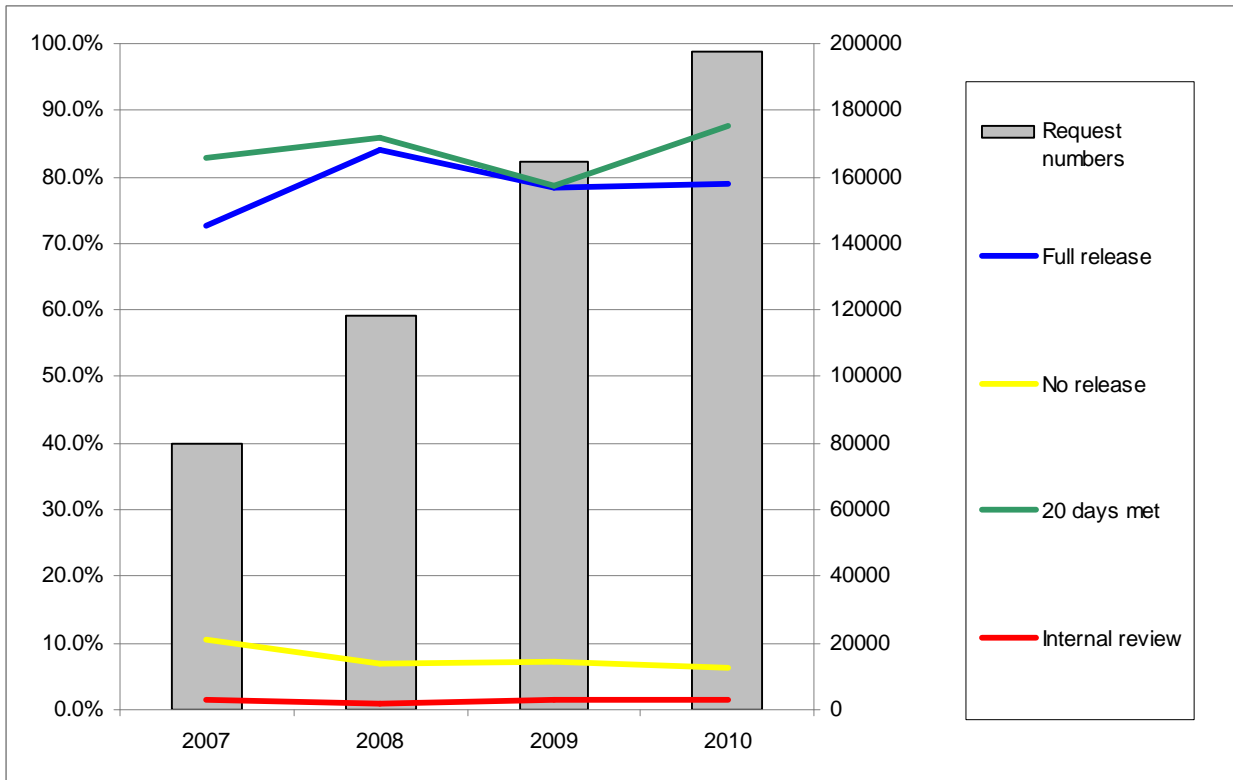
Figure 4 shows that while the number of requests received by English councils have, by our estimates, increased by varying degrees over the last four years, there has been no corresponding deterioration of performance indicators such as meeting the 20 day deadline or the proportion of internal reviews.

Impact of the £500 publication scheme (Q7, Q8, Q9)

Q7. To the best of your knowledge, how has the £500 publication scheme affected the number of FOI requests you have received?

This question was inserted into the survey to reflect the Coalition Government's plans for proactive publication regarding local government spending. In 2010 Communities and Local Government Minister Eric Pickles urged all councils to publish their items of spending above £500 and almost all councils had completed this by the deadline of January 2011, with Nottingham Council a well-publicised exception.[2]

We wanted to assess the impact of this proactive publication on FOI requests, and on the overall transparency of councils. We received 102 responses to this question.

Table 17 – The impact on FOI request numbers from £500 proactive publication

Impact on the number of FOI requests	Number of responses	Percentage of responses
Unsure	28	27%
Increased	18	18%
Stayed the same	56	55%
Decreased	0	0%
Total	102	100%

Most respondents believed that the publication of £500 spending has had no impact on the number of FOI requests they received in 2010.

Q8. To the best of your knowledge, who is accessing the £500 spending publications?

Eric Pickles hoped the data published by local councils would be analysed by an 'army' of 'armchair auditors' – local people who could hold their council more accountable for spending. We asked respondents to supply us with their best guesses of who was accessing the £500 spending data. They were asked to tick as many categories as they wished: Media, Businesses, the General Public, NGOs or pressure groups, or Other (where they were asked to specify). We received 136 responses to this question

Table 18 – Who is accessing £500 spending information

Users of the £500 scheme	Number of responses	Percentage of responses
I don't know	64	47%
Media	25	18%
Businesses	9	7%
General public	24	18%
NGOs or pressure groups	10	7%
Other	4	3%
Total	136	100%

Almost half of respondents could not provide any answers to this question. This could be for several reasons: not all councils can analyse their website visitors, and some officials may not be aware of the £500 scheme visits if it has been based in another department, like Information Technology, for instance. Media and the general public were the most chosen users by respondents who were able to provide a definite answer. 'Other' category choices included "No one" (two responses); "FOI enquiries are directed there"; and "[FOI] Applicants are provided the link if relevant".

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[2] See http://www.bbc.co.uk/blogs/johnhess/2011/02/the_war_of_words_between.html

We then asked some more qualitative questions regarding how the publication had impacted on the organisation as a whole

Q9. What has been the impact (if any) on your authority from the online publication of all spending over £500? Please describe in your own words as best you can.

We have grouped responses to this question into broad categories. Some respondents provided several reasons, and as they had freedom to choose the way they answered, we have not attempted to measure responses to this question in a quantitative way. Instead, below are some examples of the broad range of opinions regarding £500 publication:

Value
Some respondents questioned the point of the £500 publication scheme and struggled to see any discernible impact:

- "It appears to have added nothing to the openness of the Council. It has answered no questions that we have had posed through FOI and has simply added a further administrative burden."

- "I've no idea who looks at it. I don't think there has been much impact on the authority at all. What I would like to know is why the Government only publishes items over £25,000 and we have to publish everything over £500. It's simply not fair."

- "Extra work and virtually no benefits - for residents, businesses or the Council!"

- "A lot of work for little apparent gain. Increased workload re. preparing, uploading and responding."

Administrative burden
Respondents spoke of the work involved in the scheme that added to their existing heavy workload while only producing limiting results.

- "The only impact I am aware of is the absolutely huge work pressure this is placing on those responsible for preparing this information for publication every month. The manual process is very time-consuming and labour-intensive for what seems very little outcome (positive or negative)."

- "Extra resources required to check line by line the financial reports in order to redact personal data. Subsequent checks by Data Protection officer before authorisation to publish by the web-team. Handling of subsequent requests, not just FOI, but requests for justification of expenditure."

- "Pressure of staff resources as staff time is required to compile information and conduct quality checks to ensure that no personal data is included in released data."

- "The impact regarding the publication of spend data initially required a significant staff resource to cleanse and subsequently verify the data that was published. [However,] going forward, the verification of published data will require a minimal staff resource."

- "It initially involved a lot of work by our finance division at a time of year when they could least afford the time; however, this has less of an impact now an appropriate system is in place."

Impact on FOI
The £500 publication scheme is a useful case study to see whether proactive publication helps reduce the number of FOI requests. Some argue that publication's goal should not be to reduce

FOI demand, instead it should be another way for a council to increase its openness and even facilitate more requests for information. Respondents' views on this issue were mixed:

- "There has been no increase in the number of requests following the publishing of this information."

- "We haven't noticed any difference, the range of FOI questions is still as varied as ever."

- "Probably has decreased the amount of requests - however we have no data to verify it."

- "We are receiving requests for more details about specific transactions that have been proactively published on the website"

- "To the best of my knowledge we have had no FOIs arising from information disclosed in the over £500 publication, neither has our Finance team and the scheme is accessed from the front page of our website. We assumed that journalists would make a bee-line for it and then use it to create adverse stories but that does not seem to have happened. It seems journalists prefer us to do their investigative work for them."

- "We publish the spending amounts and we have been able to direct one or two enquirers to it. However, we have not received any requests which refer to it in any way."

- "So far in 2011 we are experiencing a 30 per cent year-on-year equivalent increase in requests over 2010, but this does not appear to be related to the publication of the spend. No applicants have referred to it."

- "Not noticeable - we do refer requesters to the spend data where appropriate when responding to requests. One requester challenged a response on the basis that it did not accord with the published spend data."

- "The publication of all spending over £500 hasn't altered people FOI/EIR habits at all. Such spend wasn't an interest to requestors but more specific figures for spend on specific items (which may fall under £500) e.g. consultants and contractors."

- "Minimal - just 2 requests since we published our data"

- "A slight increase in requests seeking clarification of what spending was on."

- "It is impossible to provide an answer to this question. The publication of expenditure is on our website and we have no way of monitoring who is accessing this and how this may have impact the number or type of questions that we get under FOI. We are still often having to direct people to the relevant pages when they submit an FOI which would suggest that it has not had a huge impact yet."

- "The majority of FOI requests want spend data in whole financial years so there is no impact on this type of request. Publication of information about senior officers and member remuneration and expenses has reduced demand via FOI requests for this information and where we still receive them they can be dealt with much more quickly by referring them to the published data. In spite of publication under the Open Data Initiative our FOI requests in 2011 to date are up by 27% over 2010."

- "Increase in press reports regarding authority spending. No change in number of FOI requests."

- "No noticeable impact - no press coverage. No reduction in FOIs and only resulted in two FOI requests (one of which was from a councillor). Not sure it was worth the cost to the authority in setting up the reporting system to enable this to be published - estimated in excess of £40K."

Utility, design and culture
Some respondents focussed on the way the scheme fitted into existing systems and processes, or how it contributed to attitudes within the organisation.

- "It would have been better if this was integrated within the publication scheme when it was published."

- "It was time consuming to set up, however, now the system is up and running it appears to be relatively easy to maintain."

- "It has given extra weight to encouraging senior management to be more transparent in publishing contract data. It has also strengthened our argument for publishing all contracts bar commercially sensitive and personal data."

- "Trying to extract the data from a relatively old system was challenging."

- "There has been further pressure on us for detailed spend information relating to particular functions or roles."

- "The threshold of £500 is too low, as it means the data set is too large for easy study/use."

- "It's a springboard to further regular disclosures, with a bit of luck."

- "More information requests but, at the same time, a greater focus within the Council has been achieved in terms of making information available proactively."

- "It has caused a greater awareness internally on data quality issues."

None or unsure
Some respondents felt the scheme had had no impact on their organisation or the wider public, or were unsure of what the scheme was achieving.

- "There has been no impact whatsoever, outside of the initial set-up work. We have received no FOI requests and no enquiries about this information."

- "None really although we publish the information on our website, I am not aware of anyone who has queried any of the spend, either the public are not aware of the information being in the public domain or they do not have any queries."

- "Not aware of any impact at present."

- "None as far as we are aware. We are still getting requests for spend data but not sure if this is linked to £500 publication scheme."

- "In the last 3 months, we have had 64 visits from 53 different people, but we don't know which groups they come from or whether being able to access this information prevents a FOI request."

Conclusions

It is still very early days to say if the new publication policy has succeeded or failed. The new online publication will make government more transparent, as will the parallel publication of salaries and contracts. It is unlikely to lead to very much 'armchair auditing' from the public, as most people won't have the time or the patience to scroll through long excel sheets, but NGOs and journalists will find it useful. The area to watch will be the 'local' initiatives and hyper local sites such as Openly Local that allow you to quickly examine and compare authorities by

payments, providers and spending, while making it easy to benchmark. It is here, on their doorsteps, where the new information will make a real difference to people's everyday lives.

Staff assigned to FOI and EIR compliance tasks (Q10)

Q10. To the best of your knowledge, how many full-time equivalent (FTE) staff on average were assigned to FOI and EIR compliance tasks in the following areas of your organisation in 2010?

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 96 responses to the question and excluded those that we believe resulted from a misunderstanding of the question, being clearly unfeasible numbers, and about which we were unable to phone the respondent to clarify. Thus, Table 19 below shows our analysis, based upon these 96 responses.

Table 19 – FTEs assigned to FOI compliance tasks and average hours spent per request

Authorities 96 responses	Total FTEs	Total FTE hrs/month	Total requests (12 months)	Average requests per month	Average hours per request
	193.3	27,058	190,780	4,313	6.4

In 2010 we have again seen some variability between the different types of council (see Table 20 below). The range is from an average of 4.8 hours handling a request by metropolitan councils to an average of 8.0 hours by unitary councils. However, given the comparatively small samples and the difficulties in estimating (described above) we are cautious about drawing any conclusions from these differences.

Table 20 – Average number of hours per request, by council type

Council type	Average hours per request
County (8)	6.7
London borough (8)	6.4
Metropolitan (9)	4.8
Unitary (12)	8.0
District (59)	5.8
All English councils (353)	6.4

Overall, there was again a significant reduction in the average hours spent handling a request from 11.6 hours in 2008, to 8.9 hours in 2009 and to 6.4 hours in 2010 – some 28 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 £31.6 million in 2010. This compares with our estimate of £34 million for 2008 and £36.6 for 2009. Table 21 below shows efficiency gains in the time taken to process requests since 2005 have been partially undone by increasing request numbers.

Table 21 – Time and cost of FOI from 2007 to 2010

Year	Estimated number of requests	Average hours per request	Total estimated cost of FOI to English local authorities (millions)
2005	60,361	16.4	£24.7
2006	72,361	13.1	£23.6
2007	80,114	15.3	£30.6

2008	118,569	11.6	£34.3
2009	164,508	8.9	£36.6
2010	197,737	6.4	£31.6

We are aware of a small number of authorities which have carried out internal studies to gain a better understanding of the costs to them of handling requests. We have not studied the methods used but their conclusions seem to reflect significantly lower costs than the 6.4 hours we report as the finding of this study.

As in our previous reports we would like to highlight the wide spread around the overall average of 6.4 hours. We believe that this is an important area for further study.

Requesters' volume and time intensity (Q11,Q12)

Q11. To the best of your knowledge, which were the top three categories of requesters to your organisation in 2010 IN TERMS OF NUMBER OF REQUESTS? (e.g. public, media, business, campaign groups, 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 22). We received 283 responses in total.

Table 22 – Types of requesters by volume of requests

Request sources	number of responses as first choice	number of responses as second choice	number of responses as third choice
Media	24	51	19
General public or individuals	54	4	20
Business	16	33	35
NGOs, charities, pressure groups	2	5	17
Other (incl. MPs)	0	1	2
Total responses	96	94	93

Table 22 shows the types of requesters by volume. 54 of the 96 officials who answered this question said the largest group of requesters in 2009 was the public, followed by the media and then businesses. Second choices for the highest number of requests put journalists on 51 followed by business on 33 and the NGOs/charities on 5.

We then gave a weighting of 100 to first choices, 50 to second choices and 25 to third choices. We added the weighted totals in each category and adjusted the results to percentages.

1. General public or individuals   37%
2. Media   33%
3. Businesses   25%
4. NGOs, charities, pressure groups   5%
5. Other   1%

Figure 5 – Most common types of requesters
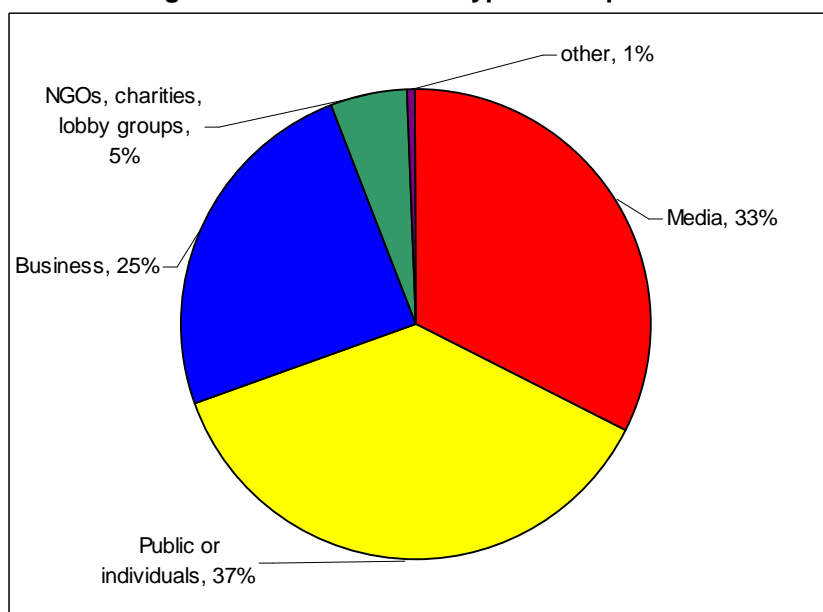
The general public and journalists keep there number one and two positions like last year, having only swapped order; in 2010 the public are considered the most frequent FOI requesters. NGOs' use is similar to last year's reported levels, while 'other' requesters we have grouped together, including MPs, trade unions and students, seem to be using FOI less than 2009. Some respondents listed WhatDoTheyKnow.com as a requester. We have placed these responses also within the 'other' category.

Q12. Please list the top three categories of requesters IN TERMS OF AMOUNT OF TIME spent on the respective group's requests.

Table 23 – Types of requesters by time-intensiveness

Request sources	number of responses as first choice	number of responses as second choice	number of responses as third choice
Media	28	30	18
General public or individuals	25	13	19
Business	19	24	22
NGOs, charities, pressure groups	6	8	15
Other (incl. MPs)	0	1	2
Total responses	78	76	76

We received 230 responses to this question in total. We gave a weighting of 100 to first choices, 50 to second choices and 25 to third choices, then added the weighted totals in each category and adjusted the results to percentages. The results, again similar to 2009, are as follows:

1. Media   35%
2. General public or individuals   27%
3. Business   27%
4. NGOs, charities, lobby groups   10%
5. Other   1%

Figure 6 – Most time-intensive requesters, by requester type
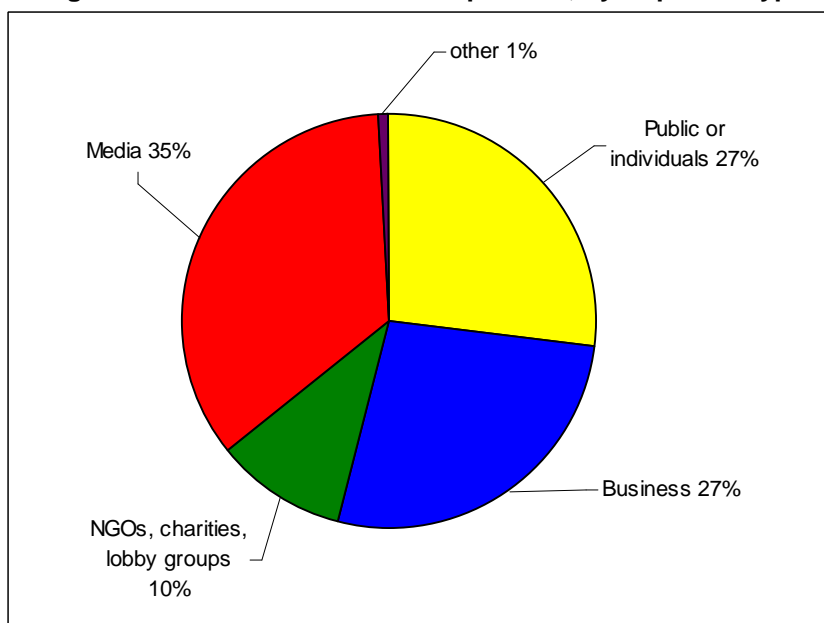
Time-intensiveness mirrors volume generally: similar proportions were given by respondents for those who request more often, and those whose requests are most time-consuming. The media's requests were considered slightly more time-consuming than those of the general public. Last

year, over half of respondents put the media as their first choice for the most intensive requesters. This year, that drops to 35 per cent. Businesses also round out the top three for first, second and third choices. NGOs also have a higher share of time-intensiveness than they did for volume.

Information requested (Q13, Q14)

Q13. To the best of your knowledge, which were the most requested categories of information to your organisation in 2010 IN TERMS OF NUMBER OF REQUESTS? (e.g. expenses, planning, environmental information, etc)

Table 24 – Types of information requested, by volume of requests

Request topic	number of responses as first choice	number of responses as second choice	number of responses as third choice
Finance	36	21	14
Delivery of Public Services	10	15	13
Environment	10	6	11
Planning	7	12	8
Contracts/business	6	11	12
Personal info about staff	8	13	9
Other	10	5	9
Local issues	0	1	2
Statistics	2	0	0
Health and Safety	0	0	0
Total responses	89	84	78

Table 24 shows the top three choices of officials for the most popular topics of requests. We gave a weighting of 100 to first choices, 50 to second choices and 25 to third choices, then added the weighted totals in each category and adjusted the results to percentages. The results are as follows:

1. Finance   33%
2. Delivery of Public Services   14%
3. Personal info about staff   11%
4. Planning   10%
5. Environment   10%
6. Contracts/Business   10%
7. Other   10%
8. Statistics   1.3%
9. Local Issues   0.7%
10. Health and Safety   0%

Information relating to finance remains the most requested type of information in 2010, as was the case in 2008 and 2009. The most significant change between 2009 and 2010 was the decrease in requests for personal information – concerning human resources details, salaries of local authority employees and the costs incurred by individual council members – which now makes up only 11 per cent of requests, compared to 21 per cent last year. This is a marked decrease and may be explained by the UK Parliamentary expenses scandal which came to a head in 2009. Seemingly, by 2010 interest in personal information seems to have diminished as the expenses scandal waned, and has almost fallen back to levels recorded in 2008 (8 per cent). Requests relating to planning, the environment and contracts/business have remained stable since 2008. Furthermore, as in 2009, no FOI requests were made for information relating to Health and Safety (and therefore the topic is not included in Figure 7 below).

Figure 7 – Most requested categories of information by number of requests

Q14. Please list the top three categories of information IN TERMS OF AMOUNT OF TIME spent on that type of information request.
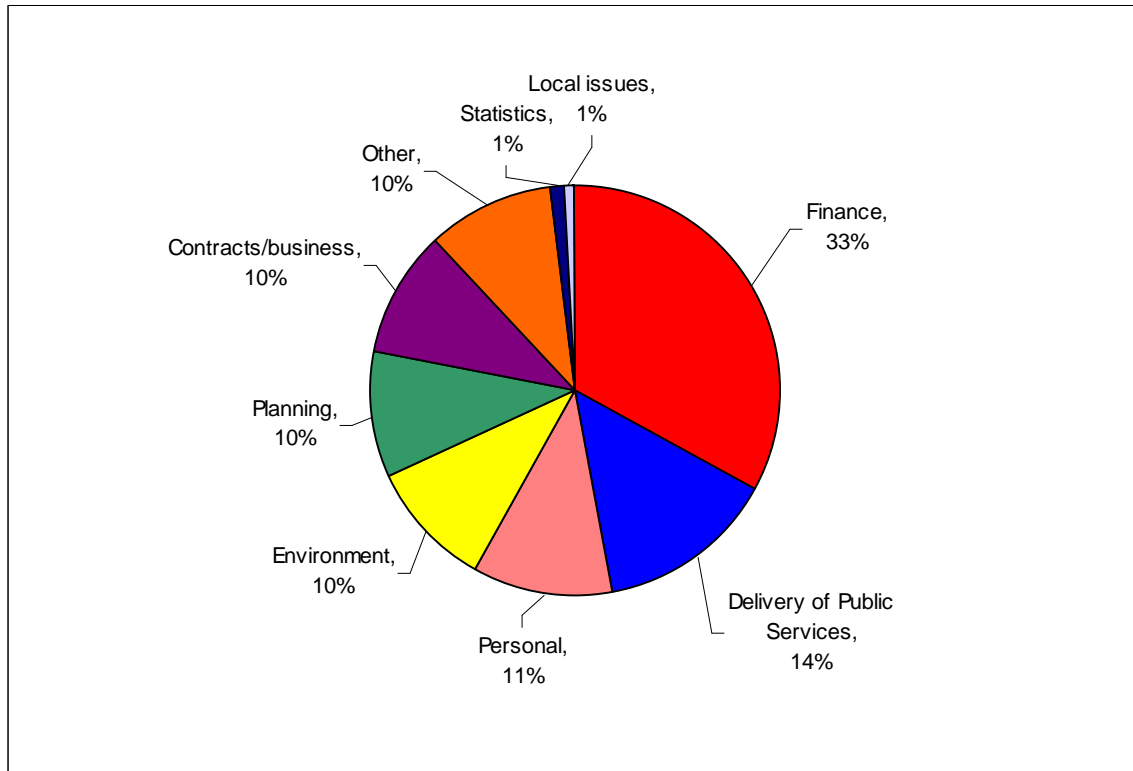
Table 25 – Most time-intensive requests by information topics

Request topic	number of responses as first choice	number of responses as second choice	number of responses as third choice
Finance	22	9	10
Delivery of Public Services	3	7	6
Planning	12	8	6
Contracts/business	2	6	6
Environment	1	6	4
Other	2	0	3
Personal info about staff	5	7	6
Local issues	0	2	0
Stats	1	0	0
Health and Safety	0	0	0
Total responses	48	45	41

Just under half of officials placed finance as their first choice for the most time-intensive topic, compared to almost one-third last year. Information concerning planning was then considered to be the most time-intensive topic by 12 officials, with 5 answering that they spent the most time on requests made about personal information. Unfortunately, considerably fewer officials chose to answer this question than in last years survey.

We then gave a weighting of 100 to first choices, 50 to second choices and 25 to third choices, then added the weighted totals in each category and adjusted the results to percentages. The results are as follows:

1. Finance   37%
2. Planning   22%
3. Personal information   12%
4. Delivery of Public Services   10%
5. Contracts/Business   8%
6. Environment   6%
7. Other   3%
8. Local Issues   1%
9. Statistics   1%
10. Health and Safety   0%

With requests concerning finance considered the most time-consuming by officials, and also making up the most requests by volume, the impact of these kinds of requests is two-fold.

Figure 8 – Most time intensive requests by information topic 2010

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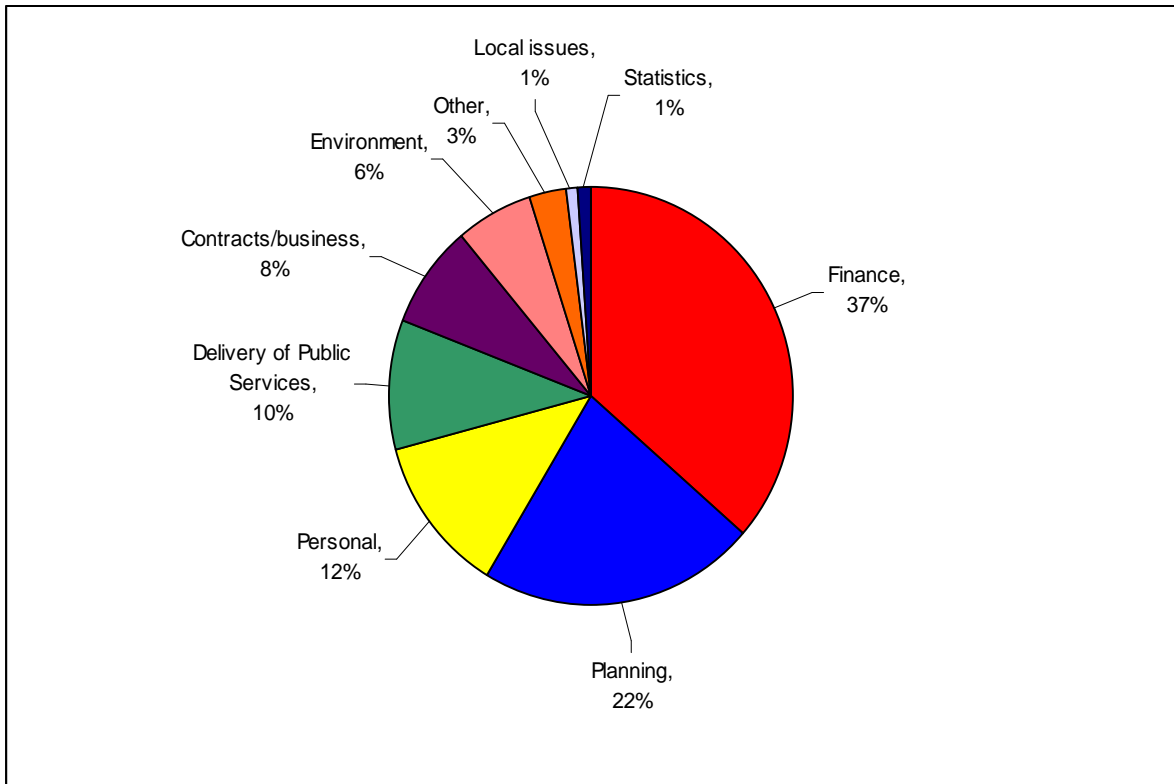
Fees (Q15)

Q15. In approximately WHAT PERCENTAGE of cases did your organisation formally quote a fee for an FOI request in 2010 for any reason?

There were 85 responders to this question. 62 per cent of responders said fees were never formally quoted for any FOI requests. This is slightly less than last year's figure of 65 per cent, and much less than the 2008 figure of 72 per cent.

Table 26 – Proportion of requests were fees are quoted

	Proportion of responses in 2008	Proportion of responses in 2009	Proportion of responses in 2010
'Never' or 0%	72%	65%	62%
1% or less	23%	22%	24%
5% or less	3%	6%	12%
5.1% or more	1%	7%	2%
Total	100%	100%	100%

Problems with compliance (Q16)

Q16. Please describe the top three problems you experienced with FOI/EIR compliance in 2010.

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 2010. There were 256 choices made in total by respondents. We grouped these responses into subject categories and counted the number within each category. We have made one change from the categories used last year – removing the 'business use' category. All comments about any requesters are now placed together.

Table 27 – 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 within the organisation	15	14	10
Requests and requesters	23	34	21
Training, processes, systems and advice	2	5	12
Records management	9	3	4
Meeting timescales	11	11	3
Resources and volume	32	13	22
Other	2	6	4
Total	94	86	76

We have changed the weighting system from previous surveys to better reflect the order in which responders chose them. We gave first choices a weighting of 100, second choices a weighting of 50, and third choices a weighting of 25. We then added the weighted totals in each category and adjusted the results to percentages. The results are as follows:

1. Requests and requesters   29%
2. Resources   28%
3. Cooperation   16%
4. Timescales   11%
5. Records management   7%
6. Training, processes   5%
7. Other   4%

Figure 9 – Problems with FOI compliance in 2010
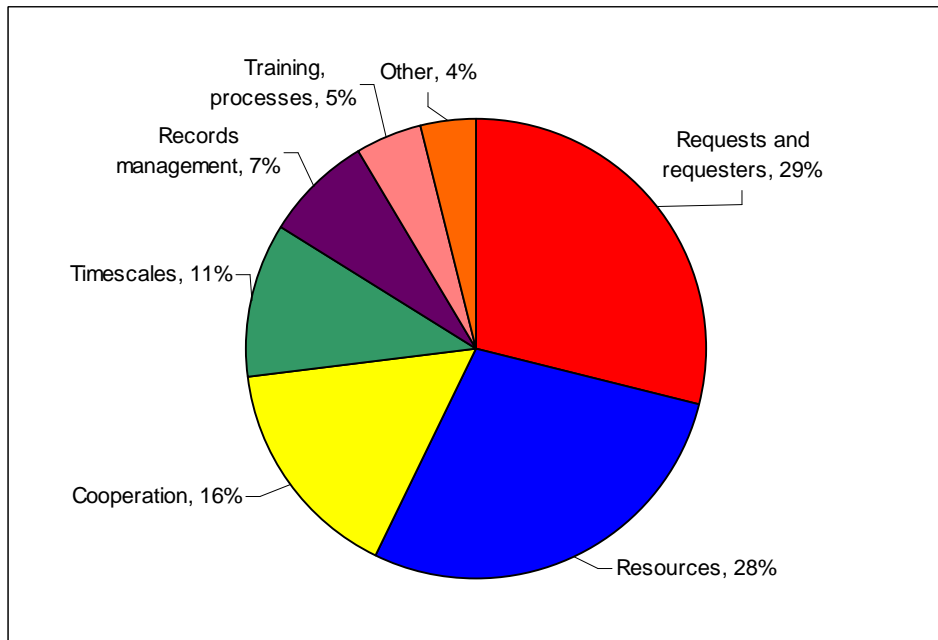
This is broadly similar to the pattern of problems reported last year. The most significant change is the increase in problems regarding resources to deal with the volume of FOI requests. This is a very-close second to the number one ranked problem of the requests and requesters themselves. Dealing with timescales, cooperation and training are slightly less significant problems this year compared to last. Figure 10 below details the problems from 2007 to 2010. We have taken the 'business' category responses from previous years and added them into the 'requests and requesters' category. Problems with training and records management have decreased over time as the Act beds in.

Figure 10 – Problems with compliance, 2007-2010
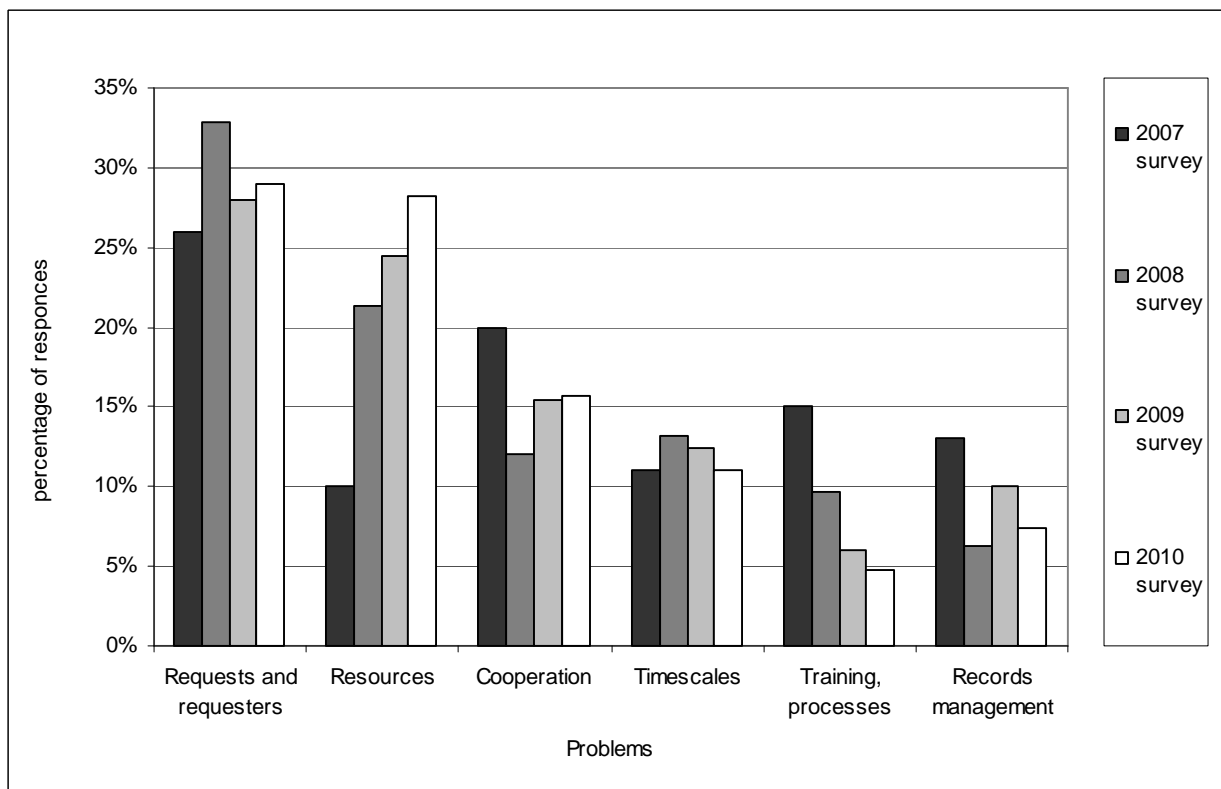
Examples of responses from 2010 include:

Requests and requesters (78 mentions: first choice - 23 responses; second choice - 34 responses; third choice - 21 responses).

- "Increasingly detailed and complicated requests"

- "Businesses asking for information aimed at marketing"

- "The amount of information requested"

- "Lack of understanding of how authorities operate"

- "The spirit of the FOIA is not alive and well, i.e. we get very few requests from local people - most are from lazy journalists or companies who want to sell us something"

- "Some requesters drifting into endless dialogues with officers"

- "Nature of some media requests (displaying a lack of knowledge of the workings of government)"

Resources and volume (67 mentions: first choice - 32 responses; second choice - 13 responses; third choice - 22 responses)

- "Increased number of requests with less resources available to deal with them"

- "Work pressures - information holders are often staff who are very busy with their day to day job"

- "Lack of resources/staff to find the information requested"

- "Ever increasing volume of requests received"

Cooperation (39 mentions: first choice - 15 responses; second choice - 14 responses; third choice - 10 responses)

- "Receiving information from holders and communication of requests from departments"

- "Overall co-ordination and management - gathering information"

- "Staff unwillingness to release information"

- "Gathering data from service areas"

- "Getting high-level clearance to release data"

- "Too many staff involved in requests deemed 'sensitive'"

- "Members not supporting the transparency agenda"

Meeting timescales (25 mentions: first choice - 11 responses; second choice - 11 responses; third choice - 3 responses)

- "Meeting 20-day turn around on complex requests"

- "Council departments meeting deadlines for data disclosure"

- "Deadline compliance due to officers unwilling or unable to respond due to workload etc.

- "Increasing complexity - across services -so central co ordination necessary; 18 hour time limit difficult to monitor"

- "Staff left due to restructure - so unable to answer on time"

Training (19 mentions: first choice - 2 responses; second choice - 5 responses; third choice - 12 responses)

- "Interpretation of the guidelines in terms of applying exemptions"

- "Which regime - FOI or EIR?"

- "Getting employees to understand how to apply an exemption and carry out a public interest test"

- "The process for approving responses before dispatch"

- "Ensuring staff are up to date on latest use of exemptions etc"

Records management (16 mentions: first choice – 9 responses; second choice - 3 responses; third choice - 4 responses)

- "Finding time to locate the data requested"

- "Gathering old information not kept electronically"

- "Records/information management inadequacies, leading to time consuming activity to locate and retrieve information"

- "Locating and collating information not held centrally"

Other (12 mentions: first choice – 2 responses; second choice - 6 responses; third choice - 4 responses)

- "Staff re-structuring and office moves can lead to loss of knowledge and/or information"

- "Transparency agenda is adding to the burden of FOI/EIR"

- "Time wasted dealing with them that could have been better used providing services"

- "Sometimes redaction can be an onerous task"

Benefits of FOI (Q17)

Q17. Please describe the top three ways in which you think FOI positively affected your organisation in 2010.

We asked respondents to give us the top three most positive effects of FOI on their authority in 2010. We then grouped the responses into several categories and counted the number within each category. We received 81 first choices, 55 second choices and 32 third choices.

Table 28 – 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	47	17	5
Improvements to the organisation	7	16	12
Better records management	15	14	7
Improved relationship with the public	6	8	8
None/I don't know	6	0	0
Total responses	81	61	38

We then gave a weighting of 100 to first choices, 50 to second choices and 25 to third choices, then added the weighted totals in each category and adjusted the results to percentages. The results are as follows:

1. Openness, transparency and accountability   49%
2. Better records management   20%
3. Improvements within the organisation   15%
4. Improved relationship with the public   10%
5. None/I don't know   5%

Figure 11 – How FOI positively affected organisations in 2010
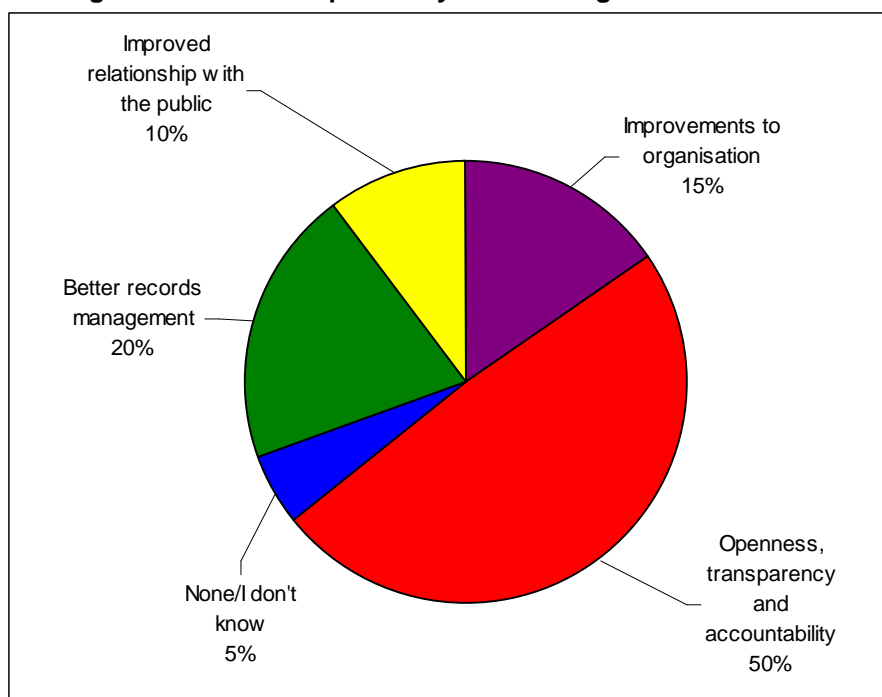
Figure 11 shows the biggest positive impact of 2010 was 'openness, transparency and accountability', which was ranked second last year. Its share has increased from 31 to 49 per cent from 2009 to 2010. 'Improvements to the organisation', ranked third last year at 20 per cent, has dropped to 15 per cent. 'Improved relationship with the public' has regained some ground lost from last year, up to 10 per cent from 5 per cent in 2009. 'Better records management' has dropped, from first place last year at 35 per cent, to 20 per cent this year. 'None' or 'don't know' responses are ranked last, the same as last year, at 5 per cent.

Figure 12 below shows responses relating to the internal or practical realities of FOI benefits have dropped over time, as 'theoretical' responses have increased. One noteworthy aspect of responses was the frequent mention of improvements in website management, with increasing amounts of information being published on councils' respective websites.

Figure 12 – Comparing positive changes from FOI, 2008-2010
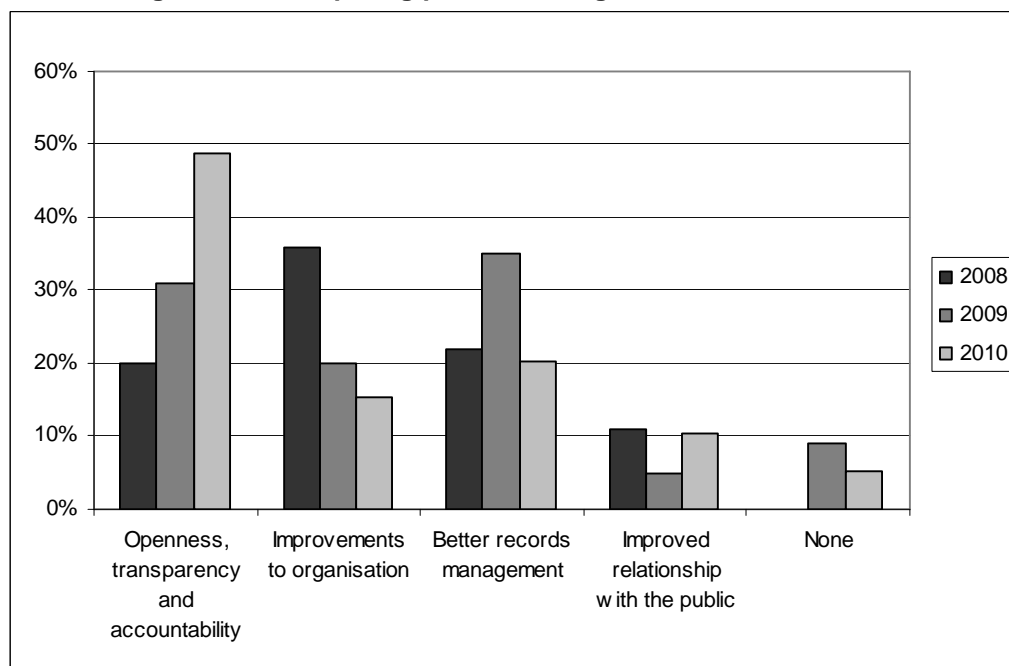
Examples of responses:

Openness, transparency and accountability (69 mentions: first choice – 47 respondents, second choice – 17 respondents, third choice - 5 respondents)

- "It is forcing people to consider pro-active publication of information"

- "Officers more accountable for decision making"

- "More Openness/Transparency"

- "Makes the Council more transparent in its business"

- "Enhances the web site - makes us publish before we are asked"

Better records management (36 mentions: first choice – 15 respondents, second choice – 14 respondents, third choice – 7 respondents)

- "Greater awareness of information management"

- "Improved ways of holding information"

- "People are thinking how to store information in more accessible ways i.e. improved records management"

- "Helps sell information management"

- "Staff more aware of retention of data"

- "Led to the understanding of the importance of Records Management and the recruitment of a Corporate Records Manager"

- "Made people keep more accurate records"

Improvements within the organisation (35 mentions: first choice – 7 respondents, second choice – 16 respondents, third choice – 12 respondents)

- "More transparency of Finance/budgets has lead to more consideration of spend/contracts"

- "Increased realisation of information as an asset"

- "Promoted 'ethical' behaviour"

- "We show up well because we are well run and financially responsible"

- "Encouraged learning amongst staff about information management"

- "Better communication within departments"

- "Staff consider email content officers / members far more careful about what they write and say"

- "Greater co-operation between officers"

Improved relationship with the public (22 mentions: first choice – 6 respondents, second choice – 8 respondents, third choice – 8 respondents)

- "Acceptance of the public's general right to know"

- "Public reputation - not seen as trying to hide information"

- "Made the authority more aware of the need to be transparent and accountable to citizens"

- "Public involvement, especially re budget cuts"

- "Reputation for the Council in being open and honest"

- "Increased the public's understanding of key issues"

- "A reminder that they are working for the public and are subject to scrutiny"

- "Gives us an insight into how the public are thinking and what they consider to be the important issues for them"

None (6 mentions: first choice – 6 respondents)

- "FOI had NO positive impact on the organisation"

- "Difficult to know - overall I think the impact has been negative during 2010"

- "I can't think of any"

Additional comments (Q18)

Q18. Please provide any additional comments or specific concerns about your experiences as an FOI practitioner in the box below:

This 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 62 responses, some of which contained more than one substantial comment.

We grouped these into several categories: Many of the sentiments here have been expressed in previous surveys. Comments about difficult requesters, problematic round-robins (identical requests sent to many authorities), the use of FOI by media and journalists, difficulties with the Information Commissioner's Office and increasing pressure on staff resources have all featured over the last few years.

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

General comments about requesters
Some responders chose to use this question to comment on particular requesters' habits.

- "A number of cases I have dealt with are not entirely in the spirit of the Act, but the Act has been used in order to "wage war" on either the Authority or members of the public, especially in relation to contentious planning applications."

- "Despite the provisions of the FOI Act, it is very difficult to deal with certain categories of requester e.g. local campaigners or people with a specific issue/complaint against the Council which becomes obsessive. It places a huge burden on my time and other employees' time who have to deal with these types of people who may start out with a legitimate request/issue but then are unable to accept any of the information provided to them."

- "Finding that serial complainants are now using FOI and EIR to cause massive additional work for staff. We have one resident who cost us £26,000 last year in EIR and FOI requests."

- "Overall FOI is useful for transparency but most info is used out of context to reinforce the same old axe grinding. Context is largely ignored."

- "The applicants are also appearing to be more aggressive in their requests often quoting that authorities shouldn't think of exempting the information under e.g. s43 then pasting ICO's decision notices to their requests or that the request will not take the authority for than 18.25 hours to complete and saying they want the response back by a specific date."

- "A lot of work goes into processing and releasing information but there is very little knowledge as to what the information is being used for. Acknowledgement of receipt of information or even a thanks is extremely rare. Is this a good use of ratepayers money processing this information for what gain?"

- "There seems to be a heightened awareness of FOI amongst not only the media but also, and crucially, our residents and customers - which can only lead to the better management of information in the authority and better and more positive approaches to its release - either proactively or in response to requests."

- "Even where we supply information, we are now finding that action groups or residents voicing specific concerns remain suspicious and attribute the council with ulterior motives, or don't believe what they are told. We have had one journalist request a review after we

supplied an acknowledgement - before his request had even been processed. This seems to negate the rationale behind FOI of authorities being more transparent and accessible."

Comments about the current economic climate
Some respondents mentioned budget problems which impact on responding to requests, and their own internal organisation

- "In the current economic climate, it has been noticeable that there has been an upsurge in requests received by our council. This has also coincided with a decrease in the available administrative resource of the council. Accordingly, this has led to challenges meeting statutory deadlines."

- "The increase in demand coupled with the reduction in resources for the Authority is simply unmanageable… A system of charges needs to be introduced to ensure that the information sought has a purpose and is not simply a fishing expedition at the taxpayers expense. The Council recognises that openness is a key function however it must be recognised that this comes with a cost and that this cost is increasing and must be funded."

- "With cutbacks in budgets and services, officers feel that FOI requests, especially those from media organisations and businesses, are a waste of valuable, and limited, resources…We do not believe this is an effective use of the limited resources available to LA's in these hard economic times."

- "The 18 hour time frame is far too large. Officers don't have 2.5 days to dedicate to one request. If every Council Tax payer put in a request that took this long, this would cost almost the 8% annual council tax contribution that we receive. The need for transparency has to be carefully balanced with not spending taxpayer money (in officer time) answering requests that are of little or no general public interest."

Comments about internal conditions
Some respondents commented on the attitudes and actions of others in their organisation:

- "Whilst I support the principles of the FOIA it is an extremely onerous task for local authorities. Staff often have the responsibility tacked on to their day job and are therefore unable to give it the attention it needs. Senior managers within the organisation do not seem to understand its importance."

- "A major issue of concern is negative attitude towards FOI displayed by the governing body and the executive office."

- "Despite copious advice and guidance from both in-house practitioners and the ICO, there are still pockets of the organisation (mainly senior management and elected members) that remain reticent about releasing information. They consider refusing requests, as opposed to proactive publication, as the cheapest way to deal!"

- "It can only take one officer not to answer requests to cause the response rate to drop and leave the authority subject to ICO monitoring. Services need to consider proactively publishing background papers to any consultations and preparing redacted versions of contracts in advance of requests to save time and effort later. However, it is a misconception that publishing more will cause a decrease in the number of requests…"

- "Still after 5 years being quoted 'this is not in the spirit of FOI'. Not having senior management buy in and support - still perceived to be a luxury, back-room operation and not a front line service."

- "Staff shortages and the reallocation of work in teams mean that routine tasks like information storage is becoming more fragmented as front office staff increasing 'do it themselves'. Additionally, they do not necessarily have the time to fully deal with the compliance element of this type of administrative task. At some point the question will have to be 'which is more important? Carrying out the task, or answering questions about it?'"

- "You are on your own when there is bad press based [from] an FOI response that hits the front page. It seems to be the fault of the person responsible for FOI. One further point is that Councillors seem to want to have a say on what and how a request is responded to, which is a bit worrying."

- "Not much recognition for the importance of the role and there is tool much expected especially with no IT support."

Comments about 'round robins'
Some responders spoke of frustration of requests not being aimed specifically at their council:

- "I think the requests sent to all authorities should be limited. It would be nice to know how the information we provide is being used."

- "The number of FOI requests are definitely increasing. Staff often say, can't we charge for them? This is particularly true when so many are round robins. You don't mind answering locals as that is who you are accountable to but the media ones are looking for a 'cheap story', as is often said to me."

- "I want to reiterate that we fully agree with the original intention of providing information to local people - no problem with that at all. But the system is being hugely abused by lazy journalists who don't even bother to find out which councils do what (e.g. we constantly get requests that are county and unitary functions and not district but we have to spend time answering them anyway)."

- "Generic requests are also a complete mare. Its obvious because of the blanket questioning that they haven't the slightest interest or knowledge of what we do. There is no local accountability. Around a third of our logged and refused requests a year are for these two topics, schools and social services, and often from companies we've told on numerous occasions that we don't provide that service. Although I support the ethos of what whatdotheyknow.com set out to achieve, by default this site perpetuates this thoughtless and indiscriminate blanket-request culture."

Comments about the 'spirit of the Act' – journalists and businesses
The use of FOI by the media and businesses was also commented on, often couched in terms that this was against the 'spirit' of the Act:

- "I still feel that there should be a standard fee for all requests. It is too easy for someone to sit at their computer and fire off an e-mail to all Councils about any subject. Taxpayers do not pay their Council Tax so that lazy journalists can have an easy time fishing for stories."

- "I think it should be widely publicised how much taxpayers' money local authorities are being FORCED to spend on answering FOIs. We never get an FOI asking how much time or money we have to spend answering FOIs! I hope the results of this survey are widely publicised and make the Government look again at FOI. Thanks for a place to rant!"

- "The media are using this Act as a means to conduct research into a potential headline and not in the spirit of the act to assist people in finding information."

- "We get a lot from companies where it's obvious they want to find out what systems we use so that they can try to sell us something."

- "Concern as to the amount of time spent in dealing with requests from the media and businesses for their own gain and at the expense of the taxpayer."

- "As a relative newcomer, it concerns me that the legislation is one-sided… We seem to spend a lot of time acting as the unpaid research department for private companies wanting to do commercial business either with us or with our customers. I have an enquiry this morning dressed up as FOI, which is clearly someone who wants plumbing work. It would be better if he just telephoned our property department and asked to go on the list."

Comments about the government
The government's transparency agenda was mentioned by some respondents

- "The Transparency agenda ignores PSI Reuse regulations whereby Authorities can generate revenue from commercially useful data. Upcoming changes to FOI under the [Protection of] Freedoms Bill to make all FOI releases electronic and reusable show the government's lack of understanding of the cost and impact of FOI on Councils."

- "The government's Big Society agenda and out-sourcing will work against the transparency that FOI Act provides."

- "It is also clear that despite Mr Pickle's suggestion, no authority can predict so accurately what will be requested (particularly the weirder requests) as to publish everything on the website pro-actively. We had 36 requests made for information we didn't hold - this is also difficult to promote (you can only have so many pages saying what you don't do)."

Problem with the legislation, guidance or practicalities
Respondents mentioned the appeals process and the guidance available to them:

- "Surely there is no need for FOI rules and separate EIR rules. Why can't they be merged into one set of rules? Another thing - I tried to find a government email address to send an FOI of my own to and do you think I could find one - no I couldn't! Very transparent of them."

- "There are still many 'grey' areas surrounding FOI which can make responding to requests challenging. Also, it does not always seem that the government and ICO are on the same path."

- "I recognise that the ICO also has to enforce the legislation, but some requirements or instructions from the ICO are simply unrealistic and it is clear that in a number of instances, the ICO does not understand how local authorities work or how they store information."

- "Impact of vexatious requesters is a problem that the ICO do not seem to understand."

Conclusions

We received 104 substantive responses to our survey, in rough proportion to the five types of English councils.

Based on information provided by officials, and extrapolating this out to cover all 353 English councils, the estimated number of FOI/EIR requests received in 2010 is 197,737. This is 33,229 more requests than we estimate were made in 2009, an increase of 20 per cent. This is less than the percentage increases estimated in the last two surveys, suggesting a slow in the growth of request numbers. The increase in the estimated number of requests between 2005 (60,361) and 2010 (197,737) is 227 per cent.

We estimate the cost of FOI/EIR processing to English local authorities in 2010 to be approximately £31.6 million. This compares with our estimate of £36.6 for 2009. Request processing has, again, become more efficient: dividing the total cost of FOI by the estimate of the number of requests results in £159.80 per request in 2010. It was £286.75 per request in 2008, and £222.48 per request in 2009.

Councils this year have handled the increased number of FOI requests better than last year. As the number of requests received by councils in 2009 increased by 38 per cent compared to 2008, the proportion settled within the 20-day time limit, or resulting in full release, decreased. Internal reviews increased, as did the number of requests where no information was disclosed. In 2010 however, while again experiencing an increase in the number of requests received (albeit only by 20 per cent), councils improved their performance in request processing: in 2010 requests are more likely to be processed within 20 days, and are less likely to be taken to internal review, compared to 2009. On average, more requests were answered in full, and fewer had no information released, comparing 2010 to 2009. Over the years, no steady patterns have emerged between increasing request numbers and performance indicators. However, there is significant variation amongst the council types on these indicators.

County councils and London boroughs again received on average the largest number of requests in 2010, and district councils the fewest. District councils' average number of requests was less than a third of the county and London borough average. While unitary and metropolitan councils received on average fewer requests in 2010 compared to 2009, all other councils experienced an increase.

The proportion of requests where information was released in full has slightly increased this year, from 78 per cent in 2009 to 79.1 per cent in 2010. However, the spread across council types is very wide: the rate for county councils is only 64.3 per cent; for districts, 87.9 per cent.

Across all councils, there has too been a reduction in proportion of requests where no information was released, from 9.3 per cent in 2009, to only 6.3 per cent in 2010. Again, the councils types differ markedly: district councils' refusal rate is only 3.9 per cent, while county councils' is 12.3 per cent.

The percentage of requests settled within 20 days has again returned to over 80 percent after a dip in 2009. It now stands at almost 88 per cent.

Rates of internal reviews have dropped again, to only 1.4 per cent of requests received across all councils. London boroughs have on average the highest rate of internal reviews - 2.3 per cent - compared to districts with the lowest - 0.8 per cent. Districts' rate has remained under 1 per cent for the third year in a row; county councils have halved their internal review rate from 2009 to 2010.

The source of most requests was identified by respondents as the general public, however journalists' requests were considered the most time-consuming to answer. Again, business and media requesters were frequently criticised by respondents when asked for their overall views on how FOI works in Q18.

The trends relating to the topics of information requested also have continued. As in 2008 and 2009, officials said 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. Requests for personal information about council staff have dropped dramatically, after their spike in 2009 where 21 per cent of requests were on this topic.

The main problems with compliance identified by respondents were requests and requesters, lack of resources, and the cooperation of management or service departments, similar results to the 2009 survey. The most significant positive effects of the Act were again similar to 2009 results: the development of more open, transparent and accountable authority, improvements to records management, and general improvements to the organisation. Again, 'an improved relationship with the public' remains the least chosen benefit of FOI.

Respondents used Q18 to express further opinions about FOI and most of these were negative in tone. Similar sentiments to previous years were expressed. Difficult requesters, problematic round-robins, the use of FOI by media and journalists, difficulties with the ICO, lack of support from management and increasing pressure on staff resources all featured.

The Constitution Unit received funding from the Economic and Social Research Council in 2009 to undertake a two-year study into the impact of FOI of English local government, which this survey will help inform. This project is due to be complete at the end of 2011. Please see our website for the findings coming from this project, and our copies of this and our previous surveys.

Appendix A – Survey invitation email

Subject: Constitution Unit survey of FOI officials in local government

Dear FOI Officer,

Link to survey: The FOI Act in 2010: How did things go for local authorities?

This 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 2010 edition.

Please do not treat this as an FOI request – your involvement is voluntary. The data we collect from the survey will help to show how FOI is working in England at the local level, ensuring that local authorities' needs can be taken into account when the operation of the Act is reviewed by the government later this year. The survey will remain open for you to fill out until 1 September 2011.

We are very grateful to FOI officers from all over England who have filled out our previous surveys. Last year their data showed us that:
- The number of requests made to English local councils increased by 38 per cent from 2008 to 2009.
- Requests were being processed faster, and at a lower cost per request.
- Looking back over the Act's first five years, there has been an increase in the number of requests of 172 per cent. The estimated total cost of FOI to English local authorities has increased from £24.8 million in 2005 to £36.6 million in 2009.

You can read coverage of the 2009 survey results here in the Local Government Lawyer, and the Local Government Chronicle.

We publish reports outlining the findings for each year – you will find them all under the 'surveys' tab here. The surveys also contribute to our in-depth study of the impact of FOI on Local Government, due to finish later this year. You can read about our project and its preliminary findings here. Some officers also find the survey results useful to measure performance of their own organisation against others.

This is a voluntary survey, which is quick and easy to do. It is web-based (using SurveyMonkey.com) and seeks information that we hope is readily available to you. Attached is a pdf file with all the questions the survey contains. If you like, you can refer to this to collect the information you need for the survey before you begin to fill it out. If you do not have exact answers to hand, just make the best guesses you can. We have taken feedback from the last survey to make this year's more user-friendly.

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.** If you have any questions about the data we collect, or have problems filling out the survey, 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.

To fill out this year's survey, please click on this link: **The FOI Act in 2010: How did things go for local authorities?**

Detailed survey instructions:
1) Please click the link to the survey above. This will take you directly to the survey. If the hyperlink does not work, copy and paste this URL into your browser:
http://www.surveymonkey.com/s/K5DDSFX
2) We estimate that it will take you about 30 minutes to complete.
3) The last day you will be able to fill out the survey is **1 September 2011**. You may also return to an incomplete survey before 1 September 2011 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) 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 B – Survey

The FOIA 2000 in 2010: How did things go for local authorities?

Welcome

The Constitution Unit is part of the School of Public Policy at University College London. We are keen to stay up to to date with developments in the application of FOI at the local government level. Since 2005 we have undertaken annual surveys of FOI officers in local government. This survey covers the year 2010 (January-December).

We are also currently undertaking an in-depth two year study of the impact of FOI on local government, funded by the ESRC. The results from this and previous surveys will be of benefit to this study, which began in August 2009. Please feel free to visit our website for details about our projects (www.ucl.ac.uk/constitution-unit) and give any comments you feel may be appropriate.

The email which gave you the link to this survey has a pfd attachment of all the survey questions. If you like, you can refer to this to collect the information you need for the survey before you begin to fill it out. Please contact g.bourke@ucl.ac.uk for any questions or advice on the survey.

Thank you in advance for participating. 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 send a copy of our report to all respondents when it is complete. You can see the media coverage of last year's report by clicking on the 'Outputs' tab here: http://www.ucl.ac.uk/constitution-unit/research/foi/foi-and-local-government

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.

You can answer the following questions using yearly, or quarterly data, whichever is easiest for you.

1. How many FOI and EIR requests did your authority receive during 2010? Please use information recorded in your tracking system or your best estimate when reporting the number of requests. You can answer with either a year total, or break up the requests by quarters. 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
> Or whole year

2. To the best of your knowledge, how many FOI and EIR requests resulted in FULL release of the information requested in 2010?
> Quarter 1
> Quarter 2

Quarter 3
Quarter 4
Or whole year

3. To the best of your knowledge, how many requests resulted in a release of NONE of the information requested in 2010?
Quarter 1
Quarter 2
Quarter 3
Quarter 4
Or whole year

4. To the best of your knowledge, how many requests were withdrawn, transferred, or dealt with in another way?
Quarter 1
Quarter 2
Quarter 3
Quarter 4
Or whole year

<u>**Timelines and Review**</u>

5. To the best of your knowledge, how many requests were settled within the statutory 20-day time limit in 2010?
Quarter 1
Quarter 2
Quarter 3
Quarter 4
Or whole year

6. To the best of your knowledge, how many requests were subject to an internal review within your authority in 2010?
Quarter 1
Quarter 2
Quarter 3
Quarter 4
Or whole year

<u>**Impact of the £500 publication scheme**</u>

7. To the best of your knowledge, how has the £500 publication scheme affected the number of FOI requests you have received?
Increased amount of FOI requests
Decreased amount of FOI requests
Stayed the same
Not sure
If increased of decreased, please specify by how much:

8. To the best of your knowledge, who is accessing the £500 spending publications? Please supply us with your best guesses. Tick as many categories as you like.
I don't know
Media
Business
General public
NGOs or pressure groups
Other (please specify)

9. What has been the impact (if any) on your authority from the online publication of all spending over £500? Please describe in your own words as best you can.

Staff deployed on handling FOI and EIR requests

10. To the best of your knowledge, how many full-time equivalent (FTE) staff on average were assigned to FOI and EIR compliance tasks in the following areas of your organisation in 2010? (Please count staff in terms of full-time equivalents. For example, one full-time person and four people at 25% time each equals two FTEs.)
  Central information team
  All other departments

Sources of requests

11. 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)
  Largest category
  Second largest category
  Third largest category

12. Please list the top three categories of requesters IN TERMS OF AMOUNT OF TIME spent on the respective group's requests.
  Largest category
  Second largest category
  Third largest category

Information requested

13. 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)
  Largest category
  Second largest category
  Third largest category

14. Please list the top three categories of information IN TERMS OF AMOUNT OF TIME spent on that type of information request.
  Largest category
  Second largest category
  Third largest category

Fees

15. In approximately WHAT PERCENTAGE of cases did your organisation charge a fee for an FOI request in 2010 for any reason? If unknown, please state 'not sure'

Problems with compliance/Positive effects of FOI

16. Please describe the top three problems you experienced with FOI/EIR compliance in 2010.
  1.
  2.
  3.

17. Please describe the top three ways in which you think FOI positively affected your organisation in 2010.

    1.
    2.
    3.

Further comments

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

Information about your organisation

19. For which type of authority do you work?
    London borough
    Unitary council
    Metropolitan council
    County council
    District council

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

21. Please let us know if you have any comments about the survey itself, including suggestions for improvements. If you would like to be contacted to participate in further research, please provide your email address.

Thank you!

Thank you for completing our survey. Your answers are of great value to us and we appreciate your time and participation. Your responses will enable us to report comprehensively on FOI at the local government level and we will endeavour to inform you when our findings are published. Thank you!

Appendix C – Breakdown of number of requests, outcomes and appeals by council type

Local Authorities	Total Requests	Total Full release	No info. released	Other	20 days requt. met	Internal reviews
County						
Total from 12 respondents	11485	7383	1415	833	9641	211
Average/council	957	615	118	69	803	18
Total for 27 councils	25841	16612	3184	1874	21692	475
London borough						
Total from 8 respondents	7978	6465	514	207	6376	187
Average/borough	997	808	64	26	797	23
Total for 33 boroughs	32909	26668	2120	854	26301	771
Metropolitan						
Total from 9 respondents	6966	5044	468	296	6199	74
Average/council	774	560	52	33	689	8
Total for 37 councils	28638	20736	1924	1217	25485	303
Unitary						
Total from 16 respondents	11282	8562	715	256	9389	218
Average/council	705	535	45	16	587	14
Total for 55 councils	38782	29432	2458	880	32275	749
Other Councils: ave./cncl	858	630	70	36	719	16
Other Councils: total (152)	**126170**	**93448**	**9686**	**4825**	**105753**	**2300**
District						
Total from 59 respondents	21107	18460	823	1299	19827	162
Average/council	356	313	14	22	336	3
District: total (201)	**71566**	**62889**	**2804**	**4425**	**67546**	**552**
Total (353 authorities)	**197737**	**156337**	**12490**	**9250**	**173299**	**2852**
average/authority	560	443	35	26	491	8
%s of total requests		**79%**	**6%**	**4.7%**	**88%**	**1.4%**

Note: 'Other' denoted requests that were transferred, withdrawn, or otherwise dealt with outside the usual FOI processes. 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 D – Survey of requesters to local government

As part of our two year study into the impact of FOI upon English local government (funded by the ESRC), we have surveyed requesters using an online survey tool. We approached several local councils to attach a weblink to our online survey to their FOI responses, inviting those who had made a request to respond. Eleven councils were kind enough to include this link. The survey ran from October 2009 to August 2011, and we received 60 substantial responses.

Findings

What are requests about?

Whilst 74 per cent of survey respondents described their requests as being in the public interest, this is a deceptively high number. Included within this percentage are requests which could be construed to relate to private matters, such as dissertation research (Response 68) and property belonging to the requester (Response 55). Indeed, in a number of cases respondents defined their request as being in the public interest yet cited a personal motivation for requesting information.

When asked about the 'primary capacity' in which they were making the request, 31 out of 60 respondents (52 per cent) said they were acting as a private individual, yet only 10 of these described their FOI request as relating to a private matter. The remaining 48 per cent (including campaign workers, journalists, charity workers, students and trade union members) almost all classed their requests as being in the public interest.

Table 29 – Primary Capacity of requesters (and number of 'private interest' requests)

Primary Capacity	Total number of people (% of all responses)	Number who said their request was private interest
Private individual	31 (52%)	10
Charity worker	5 (8%)	1
Campaign worker	5 (8%)	0
Academic/student	3 (5%)	1
Commercial business	3 (5%)	0
Journalist	3 (5%)	0
On behalf of a political party	3 (5%)	0
Other	3 (5%)	1
Trade union member or staff	2 (3%)	0
Lawyer	1 (2%)	0
Public sector employee	1 (2%)	0
Total responses	60	13

Those who made requests as private individuals were most likely to have made 10 or fewer requests over the past five years. This is in line with expectations, considering that few members of the public make use of FOI.

The more often someone made an FOI request over the last five years, the more likely they were to describe themselves as regularly participating in politics. Unsurprisingly the most frequent other form of participation was voting (in council elections). However, it is interesting to note that of all the surveyed requesters only 33 per cent said they were politically active on a regular basis. People who stated that they vote in council elections also described themselves as not active in politics, suggesting that the act of voting is considered so normal that it is not regarded as a particularly 'political' activity. Furthermore, respondents who affirmed being politically involved in a number of ways (they could tick as many as like they liked of the six options presented to them), sometimes described themselves as being politically *inactive*, stressing that they were not 'party political', and thus possibly misinterpreting the question or the meaning of 'political action'.

Table 30 – Forms of political participation (other than making an FOI request)

Form of political participation	Number of responses	Reponses from those who said they were not politically active
Voting in council elections	40	24
Checking agendas and minutes of council meetings	25	10
Taking part in a discussion or consultation	21	9
Meeting with a local councillor or official	15	4
No other participation	15	13
Attending a council meeting	14	4
Other	11	7
Making a submission relating to a council plan	11	3
Total	152	74

District councils were the most popular targets for FOI requests (26 per cent) with 6 people (10 per cent) not knowing the kind of council from which they were requesting information (see Table 29).

Table 31 – FOI requests made by council type

Type of council	Number of responses	Percentage
District	15	26%
Metropolitan	10	17%
Unitary	8	14%
London borough	8	14%
Requester didn't know	6	10%
Other	5	9%
County	4	7%
Parish	2	3%
Total	58	100%

Most requests were answered after a month and the second most common response time was two weeks, less than the statutory timeframe and therefore a positive finding.

What did you use FOI for?

The most common type of information requested was, jointly, information relating to a council service and financial information about council spending (see Table 32). Interestingly, despite the recent MPs' expenses scandal, information regarding officers' use of expenses/allowances was one of the least requested areas.

Table 32 – Type of information requested

Type of information	Number of responses	Percentage
Financial information about council spending	9	21%
Council service	9	21%
Regulatory, licensing or planning issues	6	14%
Council performance measures/statistical data	4	9%
Information about requester or their property	3	7%
Council contracts or procurement	3	7%
Officers' conduct or actions	3	7%
Officers' use of expenses/allowances	2	5%
Environmental information	2	5%
Council policy decisions	2	5%
Total responses	43	100%

Most people answered that information received following an FOI request had been used for research (see Table 33). After this, the 'other' option was most common, which requesters expanded on in the comments field. These comments showed requests were follow-ups to requests that had otherwise failed to elicit information, or requests had not been answered yet.

Table 33 – What was the information used for once received?

What did the requester do with the information they received?	Total
Research	15
Other	9
Voice disagreement with a local government policy or decision	6
No further action was taken	4
Submitted another FOI request	3
Sought more information (without submitting a further FOI request)	3
Shared the information with a campaign or charity	3
Published or broadcast in the local or regional media	2
Corresponded with a councillor	2
Published or broadcast in the national media	2

Took part in a local government consultation exercise	1
Given to local or regional media	1
Legal action	1
Published on personal website or blog	1
Corresponded with MP	1
Published on organisation's website	1
Total	55

Clarity

The vast majority of respondents (70 per cent) felt that the information they received (including correspondence with councils) was clear and understandable, although those making requests as private individuals found the information slightly harder to comprehend. Most respondents were able to make FOI requests free of charge. Only four respondents (7 per cent) were charged, and of this four, one fee was later withdrawn.

FOI and its democratic objectives in relation to local government

Whilst 35 per cent of respondents stated that their most recent FOI request had neither increased nor decreased their understanding of the related issue, 49 per cent reported that their understanding had either increased or significantly increased (see Table 34). Only one respondent felt their understanding of the issue concerned had actually decreased following use of FOI.

With regard to local government in general, 38 per cent of respondents reported no change in their level of understanding. Only 26 per cent of respondents felt their understanding had either increased or significantly increased, with 6 people (or 12 per cent) feeling their understanding of local government had actually decreased to a degree. These figures suggest that FOI is more effective at informing requesters about the issue of concern, but less effective at enlightening requesters about local government more generally.

Table 34 – Understanding of the issue concerned and local government in general

Understanding	Of the issue concerned	Of local government generally
Has neither increased nor decreased	35%	38%
Has significantly increased	29%	11%
Has increased	20%	15%
Has decreased	2%	17%
Has significantly decreased	0%	6%
No opinion	0%	6%
Not applicable	14%	6%
Total responses	100%	100%

For 47 per cent of respondents, trust in local government either decreased or significantly decreased following their experience of using FOI (see Table 35). Four of the six people who used information obtained through their FOI request to 'voice a disagreement with the council' (Q13) answered that their trust in local government had significantly decreased.

Table 35 – Trust in local government after using FOI

My trust in local government…	Responses	Percentage of responses
Has neither increased nor decreased	11	23%
Has significantly increased	1	2%
Has increased	5	11%
Has decreased	5	11%
Has significantly decreased	17	36%
No opinion	1	2%
Not applicable	7	15%
Total responses	47	100%

In line with a decrease in trust, 42 per cent of respondents answered that their confidence in local government decreased significantly following their FOI request, a noticeably high figure. In stark comparison, only 2 per cent felt their confidence in local government had increased significantly.

When asked about whether they felt their use of FOI had changed their ability to make a contribution, forty-eight per cent of respondents said it had increased or significantly increased, with only 6 per cent saying it had decreased by any degree. This provides evidence that FOI has given people a sense of empowerment. 23 per cent of responders expressed no opinion either way.

Questions relating to requesters' understanding of how local government operates and reasoning behind local government decisions produced inconclusive findings.

When asked whether FOI had increased the ability to hold local government to account for decisions, answers were spread relatively evenly. An equal percentage of people thought FOI had increased or significantly increased their ability to hold local government accountable for decisions to those who thought it had decreased or significantly decreased (26 per cent respectively). A similar set of results were produced when respondents were asked about their ability to hold local government to account for spending public funds. Therefore, thinking explicitly about money had little impact upon requesters' opinions regarding the accountability of local government.

FOI and its objectives in general

Seventy per cent of respondents either agreed or strongly agreed that FOI makes public authorities more accountable for their decisions and actions (see Table 36). Similarly 64 per cent of respondents felt FOI was effective in making local authorities more transparent. Considering that increased transparency and accountability are the two main objectives of FOI, this is a promising finding, despite people feeling their own requests make less of an impact than the Act as a whole. Whilst 50 per cent of respondents found their overall FOI experience satisfactory, 35 per cent either disagreed or strongly disagreed with the statement that "overall, my experience making FOI requests under FOI has been satisfactory". Opinion was most divided when respondents were asked whether FOI Act was working properly, although the largest percentage agreed that the Act *is* working properly (30 per cent).

Table 36 – Based your overall experience, have FOI's objectives been achieved?

	"FOI makes public intuitions more accountable"	"FOI makes public intuitions more transparent"	"The FOI Act is working properly"	"Overall, my experience making FOI requests under FOI has been satisfactory"
Strongly agree	38%	34%	16%	21%
Agree	32%	30%	30%	29%
Neither agree nor disagree	6%	6%	18%	15%
Disagree	6%	10%	16%	12%
Strongly disagree	16%	20%	20%	23%
no opinion	2%	0%	0%	0%

Respondents were finally asked for comments about their overall experience making FOI requests (see Tables 37 and 38). Most **negative** comments about the overall experience of making FOI requests featured recurring themes: the local authority's manipulation of information before its release reluctance to give information to the requester, and stalling tactics. Overall, negative comments paint a picture that FOI is in fact failing to increase the accountability and transparency of local government. Those with **mixed** opinions implied that whilst the Act itself is mostly positive, those entrusted to enforce the Act are failing. One **positive** comment described FOI as a "vital tool for helping the public" (Response 4).

Table 37 – What is the single largest problem with using FOI at local government level?

Problem	Description	Total	Percentage
Resistance	The use of delaying tactics or evasiveness	14	37%
Practicalities	Such as dealing with large amounts of information, time consuming nature, lack of resources etc.	12	32%
Incompetence	Incompetence of staff	6	16%
Lack of awareness	Staff's lack of awareness of FOI legislation	2	5%
None	No problems	2	5%
Other		2	5%
Total		38	100%

Table 38 – What is the single largest benefit of using FOI at local government level?

Benefit	Description	Total	Percentage
Accountability	Holding local government to account	11	32%
Basic benefits	Such as access to information	9	26%
Making local government better	For example by discouraging representatives from abusing their power	6	18%
None	There are no benefits to FOI	5	15%
Responsiveness	Local authorities have a duty to respond to requests	3	9%

Total		34	100%

Local government compared to other public bodies

When asked to compare local government handling of FOI requests with other levels of government or public authorities, various responses were given. Most comments however portrayed local government negatively, with other authorities' handling of FOI requests being given a more positive evaluation. However, a number of public authorities, such as the University of Salford, the NHS and central government were described as being worse at handling FOI requests than local government.

Portrait of a requester

Of the respondents, 27 per cent were female and 73 per cent male. Women were more likely to make FOI requests as part of their job, compared to men who were more likely to act as private individuals. Of respondents who gave their age, 54 per cent were over 50 years old. Interestingly, those under the age of 50 were the only people to answer that trust in their local authority had increased following their use of FOI. Older participants were more likely to have been "very dissatisfied" with their request.

With regard to education, 68 per cent of requesters had either a degree, degree-level vocational qualification or Post-graduate degree, compared to 32 per cent who had GCSE/CSEs (or equivalent) or A-Levels. Furthermore, those acting as private individuals were on average less educated than those who make FOI requests in a professional capacity. Generally, the more often a respondent read a newspaper, the more likely they were to say that their FOI response was clear and understandable.

Therefore, based on the findings of the survey, the "average" FOI requester acts as a private individual, is male, is over 50 years of age and has a degree or higher qualification.

Appendix E – FOI in Irish Local Government

Professor Maeve McDonagh, University College Cork

This is a summary of research undertaken in late 2009 into the attitudes of Irish local government FOI decision makers towards the operation of access to information legislation, in particular the Freedom of Information Act.[3] It built on work previously undertaken by the author with FOI Officers of local authorities.[4]

Table 38 – Level of FOI requests made to Irish local authorities:

Year	1999	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Requests	1870	2398	2809	2861	2668	1481	1311	1371	1300	1657	1510

Table 28 above shows that the number of FOI requests submitted to Irish local authorities rose from an initial level of 1,870 in the first full year of operation of the Act (1999) to a peak of over 2,800 per annum in 2001 and 2002, before declining to a low of approximately 1300 per annum between 2005 and 2008. An increase in requests occurred in 2009 but the numbers declined again somewhat in 2010.

The steep decline in local authority FOI requests after 2002 mirrored a similar decline in FOI requests generally[5] and coincided with the introduction of the FOI (Amendment) Act 2003 which amongst other things introduced a €15 FOI request application fee.

Benefits and Challenges

The research was based on a survey of local government FOI decisions makers, who along with their normal workload, bear responsibility for making decisions on FOI requests.

The aim of the research was to identify the benefits and challenges of FOI from the perspective of the officials concerned. All 324 local authority FOI Decision Makers in the country (as identified by the FOI Officers of each local authority) were invited to participate in the survey, of whom 184 submitted responses constituting a response rate of 57 per cent.

Two types of question were posed: those with a range of suggested answers; and open-ended questions.

In terms of the benefits that arise from FOI, those identified by respondents from a list of potential benefits set out in the survey, in order of the proportion of respondents identifying them as such, were:

Table 39 – Benefits of FOI for Irish local government (suggested answers)

Greater openness in dealings with the public	85%
Greater accountability to the public	79%
The provision of a framework for making decisions on access	76%
Improvements in record keeping	65%

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[3] M. McDonagh, 'Access to local government information in Ireland: Attitudes of decision makers' (2010) *Open Government: A Journal on Freedom of Information* Vol. 6, Issue 1, 1 – 20.
[4] See M McDonagh 'The Impact of Freedom of Information on Irish Local Government' in R Chapman and M Hunt eds *Freedom of Information: Local Government and Accountability,* (London: Ashgate, 2010), 73.
[5] The number of FOI requests made to all public bodies declines by 42% between 2003 and 2007: Office of the Information Commissioner (2004) *Review of the Operation of the Freedom of Information (Amendment) Act 2003.*

Engendering a change in local government culture	64%
Better communications with community and customers	49%

- Respondents were neutral with regard to improvements in internal communications

- In response to the open ended question asking them to identify the greatest benefit brought by FOI, the following were selected by respondents:

Table 40 – Benefits of FOI for Irish local government (open-ended answers)

Openness & transparency	53%
Improved accountability	13%
Better record keeping	9%
Provides a framework for access decisions	6%
Improved decision-making	5%

The challenges associated with FOI identified by respondents from a list of potential challenges set out in the survey were, in order of the proportion of respondents identifying them as such:

Table 41 – Challenges of FOI for Irish local government (suggested answers)

Frustration with the approach to FOI of some requesters	84%
The administrative burden imposed on Council staff	83%
Confusion re interaction of various access regimes	80%

- Respondents were largely neutral with respect to the effect of inadequacies in training: roughly similar proportion agreed as disagreed that this hampered the realisation of the benefits of FOI and resource inadequacies: again roughly similar proportion agreed as disagreed that this hampered the realisation of the benefits of FOI

- In response to the open ended question asking them to identify the greatest benefit brought by FOI the following were selected by respondents:

Table 42 – Challenges of FOI for Irish local government (open-ended answers)

Lack of resources	53%
Inadequacy of record keeping systems	22%

Less than 1 per cent saw as the greatest challenge that FOI takes staff away from core duties; inadequacies in training; and the difficulty of dealing with awkward requesters

The 'Chilling Effect'

Respondents were asked whether FOI had resulted in the non-recording of information by staff within their organisations and they responded as follows in Table 43:

Table 43 – Has FOI led to non-recording of information?

Agree	29%
Disagree	49%
Neutral/Don't know	19%

Sample comments made by respondents to this question included: "people will record information, but are less willing to give views, opinions or interpretations which might be subject to challenge" and "the main type if information which is no longer recorded is of a type which should not have been recorded or considered in any decision-making process – mostly inappropriate personal details"

FOI and access to politicians

A key part of Irish politics involves the role of politicians (both local and national) as conduits for constituents. Another question explored was whether FOI had led to people seeking access to information for themselves rather than relying on Councillors to act as go-between in terms of the transmission of information. Table 44 shows the responses:

Table 44 – Has FOI led people to seek information for themselves?

Agree	45%
Disagree	33%
Neutral/Don't know	18%

Sample comments included the following: "Parish pump politics is alive and well with the use of elected Councillors, Dail deputies [MPs] and even Ministers enquiring about the most trivial of issues" and "Councillors are still not only used to press for information, but also to obtain a particular service"

Overall Impact of FOI

Finally respondents were asked to say whether the overall impact of FOI on their organisations was positive or negative and Table 45 shows they responded as follows:

Table 45 – Has FOI had a positive effect on your organisation?

Positive	76%
Negative	11%
No Impact	8%

Sample comments included: "There is definitely a downside - more administrative work, more cautious approach to situations. However the relationship between the public and the individuals in a local authority has improved greatly since I started working in the late seventies, and I think that openness, resulting in part from FOI, has probably contributed to this."; and "The potential for your actions to be laid bare to those directly affected must inspire a greater effort."

In conclusion, the survey showed that FOI was viewed as overwhelmingly positive not only in terms of impact on the public but also on the organisation in terms of improving record keeping and the provision of a framework for access decisions with some limited evidence of improvements in decision-making. The main problems were identified as being related to resource problems and deficiencies in record management systems. The survey showed that some of the expected consequences of FOI, both positive and negative, had failed to materialise.