

Freedom of Information and Universities



Freedom of Information Act
2000

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The **Constitution** Unit

FOI and other public organisations – our previous findings

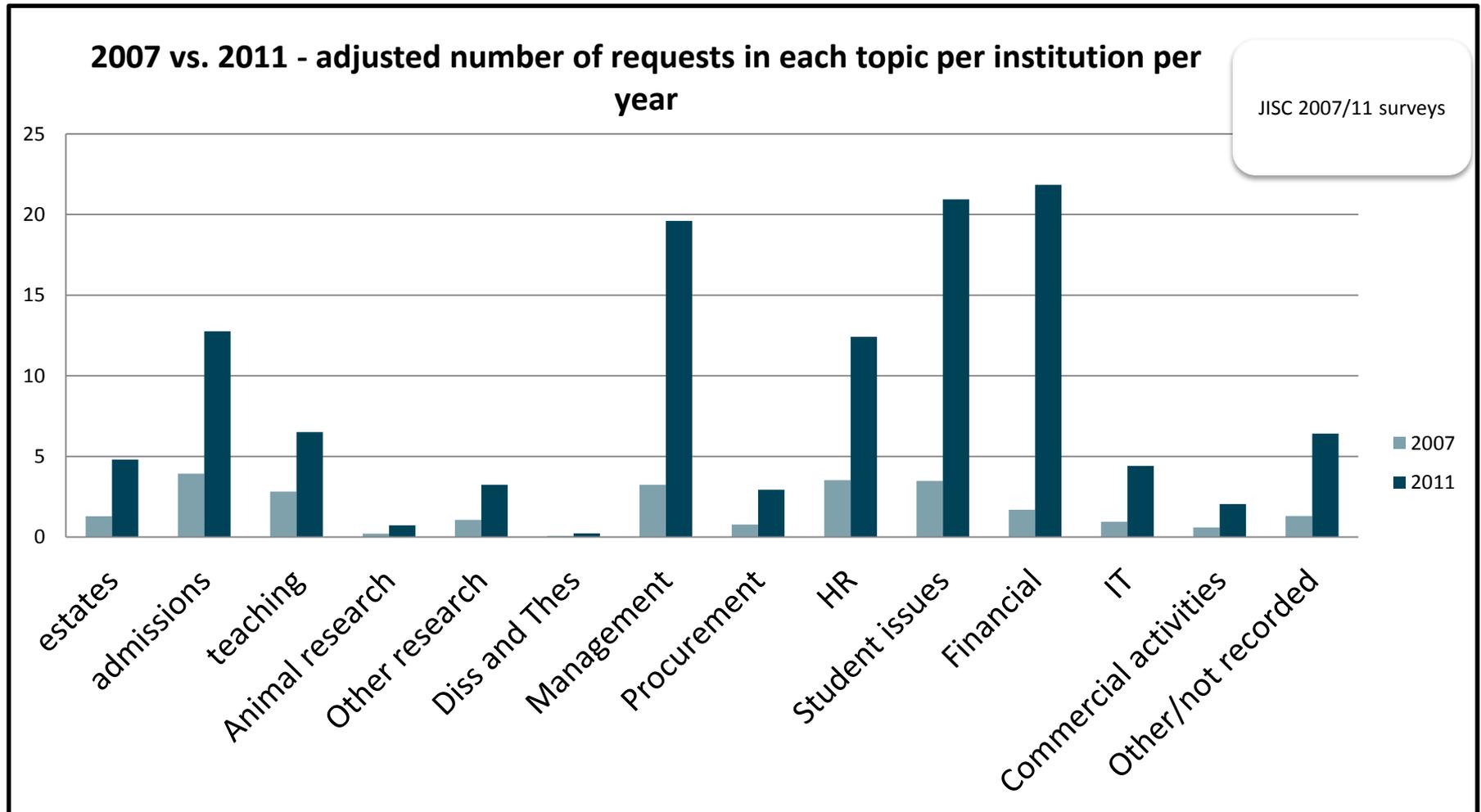
- FOI has increased transparency and accountability
- Limited impact on participation and trust?
- No impact on how institutions work (chilling effect?)
- Used for ‘personal’ or ‘micro-politics’
- How it works varies but it needs leadership and political support

Comparing public bodies

Estimated percentage increase in number of FOI requests received

Local Government (England) 2005 versus 2010 <small>Con Unit, 2010</small>	Central Government (UK) 2005 versus 2010 <small>MOJ, 2011</small>	HEIs (UK) 2005 versus 2011 <small>JISC, 2012</small>
196%	15%	331%

Focus of requests over time



FOI and Universities: basic findings

- Universities are already open and publish a lot of information ('sales literature')
- Average around 10.4 requests per month, with more 'prestigious' receiving more
- Focus on HR, finance, admissions and 'day-to-day' information

Examples of FOI requests - WDTK

<h2>Drug use among students</h2>	<p>“ Dear Sam Jones, I am writing in response to your request for information under the Freedom of Information Act 2000 (‘the Act’). Please accept my apol...</p>
<p>Successful. by Aberystwyth University to Sam Jones on 20 March 2012.</p> <p>✔ Successful.</p>	
<h2>Application Statistics</h2>	<p>“ Dear Mr Carter, I am writing in response to your recent request for information under the Freedom of Information Act 2000 (‘the Act’). Under section...</p>
<p>Information not held. by Aberystwyth University to James Carter on 30 January 2012.</p> <p>✘ Information not held.</p>	
<h2>IT Support Services</h2>	<p>“ Dear Mr Wicker, I am writing in response to your recent request for information under the Freedom of Information Act 2000 (‘the Act’). Please find a...</p>
<p>Partially successful. by Aberystwyth University to John Wicker on 23 February 2012.</p> <p>✔ Partially successful.</p>	
<h2>IT Service Desk request</h2>	<p>“ Dear Ms Cape, I am writing in response to your recent request for information under the Freedom of Information Act 2000 (‘the Act’). 1...</p>
<p>Successful. by Aberystwyth University to Angie Cape on 15 February 2012.</p> <p>✔ Successful.</p>	
<h2>Council Tax Exemptions</h2>	<p>“ Dear Ms Burnip, I am writing in response to your recent request for information under the Freedom of Information Act 2000 (‘the Act’). 1...</p>
<p>Successful. by Aberystwyth University to Linda Burnip on 8 February 2012.</p> <p>✔ Successful.</p>	
<h2>Number of staff paid less than £7.20 per hour</h2>	<p>“ Dear Mr Diogo, I am writing in response to your recent request for information under the Freedom of Information Act 2000 (‘the Act’). Please...</p>
<p>Successful. by Aberystwyth University to Pedro Diogo on 16 January 2012.</p> <p>✔ Successful.</p>	
<h2>Reports into Estate Services</h2>	<p>“ Dear Mr Tindall, I am writing in response to your recent request under the Freedom of Information Act 2000 (‘the Act’) for the following inform...</p>
<p>Information not held. by Aberystwyth University to Andrew Tindall on 3 January 2012.</p> <p>✘ Information not held.</p>	

Examples of requests

- **Teaching** “Data released under the Freedom of Information Act showed that about 15 per cent of tutorials - seen as the defining feature of an Oxford education - were not taken by senior academics last year....’*You'd imagine there'd be more questioning, if they feel they're being fobbed off with the graduate,*” he said. *“A punter paying £9,000 is likely in theory to be more consumerist than a punter paying £3,000.”*” Daily Telegraph, 6 Nov 2010
- **Spending** ipads for med students: “The University of Manchester...currently has a surplus of £40 million, which it is reinvesting through a number of initiatives aimed at improving the learning experience of its 40,000 undergraduate and postgraduate students. The iPad pilot scheme is just one such initiative...” WDTK, 24 Nov 2011
- **Staffing/recruitment** “How many entry clearance visas in the Tier 2 (General) category to the UK have been allocated to King's College London for the period of the interim immigration cap (19th July 2010 – 31st March 2011)?” [and how many for the] “equivalent period in the previous year?” King’s College FOI disclosure log
- **Policy** HE-related: “The review that sparked the government's transformation of higher education in England spent the sum of £68,000 on research - with nearly all of that going on an unpublished opinion survey of students and parents.” THE, 6 Jan 2011

FOI and Universities: the requester

- FOI officers point to a mixture of NGOs, a few journalists, ex-students/staff (DP use too) and businesses
- Find FOI a ‘useful tool’ to get raw data or documents
 - “I found that FOI is much more effective than traditional e-mails or letters which can often be ignored, delayed or only partially answered.”
- Media use: Better than other means e.g. asking press office/using contacts
 - “Getting information from the press office might be quicker, but using FOI means the information isn’t spun in any way... Maybe you wouldn’t get the full story, or get the whole report.”
- Sometimes frustrated by resistance
- Note BIG differences between institutions’ responses

FOI and Universities: Impact?

- Universities more transparent – 66 per cent of requests are answered in full
- Volume is significant but focused on areas previously not open
- Pro-active disclosure is hard to initiate, ad hoc and subject to resistance e.g. on area of salaries and expenses of senior staff

FOI and Universities: Impact?

- Records management: is there a chilling effect?
- Some concern that senior discussions ‘on the phone’ and hesitance e.g. ethics committee minutes
- Others felt it has ‘professionalised’ communications

FOI and Universities: the variability

- Depends on
 1. Leadership support or hostility
 2. Experience of FOI e.g. request levels or controversy
 3. Culture within the university
- It can also vary between individual university departments i.e. finance more experienced with FOI than others
 - “You’ll never get Finance to change the way they keep records because of FOI, they’ll make FOI fit what they’ve got.”
 - “Amongst a small number of staff, especially in the Finance department, their objection [to FOI] is growing: ‘we’re commercial...’ But no one outside of that department has raised that with me.”

FOI and Universities: academics?

- Lack of requests for teaching related material (homeopathy/UCLAN case is an exception)
- Not like US where left-wing academics have been targeted by Republican politicians on a partisan basis
- Many felt UK academics unaware of FOI (and this was not necessarily bad or needed to change)
- A few felt academics were hostile and defensive, most just “grudgingly accepting”.

FOI and Universities: research

- Estimated between 2 to 3% for research since 2005. Virtually none are about at the humanities.
- Sensitive area, as it potentially strikes at ‘heart’ of what universities do
- Often attracted to matters already controversial e.g. climate change, animal testing
- Public harm can be ‘reputational’ or ‘commercial’
- Difficult to measure a negative; based on what could happen rather than what has

FOI and Universities: research

- Has it damaged reputations?
 - Interviewee: *“I've always been supported by my VC, by my Dean and my colleagues... But how long will that last? How much reputational damage are they going to take?”*
- Has it led to reluctance to pursue research? Unlikely to do so on its own
 - Interviewee: *“We didn't see people stop looking for cures to autism because of MMR, or stop doing neurology after BSE...”*
- It has not changed *how* or *what* research is conducted on a wholesale way
 - Interviewee: *“It has slowed us down, but we're just getting on with it really, its not clear what we can do differently or could change.”*

FOI and Universities: research

- It has not yet impacted on funding
- Funders focused on their own archiving or data sharing requirements
- It could impact on publication in *some* journals if already published



FOI and Universities: exemptions?

- Concern that s.22 (intended for future publication) and s43 (commercial in confidence) are not adequate
- Currently a lack of clear case law
- Some support a US or Scottish research exemption in the Act - but not all are in favour
- Should Universities be removed from FOI? 7 of 26 submissions from the HE sector to Parliament say yes

FOI and Universities: the future

- Increasing drive to ‘open up’ research
- Data archives, publication of raw data and data sets
- ‘Right to data’ strengthened by Protection of Freedoms Bill
- Can this be countered by ‘niche’ focus? Is this enhancing public engagement with science?

FOI and Universities: the future

- The changing funding landscape may impact: Students as 'consumers'
- Lack of resources for FOI officers
- Possibility of 'private' universities (i) not covered by FOI (ii) using FOI against public bodies

Conclusion

- FOI has had a significant, but focused impact; variable across universities
- Less impact on academics
- Big unresolved issue is research: The current vs. potential impact
- Difficult to disentangle from controversy

FOI and Higher Education: some thoughts

Paul Gibbons, Information
Compliance Manager, SOAS
(and *FOI Man*)

HE response to post-legislative scrutiny

- Almost a quarter of submissions from HE
- Range of concerns
 - commercial/media requests
 - cost of compliance
 - competitive advantages
 - effect on funding
 - research information
- Some called for HE to be removed altogether



Use of FOI by academics

- Not wide use at present; some see it as inappropriate even (eg Cranfield's evidence)
- Examples:
 - John Campbell's (SOAS) evidence to Justice Select Committee
 - PhD students

SOAS experience

- Numbers have risen in last 2-3 years – but still relatively low volumes
- No requests for research data; requests are around finance, human resources, procurement, student statistics
- Most information goes out but can be withheld where necessary (no ICO complaints as yet)

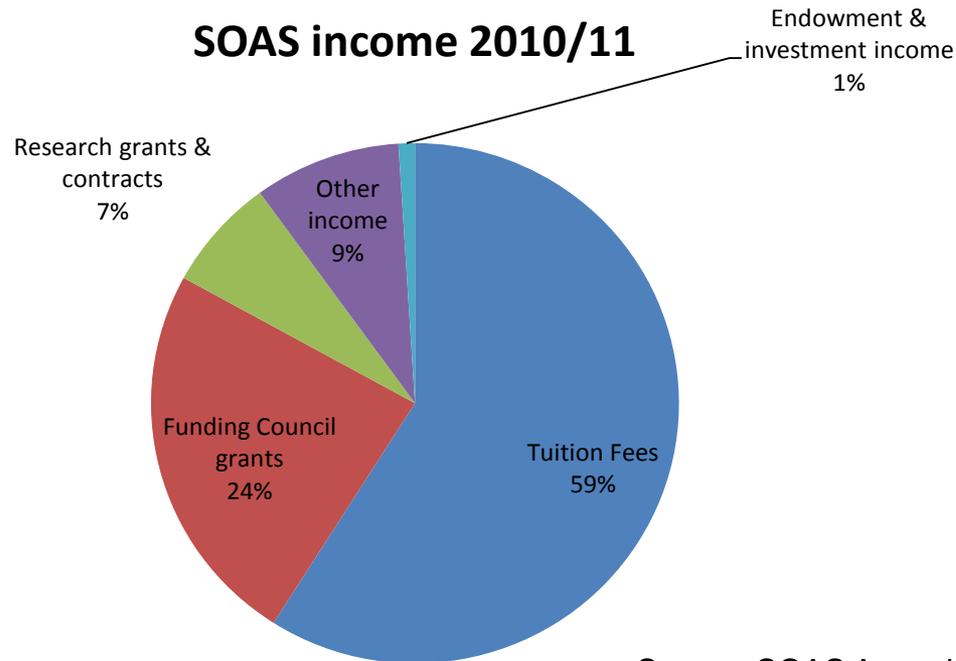


Research Data

- Needs to be looked at case-by-case
- Exemptions, well-argued, provide protection – sections 22, 43, 36
- Limited evidence of need for new exemption
- Would not protect climate change research, tree ring data, etc – covered by Environmental Information Regulations

Should HE be subject to FOI? (1)

- Funding – still significant public funding and public interest



Source: SOAS Annual Review and Financial Statements 2010/11

Should HE be subject to FOI? (2)

- Civic role of universities
 - professional gateway
 - shaping political thought
 - controversial research
- New environment (eg competition) can be catered for in assessment of public interest

Summary

- Universities clearly have concerns about FOI
- Sparsity of evidence to support concerns
- Double-edged sword – academics can use FOI as well
- Calls to remove HE from FOI could cause damage to universities' reputation

Questions

- How does this fit with your experience?
- Are universities ‘public enough’ to be under FOI?
- What do you think will happen in the future?
- What would you like to see happen?
- Any more examples of harm to or benefits for universities from FOI?
- What else do we need to address?

Thanks for listening

Our current work

- FOI and Universities: Oct 2011 – June 2012
- Use of FOI as a research method – guide for students and researchers.
- Regular FOI policy updates
- FOI blog: <http://constitution-unit.com/>
- Paul's blog: www.foiman.com

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Our website

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