

# The Cost of Freedom of Information

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

Table 1: Annual FOI statistics

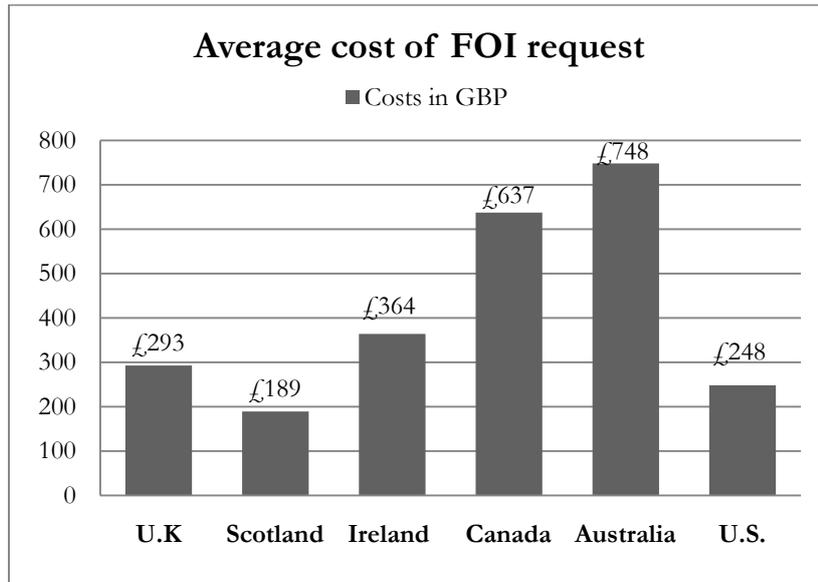
Country	Year	Total Number of FOI Requests per year	Total Cost of FOI per year	Average time taken to complete FOI request	Average Cost per FOI request
U.K.	2005	121,000	GBP 35.5 million	7 hours 30 mins	GBP 293
Scotland	2009	-	-	7 hours 22 mins	GBP 189
Ireland	2009	14,290	EU 6.9 million	-	EU 425
Canada	2000-2001	20,789	CAD 28.8 million (IN 1999) <sup>1</sup>	38 hours	CAD 1,035
Australia	2008-2009	27,561	AUD 30,358,484	18 hours 42 mins	AUD 1,208
U.S.	2009	557,825	USD 382,244,225	-	USD 685

For ease of comparison, the final figures are presented in British Pounds.

Table 2: Cost of FOI in British Pounds

	Cost in GBP
<b>U.K</b>	293
<b>Scotland</b>	189
<b>Ireland</b>	364
<b>Canada</b>	637
<b>Australia</b>	748
<b>U.S.</b>	248

<sup>1</sup> See 'Canada' subsection for further details



## Understanding Costs

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

Certainly, assessing the cost of FOI is a highly complex task that each country has tackled in vastly different ways. The challenge of producing accurate figures is demonstrated by Sarah Holsen in her paper *Freedom of Information in the U.K., U.S., and Canada* (2007) where she states:

The precise cost of complying with FOI legislation...is virtually impossible to calculate. One reason for this is that some agencies keep track of costs while others do not; another reason is the wide variation in how the costs are calculated (ibid: 52)

Holsen highlights that costs depend on a number of variables such as the time awarded to fulfilling FOI compliance and the efficiency of response procedures (ibid: 52). Such factors increase the complexity of achieving accurate estimations.

Factors that differed according to country reports included:

- Assessing the cost *of* or costs *associated with* processing FOI, i.e. whether or not the cost of tribunals and internal reviews is included in the cost of processing FOI, or the division between staff and non-staff costs.
- Difference between using the number of *requests received* or *requests processed* as an annual figure.

- Classifications of request, i.e. FOI versus EIR requests and whether they are treated separately. In the U.S. the report separated all requests within the categories of ‘simple’, ‘complex’ and ‘expedited’.

### Costly requests

Despite the differences in methodologies, a common finding in each report was the financial impact of administering a small number of disproportionately expensive requests. For example in the U.K., although only 5% of requests cost more than £1,000 of officials’ time, they tended to take 7 times longer to process than average requests and accounted for 45% of total costs.

Such requests have undoubtedly bolstered final figures and, in some respects, skewed final costing data as they exceed the statutory price limit each country has in place in order to avoid these costly processes. As there is no obligation to process such requests in the first place, it could be argued that they should not be included in the figures. Nevertheless, it is difficult to predict the full cost of administering a complex request and the costs incurred are often unavoidable. This compels a further reason to understanding these figures in a critical manner.

If nothing else, this collation of international approaches highlights the myriad ways in which to calculate the cost of administering Freedom of Information.

### United Kingdom

Year	Total Number of Requests p.a.	Total Cost of FOI p.a.	Average time taken to complete request	Average Cost per FOI request
2005	121,000	£35.5 million	7.5 hours	£293

Source: Frontier Economics, Independent Review of the impact of the Freedom of Information Act: a Report Prepared for the Department for Constitutional Affairs, October 2006

While the Ministry of Justice publishes annual statistics relating to FOI requests processed by U.K. government agencies<sup>2</sup>, the reports do not offer any insight into FOI expenditure. As such, the Frontier Economics Report (2006) offers the most recent attempt to estimate relative costs. Though the report has since been heavily criticised<sup>3</sup>, its methodological premise provides an interesting example of one of the many ways in which to assess the cost of FOI.

The report analyses the total cost of FOI requests on central government and wider public services separately. The figures above represent the overall costs.

<sup>2</sup> See [www.justice.gov.uk/publications/docs/foi-statistics-data-2009.xls](http://www.justice.gov.uk/publications/docs/foi-statistics-data-2009.xls)

<sup>3</sup> The report is said to have grossly inflated numbers and to have targeted journalists as vexatious requesters. See Martin Rosenbaum’s BBC blog <http://www.bbc.co.uk/blogs/opensecrets/2006/10>. Also see the official Complaint from the *Guardian* submitted to Campaign for Freedom of Information <http://www.cfoi.org.uk/pdf/Guardian.pdf>

## Central Government

The total cost across central government of dealing with FOI requests is £24.4 million per year.

## Wider public services

- The total cost of dealing with these requests is estimated to be around £11.1 million per year.
- Wider public services receive around 87,000 FOI requests annually, more than twice the number handled by central government.
- Local authorities have the highest volume of FOI requests outside central government, receiving around 60,000 per year at an estimated cost of £8 million.

## Methodology

Much of the costing figures presented by the Frontier Economics' report were calculated from a one week costing exercise in the January of that year – a notably limited sample.

Their approach is largely governed by the following two categories:

1. Cost measured according to cost of officials' time  
i.e., assessment according to involvement and seniority of respondent(s).
2. Time spent on each specific stage of processing FOI request  
Requests were analysed according to 7 different stages of work. This approach was taken due to the cost of each request being impacted by the stages of work involved and by the level of seniority of staff involved in processing such requests.
  1. Logging the request and case administration
  2. Searching/obtaining the information
  3. Reading times
  4. Consideration times
  5. Consultation with external bodies
  6. Consultation with board level officials/Ministers
  7. Drafting of response and sign off (page 20)

## Findings

- Costs an average of £67 per request.
- The most expensive stage of work for the average request is the time spent consulting Ministers or Board Level Officials.
- Time spent considering the request costs a further £41 on average with searching for and reading through the information costing a further £68 (page 20).

## Points of interest

Disproportionately expensive requests (often made by journalists)

- Referring to requests that cost over £1,000 of officials' time.
- Although only 5% of requests cost more than £1,000 of officials' time, they account for 45% of total costs.

- Such requests tend to take 7 times longer to process than average (page 2).

#### Requests involving Ministers

- Around 19% of requests to central government involve Ministers.
- The average costs of central govt requests that involve a Minister tend to be substantially higher:
  - Request involving a Minister = £495
  - A request not involving a Minister = £224
- Requests involving Ministers require five and a half more hours work than those that do not (page 23)

This is problematic, however, as it does not specify in what capacity these requests take up Ministers' time. Nor does the report refer to departments where Ministers are more or less heavily involved in FOI. This is important as we know from data received by the Constitution Unit's central and local government surveys (see Amos et al. 2010)<sup>4</sup> that within departments the attitudes of senior-level staff vary significantly regarding the levels of priority granted to FOI.

#### Costs of Internal Reviews and Tribunals

- Internal reviews are extremely expensive for government departments.
- Annually, requests to central government generate approximately 2,700 internal reviews.
- On average, central govt reviews cost £1,208 – more than 5 times the amount of an initial request (page 25).

As the cost of internal reviews is included in the final FOI cost, it is important to bear in mind these figures that will inflate the average cost.

## Scotland

	Average time taken to complete request	Average Cost per FOI request
2009	7 hours 22 mins	£236

Source: Scottish Government Freedom of Information Costing Exercise 2009-2010 (November 2010)

The Scottish Government Freedom of Information Costing Exercise 2009-2010 report publishes annualised costs of processing Requests, Reviews and Appeals. For the purposes of this exercise, only Requests will be detailed below<sup>5</sup>.

<sup>4</sup> Results of local and central government surveys can be found here: <http://www.ucl.ac.uk/constitution-unit/research/foi/foi-and-local-government>

<sup>5</sup> Again, this highlights the difficulty of how to calculate FOI costs.

## Methodology

All officials working within the Scottish Government and relevant associated agencies received a request during the nine week fieldwork period (14 September-13 November 2009) asking that they keep a record of the amount of time they and colleagues spent in responding to FOI requests. Requests were then calculated using average employee costs for each staff grade<sup>6</sup>.

However, costs incurred by the Scottish FOI Unit<sup>7</sup> staff were also calculated in order to arrive at a *total* cost figure for requests. This is to reflect the fact that the Unit provides assistance on requests, reviews and appeals as well as undertaking other FOI related duties. The report provides two sets of figures in many of the sections: costs including the FOI unit, and costs without.

## Key Findings

Information on the amount of staff time taken responding to requests was collected for 186 out of the 253 cases registered during the nine week survey period (14 September to 13 November 2009) (page 4).

- Excluding FOI Unit staff time, on average each request took 7 hours and 22 minutes of staff time. The time ranged between 15 minutes and 125 hours and 15 minutes.
- Excluding FOI Unit costs, the average cost of a request from survey data was £189. Costs varied between £4 and £3,033.
- FOI Unit costs of staff engaged with request handling on a pro rata basis totalled £11,923. This gives an average per registered request (253) of £47.
- The average cost of responding to a request is therefore calculated as £236.

## Annual figures

To achieve an *annual* cost of FOI the report combines the average cost of FOI derived from the survey data and estimated central costs with the actual numbers of requests, reviews and appeals received in 2009 (as recorded in the 2009 Annual Report). So in 2009 the Annual Report records 1802 requests presented as below:

	Requests
Annual staff costs calculated on registered cases in 2009	£340, 578
Annual costs of FOI Unit	£68,887
Combined annual cost	£409,465
Average FOI Unit cost (based on Annual Report figures)	£38
Average staff cost from survey data	£189
Combined average cost	£227

Source: Scottish Government Freedom of Information Costing Exercise 2009-2010 (November 2010), page 13

<sup>6</sup> For further information on how employees' salaries were calculated see pp. 6-7 of the report.

<sup>7</sup> A central body dedicated to FOI in Scotland, see page 2 of the report for further details.

## Limitations

The report concludes by acknowledging some of the survey's limitations. Regarding their costing procedures the report states:

The costs of requests were calculated using average employee costs for each staff grade. For more senior staff grades, the differences in costs within each grade are higher and therefore average employee costs may give a less accurate representation of the true costs (2009:13).

Most importantly, the report includes requests processed which cost more than the statutory £450 limit.

## Ireland

Year	Number of requests per year	Total cost of FOI	Average Cost
2009	14,290	EU 6.9 million	€ 425.00

Source: O'Connor, N (2010): *An Economic Argument for Stronger Freedom of Information Laws in Ireland*, TASC Discussion Paper, July 2010

## Methodology

Below is an outline from Dr Nat O'Connor's means of calculating the cost of FOI in 2009. The initial €425 referred to is an average cost based on an exercise conducted by the Department of Finance in 2003, which calculated the time (and hourly pay) required for civil servants of different ranks to examine files and decide on what can be released.

- Taking €425 as the average cost in 2003 (when the estimate was made), O'Connor assumes that €425 represents a reasonable average cost over the 11 years of FOI's operation (1998-2009) for which statistics are available.
- The annual reports of the Information Commissioner provide data how many FOI requests were made across the public service. In the twelve year period 1998-2009, a total of 156,685 requests were made.
- Putting these figures together, O'Connor estimates that the total cost of administering FOI requests over twelve years was €66.6 million (156,685 x €425).

To estimate cost of FOI in 2009 he sets out as follows:

- A total of 14, 290 requests were made in 2009. Assuming the average cost was €425 per request (i.e. €425 plus inflation since 2003), the operating cost of FOI in 2009 was €6.9 million (page 4).

The figures on number of FOI requests and total cost of FOI per annum were derived from The Annual Reports of the Office of the Information Commissioner.

## Canada

Year	Total Number of Requests p.a.	Total Cost of FOI p.a.	Average time taken to complete request	Average Cost per FOI request
2000-2001	20,789	\$28.8 million (in 1999) <sup>8</sup>	38 hours	\$1,035

Source: Access to Information (2002): *Making it Work for Canadians: Report of the Access to Information Review Task Force*, (June 2002)

Annual, nationwide FOI reports were not easily retrieved for Canada. As such, the report by the Information Review Task Force offers the most recent analysis on costs of FOI in Canada.

### Methodology

The report is primarily a comparative one, assessing the changes in processing FOI over time. The annual figures used are that of 1995-1996 and 2000-2001. However, details relating to costs refer in some parts to 1999 without any additional explanation.

The report found that the length and cost of requests are increasing:

- There was a significant jump in the number of requests in 1999-2000 and 2000-2001.
- Increased costs are due to the growth in demand while the per-unit cost has remained stable or even declined slightly. The report attributes this to greater efficiency in processing.
- Search costs have declined significantly (around 30%) due to better records management.
- However, savings were offset by 64% rise in cost of administrative and other activities – for example, contact with requestors, tracking requests, review
- Also a 104% increase in cost of responding to complaints (page 10).

### Costs recovered through fees

Of the average cost per request at \$1,035 CAD, the government recovers \$12.47. The report explains as follows:

Fees were not intended as a cost-recovery mechanism and should never be an obstacle to legitimate requests. They should act as an incentive for focussed requests and as a safeguard for the sustainability of the system. These objectives would be better met with a fee structure that differentiates between commercial requests and

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<sup>8</sup> Although the report relates to 2000-2001 figures, when detailing costs it refers to 1999.

general requests, and provides a mechanism to manage the exceptional costs of very large requests (2002: 4).

Of significant interest is the final statement in the summary of the findings which places the costs in context:

The total costs of administering the Act are in the order of \$30 million annually or less than \$1 per Canadian per year. This is a modest cost, in light of the significant public policy objectives pursued by the Act: accountability and transparency of government, ethical and careful behaviour on the part of public officials, participation of Canadians in public policy design, and a better informed and more competitive society (2002:5).

## Australia

Year	Requests received	Staff – Years	Salary Costs (plus 60% Related costs)	Non-labour costs	Average Staff - Days Per Request	Average Cost Per Request	Costs
2008-2009	27,561	241.94	\$24,565,850	\$5,792,634	2.34	\$1,208 <sup>9</sup>	\$30,358,484

Source: Australian Freedom of Information Annual Report 2008-2009

## Methodology

The Australian Freedom of Information Annual is concerned with the impact of the FOI Act on agency resources and assesses this from reports by agencies relating to the costs of administration of the legislation.

The Australian report calculates the cost of carrying out FOI by collating:

1. Staff costs (hours spent by individuals, graded according to salary bracket)
 

This covers all facets of processing requests including:

  - Search and retrieval
  - Consultation with third parties
  - Decision-making
  - Internal reviews (page 20).
2. Non-staff costs
  - Photocopying
  - Printing
  - Travel
  - Legal counsel fees

<sup>9</sup> The report lists the Average Cost of FOI Request to be both \$1,208 (pages 19 and 24) and \$1,102 (page 107). I have used the former as it cited more often.

The report explains:

For the purposes of calculating the costs of administering the FOI Act, agencies are required to provide an estimate of the staff-hours spent on FOI matters and estimates of non-staff costs directly attributable to FOI (such as photocopying). Agencies submit these estimates annually. Experience shows that agencies rarely keep exact records of hours spent by officers on FOI matters and other non-labour costs incurred (page 19).

The average cost per FOI request is then reached by adding the sum of FOI access requests granted in full, in part and refused.

The cost per request determined has increased from an average of \$940 in 2007-2008 to \$1,208 in 2008-2009. This is an increase of 29%.

- Estimated Staff Costs = \$24, 567, 042
- Total Non-Staff Costs = \$5,792,634 (page 22)

### **Time taken**

The report collated this by working out the *Total FOI Staffing* (page 21). The 2008-09 figures total 241.94 years.

- Agencies provided estimates of the number of staff-hours spent on FOI to enable calculation of salary costs (and 60% related costs) directly attributable to FOI (page 21).
- The Australian report works out Average Staff Days Per Request = 2.34 days.
- Assuming that they work on average an 8 hour day, the time taken to process a FOI request comes then to 18.7 hours.

### **Costs recovered through fees**

- Agencies notified a total of \$1,739,706 in charges, but exercising their discretion under section 29 of the FOI Act, collected only \$262,544 (page 12). This amounts to 15% of those charges.

### **During the year under report**

- Charges were notified in respect of 1,752 requests
- Total amount of fees and charges collected (including fees for internal review) was \$438,058. This was a reduction of \$80,790 (16%) on the amount collected in the previous reporting year
- The total amount of fees and charges collected represents 1.4% of the total cost of the FOI Act.

For further information relating to total FOI costs in Australia see Chapter 3 and Appendix L of the report (page 13).

## The United States

Year	Number of requests per year	Total cost of FOI	Average Cost
2009	557,825	\$382,244,225	\$685

Source: Summary of Annual FOIA Reports for Fiscal Year 2009

The data on FOI in the US was derived from the Annual FOI Report 2009 which provides a summary compilation of a sampling of the information contained in the Annual FOIA Reports prepared by the fifteen federal departments and seventy-nine federal agencies for Fiscal Year 2009. This summary is done each year by the Office of Information Policy (OIP) to provide an overall picture of FOIA activity across the government.

As such, no explanation as to the specific methodologies used by different departments is detailed. Below are the main findings on the cost of FOI across the United States:

### Costs

In Fiscal Year 2009, the total cost of all FOIA-related activities for all federal departments and agencies, as reported in their Annual FOIA Reports, was an estimated \$382,244,225. This figure reflects an increase of nearly \$44,000,000 from Fiscal Year 2008.

### Litigation

Approximately \$28,000,000 of these costs were reported as having been spent on litigation-related activities.

### Fees

Of total costs, \$9,067,078, or approximately 3%, was reported to have been recouped by the government through the collection of FOIA fees.

### Staffing Levels

- Approximately 4000 'full time FOIA staff' were devoted to the administration of the FOIA throughout the federal government during Fiscal Year 2009.
- This figure includes full time FOIA employees plus the cumulated percentages of time expended by personnel who work on FOIA as part of their duties.
- This figure represents an over 8% increase from fiscal year 2008 where the number was 3691.

## Sources

Amos, J., Worthy, B. and Bourke, G. (2010): *FOIA 2000 and local government in 2009: The experience of local authorities in England*, Constitution Unit, University College London

Holsen, S (2007): *Freedom of Information in the U.K., U.S., and Canada*, Information Management Journal, May-June 2007, pp.50-55  
<http://www.arma.org/bookstore/files/Holsen.pdf>

Martin Rosenbaum's *Open Secrets* BBC Blog  
<http://www.bbc.co.uk/blogs/opensecrets/2006/10>.

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<http://www.cfoi.org.uk/pdf/Guardian.pdf>

### United Kingdom

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### Scotland

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<http://www.justice.gov/oip/foiapost/2010foiapost18.htm>