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The Freedom of Information Act and Higher Education: The experience of FOI officers in the UK

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Acknowledgements

We are grateful to everyone who responded to the invitation to participate in this study. We received valuable material from 32 of the 164 higher education institutions in the UK, and we thank them for taking the time to contribute. Their responses reflect a spectrum of universities' views and experiences with the Freedom of Information Act 2000 (FOI Act) and the Environmental Information Regulations 2004 (EIRs).

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The Constitution Unit received funding from the Leverhulme Trust in 2011 to undertake a nine-month study into the impact of FOI on Universities, which this report will help inform. This project is due to be completed in summer 2012. Please see our website for the findings coming from this project, and the other on-going work of the Constitution Unit: www.ucl.ac.uk/constitution-unit.

Contents

Tables and Figures	4
Part One: Survey of FOI officers working in Higher Education institutions ...	6
Executive Summary	6
Key Findings.....	6
Methodology.....	6
Response rate	7
Information Rights awareness (Q1, Q2)	7
Working with others to manage requests (Q3, Q4).....	8
Problems with compliance / Positive effects of information legislation (Q5, Q6, Q7)	10
Bests and Worst (Q8, Q9, Q10, Q11)	17
Reasons for the increase in FOI requests since 2005 (Q12, Q13, Q14)	24
The Future: Proactive release and exemptions? (Q15, Q16, Q17, Q18)	28
Additional comments (Q19).....	31
Information about your organisation (Q20, Q21)	33
Part One Conclusion	35
Part Two – Analysis of Disclosure Logs	37
Executive Summary	37
Key findings.....	37
Methodology.....	38
Volume and result of requests.....	39
Most common requesters.....	39
Journalists	41
Members of the public	42
Students and their parents.....	43
Categories of requests	44
‘Student issues’	44
‘HR and staff issues’	45
‘Teaching and assessment’	46
Research	47
How do people interrogate ‘research’?	47
Size and complexity of requests.....	48
Source of large requests	48
Exemptions	50

Our coding compared with JISC survey data	51
Most common topics of FOI requests	51
Has the focus of requests changed over time?	52
Have requesters changed over time?	53
How has request volume changed over time?	56
Part Two Conclusion	57
Appendix A – Survey Invitation email	58
Appendix B – Survey	59
Appendix C - General category coding definitions	63

Tables and Figures

Figure 1 - Awareness of information responsibilities amongst non-academic staff	7
Figure 2 - Awareness of responsibilities amongst academic staff.....	8
Figure 3 - Frequency of liaisons with University press office	9
Figure 4 - Attitude of senior management team.....	10
Table 1 - Problems with FOI/EIR compliance.....	11
Figure 5 - Number of times problem mentioned	11
Figure 6 - Effect of Leadership	13
Table 2 - Positive effects of FOI/EIR regulations	14
Figure 7 - Number of times positive effect mentioned.....	14
Table 3 - Most problematic requests to deal with	18
Figure 8 - Main factors contributing towards problematic requests	18
Table 4 - 'Best' types of request to deal with	22
Figure 9 - Main factors contributing towards 'best' requests	22
Figure 10 - Reasons for increase in requests.....	25
Table 5 - Reasons for increase in requests	25
Figure 11 - Future numbers of requests	27
Table 6 - Information for proactive release	29
Table 7 - Information to be withheld	30
Figure 12 - Type of HEI.....	34
Figure 13 - Locations of HEIs.....	34
Table 8 - Number of requests coded	39
Table 9 - Number of requests per year.....	39
Table 10 - Disclosures, exemptions and refusals	39
Table 11 - Most common requesters.....	40
Table 12 - Most common requester for each topic of request.....	40
Table 13 - Journalist requests by topic.....	41
Table 14 - Requests for 'student issues' according to requester type.....	42

Table 15 - Public requests by topic	42
Table 16 – The Public’s requests excluding University of East Anglia	43
Table 17 - Student requests by topic.....	43
Table 18 - Requests coded according to general category.....	44
Table 19 - Requests for 'student issues'.....	45
Table 20 - 'HR and staff issues' according to requester type	46
Table 21 - 'Teaching and assessment' according to requester type	46
Table 22 - Research requests.....	47
Table 23 - Type of research material requested.....	47
Table 24 - Number of questions contained within requests	48
Table 25 - Number of questions contained within requests	48
Table 26 - Source of large requests, all years	49
Table 27 - Proportion of 'large' requests according to requester type, all years	49
Table 28 - Exemptions used (FOI)	50
Table 29 - Exemptions used (EIR)	50
Table 30 – Use of exemptions: combined FOI & EIR exemptions	51
Figure 14 - Most common topics: JISC InfoNet and Constitution Unit 2007-2011 averages	51
Figure 15 - 2008 vs. 2011: Proportion of requests in each topic.....	52
Figure 16 - 2007 vs. 2011 - proportion of requests in each topic per institution	53
Table 31 - Requester type over time	53
Table 32 - JISC requester type over time	54
Figure 17 – JISC Requester type over time.....	55
Figure 18 - JISC request volume over time according to requester type	56

Part One: Survey of FOI officers working in Higher Education institutions

Executive Summary

This is the report of a study of UK Higher Education institutions' experiences complying with the Freedom of Information Act 2000 and the Environmental Information Regulations (EIRs) to date. In order to understand how universities have managed their FOI responsibilities, we conducted a web-based survey of their FOI officers. The questions in the survey focused on the knowledge of and attitudes towards FOI responsibilities within the institution, the problems and benefits those responsibilities have resulted in, the types of requests received, and thoughts about different aspects of FOI.

Key Findings

- Awareness of FOI responsibilities was generally perceived by respondents to be of a good standard amongst non-academic staff, but significantly poorer amongst academics.
- The attitude of senior management towards FOI responsibilities was found to be variable between and within institutions, ranging from supportive to resistant.
- The main problems encountered with FOI compliance stem from colleagues, resource and time constraints and requesters with an agenda.
- The most significant positive effects of the legislation are greater transparency, improved information and records management and professionalism amongst staff.
- The most problematic requests are those which require a large amount of time and effort to process; those that request controversial information; or those originating from a persistently troublesome source.
- Similarly the best requests to deal with are those that require a small amount of time and effort to process; requests that are clearly written and well structured; requests from a source the official was happy to assist.
- Rising request levels were said by a clear majority of respondents to be predominantly driven by increased public awareness of the legislation and its uses.

Methodology

This survey is part of a research project examining the impact of FOI on universities funded by The Leverhulme Trust (RPG-247). Building on surveys already conducted in this area by JISC etc., this survey was designed to obtain more qualitative information on the experiences of FOI officers, and the challenges and benefits facing FOI compliance in the HE sector. Whilst the majority of questions were open-ended in nature in order to obtain more detailed and explanatory answers, responses were also coded where appropriate in order to facilitate quantitative analysis.

A web-based survey of 21 questions was designed and built using Survey Monkey, a fee-based Internet survey software. On 25 January 2012 we disseminated a link to the survey through the listserv operated by the Higher Education/Further Information and Records

Management and Information Compliance Group, the network of university FOI officers. The survey was closed 9 March 2012, and a copy of the survey can be found in Appendix B.

Response rate

Our target population were HE institutions in the UK. We circulated the link to the survey via the HE officers' own email list which contained contacts at 132 out of the total 164 higher education institutions and some officers also kindly forwarded the link on to colleagues.

When the survey was closed on 9 March 2012, 32 FOI officers had filled out the survey either in whole or in part, giving us a response rate of 19.5% of the total population of 164 HE institutions in the UK, and 24.2% of those who were sent the invitation. 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.

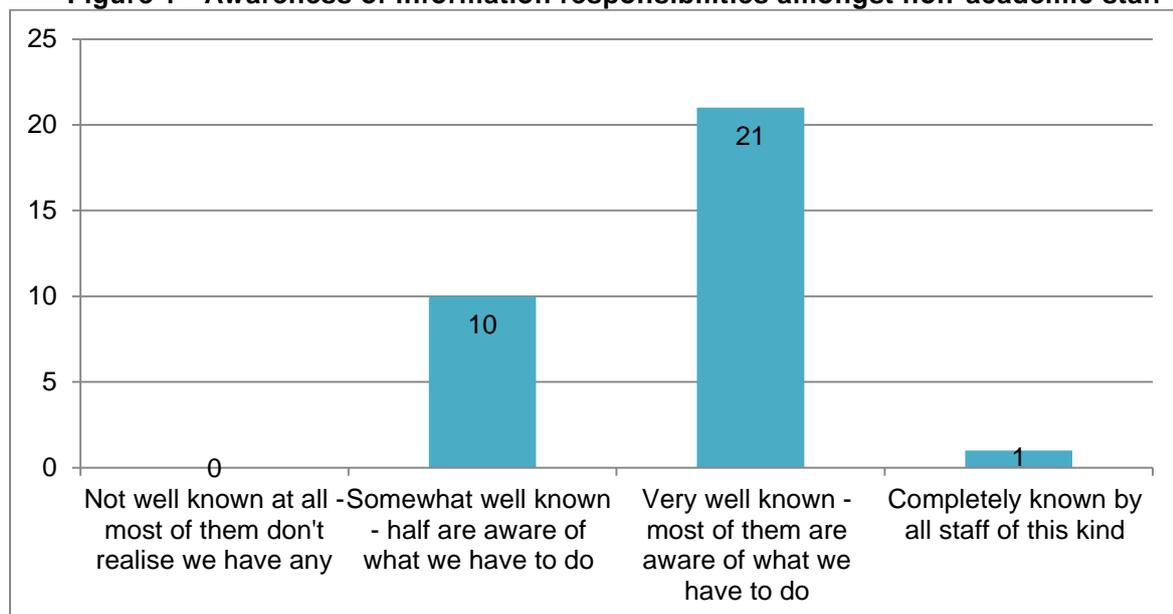
Information Rights awareness (Q1, Q2)

Initial survey questions were centred on the general knowledge of current information regulations and the responsibilities they entailed amongst university staff. Respondents were asked to draw on their experiences in the workplace and select their answers based on "gut-feeling".

Q1. In your opinion, how well known are your institution's legal responsibilities in regards to the Freedom of Information Act and Environmental Information Regulations amongst colleagues in your institution in managerial, administration, governance (i.e. non-academic) roles?

All 32 respondents answered, with levels of awareness amongst those in non-academic roles generally perceived to be of a high standard, with no instances of a complete lack of knowledge.

Figure 1 - Awareness of information responsibilities amongst non-academic staff

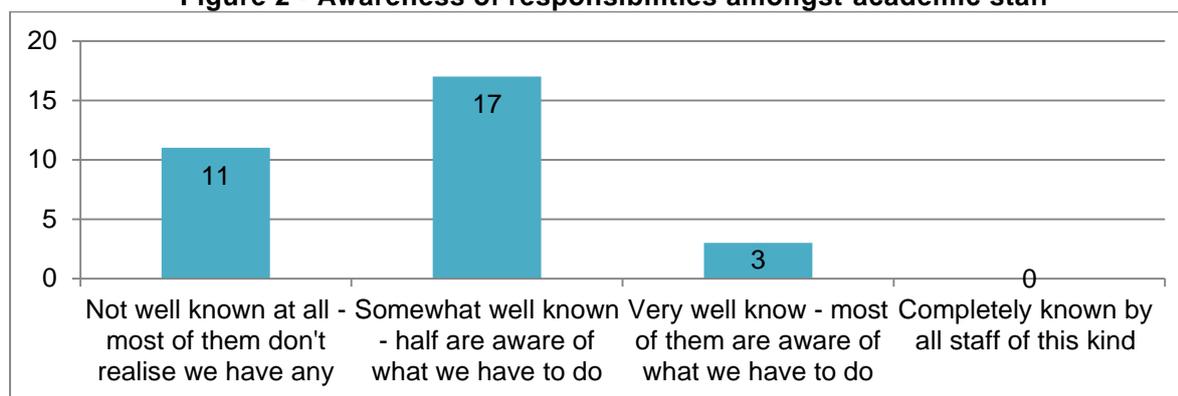


Respondents were also invited to provide further information on their selection, with repeat instances of internal training and practical exposure to requests being cited as reasons for a strong knowledge of the responsibilities.

Q2. In your opinion, how well known are your institution's legal responsibilities in regards to the Freedom of Information Act and Environmental Information Regulations amongst colleagues in your institution with academic roles?

Conversely, the level of knowledge amongst those in academic roles was thought to have been of a much lower level. 31 respondents answered this question with a third of responses confirming the legal responsibilities arising from the regulations were not well known at all.

Figure 2 - Awareness of responsibilities amongst academic staff



Additional comments referenced training again as affecting the level of knowledge, with one instance of the training being removed from the induction for academic staff due to non-attendance, acknowledging that academics “generally have other things to worry about”.

Working with others to manage requests (Q3, Q4)

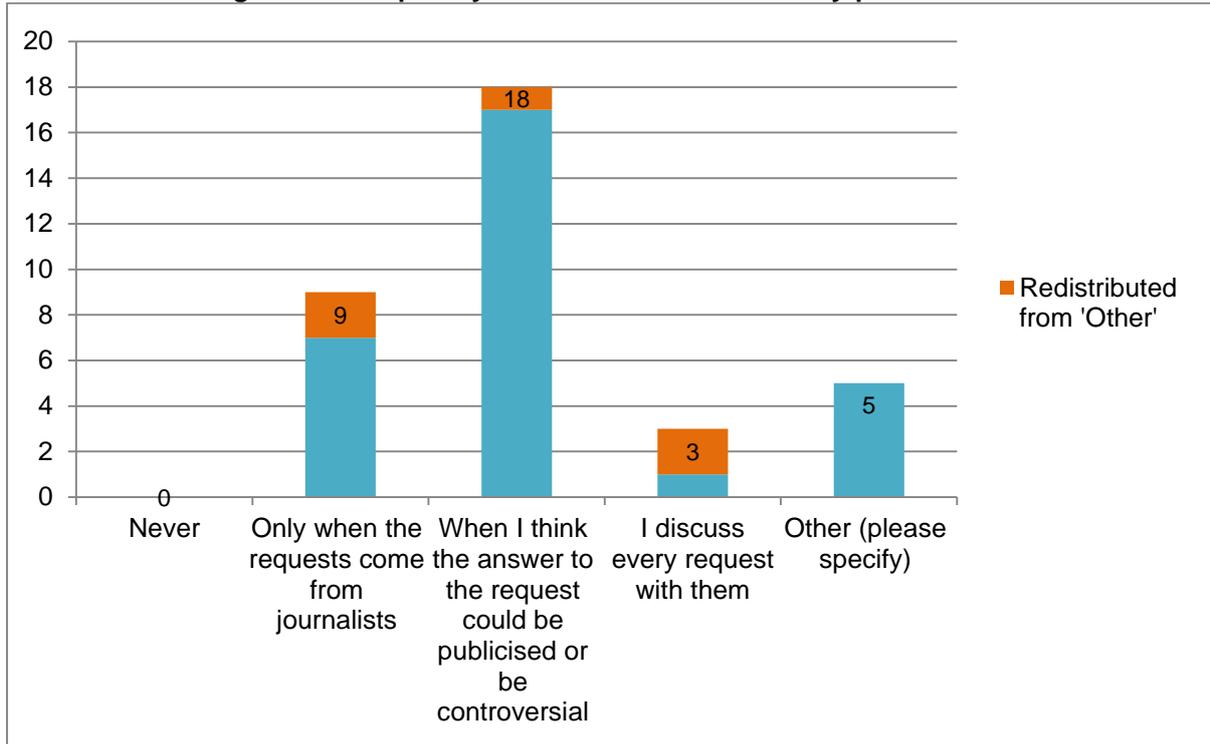
Turning to internal procedures for dealing with requests, we asked respondents about the level of coordination that takes place with their ‘press office’, looking at how and if requests were referred to specific teams depending on their content or source. We were also interested in senior staff members’ relationship with the legislation, so asked respondents for their views on the attitudes amongst their senior management team towards their institution’s FOI/EIR obligations.

Q3. How frequently do you liaise with your institution's 'Press Office' or 'Media Relations Team' in regards to FOI/EIR requests received?

This question offered a range of options, including ‘other (please specify)’ to enable respondents to detail any other arrangements that they may have experienced which may not fit the categories provided. 30 participants chose to answer.

Upon reviewing the comments provided by the 5 respondents who selected ‘Other’, we found the answers could be categorised within the survey options provided, and have displayed the results as such below, highlighting the redistributed responses.

Figure 3 - Frequency of liaisons with University press office



Unsurprisingly, liaison with the university’s ‘Press Office’ or ‘Media Relations Team’ seems to be generally determined by either the request originating from a journalist, or relating to potentially controversial information, with the two options comprising 90% of the responses obtained.

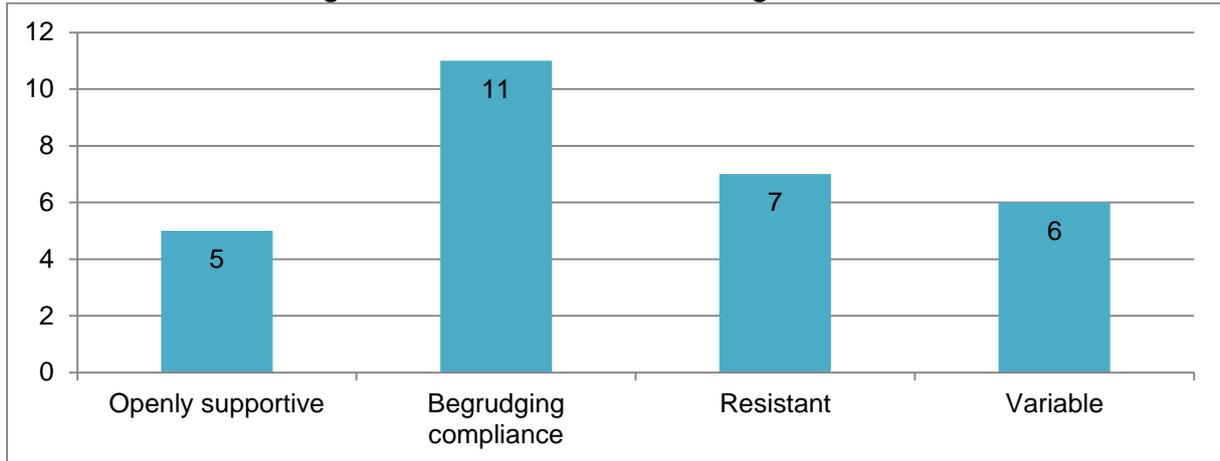
Whilst there is some degree of overlap between the two options, “*When I think the answer to the request could be publicised or be controversial*” is more concerned with the content the response may contain, whether topical or controversial, rather than an immediately obvious ‘alert’ to potential publication such as a journalistic source. 60% of respondents identified this option as determining the frequency of liaisons with their ‘Press Office’.

No respondents had zero contact with their ‘Press Office’, but only 3 confirmed that it was a matter of course for all requests to be referred down this route, suggesting an element of pragmatism when it comes to involving any press/media staff.

Q4. How would you describe the attitude of your institution's senior management team towards FOI/EIR responsibilities? Feel free to illustrate with examples if you wish. Please note that any information provided in this survey will be treated anonymously: answers to this question will not be matched with data that could identify you or your institution.

29 answers were received to this question, and we found that the descriptions of the attitude of respondent’s senior management teams received were broadly attributable to four categories; openly supportive; begrudging compliance; resistant; variable. We therefore coded each response into one of these four categories, displayed below in Figure 4:

Figure 4 - Attitude of senior management team



Responses were fairly well distributed across the 4 categories, with 'begrudging compliance' being the most common containing 38% of responses. 24% encountered a resistant attitude amongst their senior management, compared with 17% who found their institutions to be 'openly supportive'.

Just as the attitudes seem to differ greatly between institutions, this also seems to regularly be the case within universities as well. 17% of respondents confirmed that the attitude towards FOI/EIR responsibilities was variable between senior staff, with one respondent commenting that attitudes "range from outright hostility to thinking FOI is wonderful".

Problems with compliance / Positive effects of information legislation (Q5, Q6, Q7)

This section was concerned with the difficulties that have been encountered with processing requests and the positive effect that information legislation has had on institutions.

Q5. Please describe the top three problems you have experienced with FOI/EIR compliance since 2005 (or whenever you began your current role in your institution). These may be problems relating to requests or requesters, working alongside others, resourcing, training/guidance or the appeals process. Write whatever you feel are the most difficult problems you face in your role.

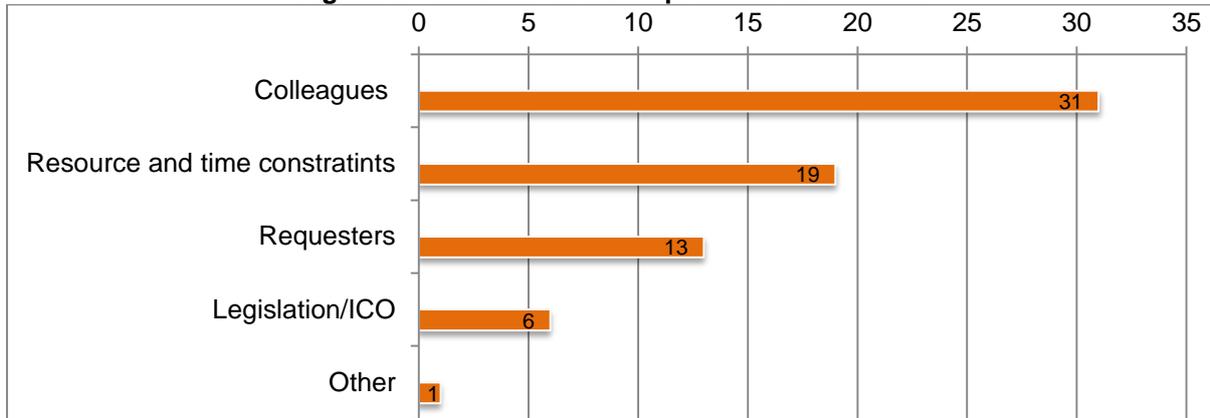
24 respondents chose to answer this question specifying 70 difficulties that they experience. The most common difficulties encountered by officials have been placed categories and due to responses often overlapping and respondents frequently conflating two or three problems in one answer the responses have only been categorised into broad groups.

Table 1 - Problems with FOI/EIR compliance

Problem encountered	Percentage of respondents
Colleagues	92%
Resource and time constraints	71%
Requesters	42%
Legislation/ICO	25%
Other	4%

The table above displays the main issues identified, and the percentage of respondents who reported at least one occurrence of the problem. As certain respondents often noted more than one way in which the same issue had caused difficulties, Figure 6 also details how many times the difficulty was mentioned in total.

Figure 5 - Number of times problem mentioned



Colleagues

92% (22) of 24 respondents identified colleagues, senior management or other staff as one of their top three problems relating to FOI/EIR compliance.

From the 70 responses there were 31 answers obtained that referenced colleagues as being problematic; 14 of which cited a lack of awareness resulting in resistance, 7 referenced delays caused by departments and individuals disclosing requested material and 4 reported difficulties in gaining clearance from senior management. Some examples of problems encountered are listed below:

- “Problems in making colleagues understand that ‘I don’t want them to see it’ isn’t an exemption under FOIA and that we should be starting from a position of openness”
- “Recalcitrance from colleagues in providing data, particularly colleagues who assume they know the law better than the legal team or I do”
- “Persuading colleagues that just because something is to do with money it isn’t ‘commercially sensitive’ and we can release it”
- “Convincing senior managers that release is necessary and that no exemptions apply”
- “Many managers (not just senior managers) hear of requests via ‘JiscMail’ lists, and everyone panics”
- “Dealing with colleagues who simply refuse to engage with you”

In addition, 25% (6) of 24 respondents mentioned in some form the lack or absence of training as having a negative impact on staff knowledge of regulations and awareness of obligations.

- "Disseminating guidance and advice to academic staff"
- "Related training and reporting is not as frequent as we would hope"
- "Briefing staff on understanding the importance and the legal obligations we have"
- "Lack of compulsory training"
- "Insufficient staffing resource for appropriate training in FOI and associated issues"

Resource and time constraints

71% (17) of 24 respondents encountered difficulties arising from resource and time constraints. As answers provided that related to resources often conflated issues of time and staff we have not attempted to breakdown the results further than this broad grouping.

The most frequently occurring issues related to staffing problems include number of staff, availability, level of expertise and conflicting responsibilities. We received repeat citations of the difficulty in sometimes complying with the 20 day deadline. Existing information storage and management systems were also noted as impeding the ability to locate the requested material.

- Resourcing problems mean that we often struggle to respond to requests within the 20 day limit"
- "As requests become more complex, meeting deadlines is more difficult with limited resources"
- "Main problem is workload - FOI requests have mushroomed and we occasionally do not meet our 20 day deadline due to struggling with the amount of requests"
- "Dealing with the workload and timescales - this is not my main job"
- "Lack of resource in some teams to cope with requests at certain times of the year e.g. financial year end"

Requesters

42% (10) of the 24 respondents identified request and requester based issues as one of their top three problems arising from information regulations. Recurring problems were increase in volume, complexity, the source and motive behind the request, and journalists submitting frequent and complex requests.

- "Applicants submitting multiple requests simultaneously, which overloads the system e.g. 40 questions from 1 person in 1 day"
- "Applicants using the legislation as another route for pursuing a grievance/a way of attacking the University or individual members of staff"
- "Poorly thought through FOI requests and requestors failing to respond to requests for clarification"
- "Dealing with requesters I can only describe as obsessive and paranoid and who won't take no for an answer"
- "Journalists using the legislation to trawl for stories, which transfers the resource burden of journalistic activity from the private to the public sector"

Legislative constraints and difficulties with the ICO

25% (6) of 24 respondents had experienced problems arising from either from direct contact with the ICO, applying advice and directives to a university context, or technical aspects of the legislation itself.

- "Trying to relate the Information Commissioner's guidance to a University context"
- "Trying to work applicant and purpose blind"

- “Burden of proof required to label request vexatious”
- “A lack of understanding amongst applicants and the ICO about competition between universities”
- “Dealing with variable levels of competency at the ICO”
- “Making judgements on the application of exemptions, particularly where prejudice is being determined”

Other

- “The complexities of working alongside other public authorities where an FOI request cuts across more than just one authority”

The effect of leadership

We also looked at the attitudes of the senior management teams received in response to Q4 in conjunction with the responses received to Q5, concerning the main problems facing FOI officials, to assess whether the attitude of senior management could be seen to have a wider effect on staff throughout an institution; influencing junior staff members and in turn affecting levels of internal cooperation and ease of compliance.

Figure 6 - Effect of Leadership

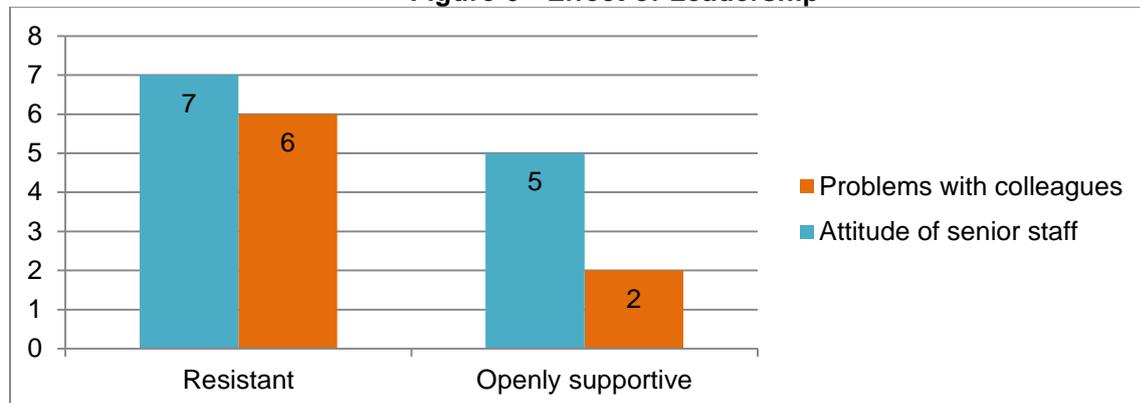


Figure 6 displays those whose senior management’s attitude was best categorised as either ‘resistant’, against whether the same individuals also encountered difficulty in processing requests with other staff members.

Out of those who thought that the attitude of their institution’s senior staff was ‘openly supportive’ 2 out of 5 listed colleagues amongst their top 3 problems they face in complying with FOI and EIR responsibilities. Whereas 6 out of 7 (the only exception didn’t answer Q5) of those who described their senior staff as being ‘resistant’ to the regulations also mentioned colleagues as being amongst their top 3 problems; 3 of which mentioned difficulties with colleagues on more than 1 occasion; and 2 specifically referenced senior staff as their biggest problem in complying with their FOI and EIR responsibilities.

Whilst acknowledging the sample size in question, these figures do seem to correlate with the observations of FOI officers working in local government who commented that support from leaders and senior staff for FOI responsibilities and the obligations they entail resonates throughout an institution, with officers feeling supported and internal resistance being mitigated¹.

¹ Worthy, B. [Et. Al] (2011) ‘Town Hall Transparency? The Impact of the Freedom of Information Act 2000 on Local Government in England’, The Constitution Unit, <http://www.ucl.ac.uk/constitution-unit/research/foi/foi-and-local-government/town-hall-transparency.pdf>

Q6. Please describe the top three ways in which you think being covered by the FOI Act (or Scottish FOI Act) and the Environmental Information Regulations has positively affected the HE institution you work for. *This might include effects on internal and external relationships, governance, or cultural things like trust or openness.*

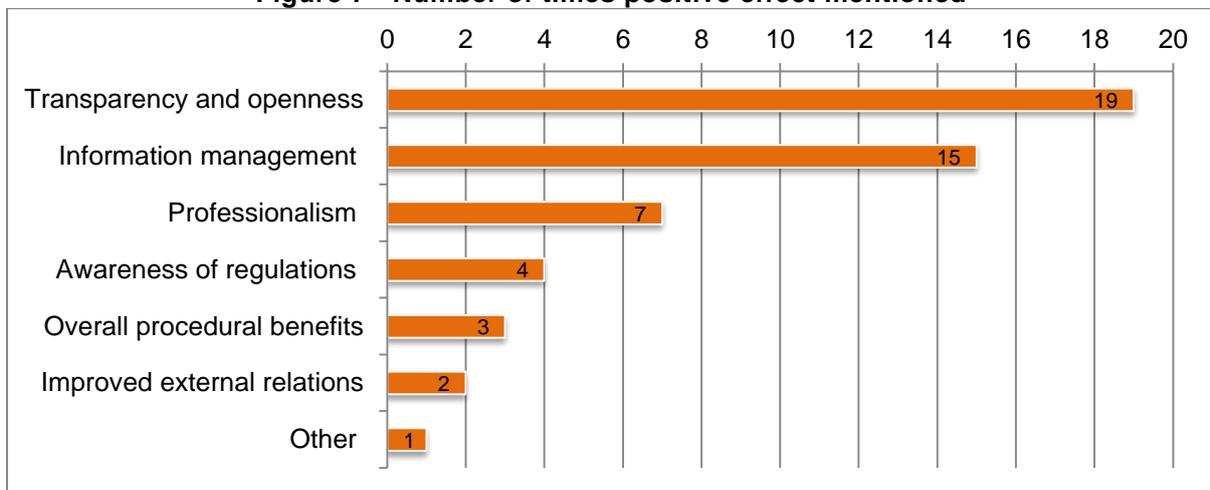
Whilst 22 out of 24 respondents were all able to readily identify 3 negative aspects resulting from the FOIA and EIR (the 2 exceptions providing only 2 difficulties), of the 22 respondents who chose to answer this question, only 12 were able to provide examples of 3 benefits resulting from the regulations, with a total of 51 being noted.

Table 2 - Positive effects of FOI/EIR regulations

Positive effect	Percentage of Respondents
Transparency and openness	73%
Information management	59%
Professionalism	23%
Awareness of regulations	14%
Overall procedural benefits	14%
Improved external relations	9%
Other	5%

Again, Table 2 displays the percentage of respondents who reported at least one occurrence of the positive effect, and Figure 7 below displays the total number times the benefit was mentioned.

Figure 7 - Number of times positive effect mentioned



Transparency and openness

73% (16) of 22 respondents noted an improvement in the transparency and openness of their institution and its processes.

Of the total 19 times the improvement of transparency and openness was mentioned, 6 reported instances of a positive development of the proactive publication of information.

- “More pro-active openness, as managers realise information is available via FOI anyway”
- “The FOI Act has encouraged a culture of openness both within our institution and between HEIs, sharing of best practice and so on. This includes all areas of governance and working culture and trust. Staff often take a pride in supplying the information requested, I am not sure this would often be reported”
- “We are providing more information proactively on our website”
- “Some people are becoming less secretive internally about things that could be obtained through FOI”
- “A slight increase in openness, but the institution was already very open”

Information/records management

59% (13) of 22 respondents noted an improvement in the management of their institutions information and records, though the extent varied significantly between respondents.

- “As far as I know FOI was the impetus behind creating a post of records manager and developing retention schedules”
- “Initially, there was a positive attitude to organisational matters and reviews of filing systems and data held”
- “Better search tools for information”
- “Greater thought to records management, particularly for high profile projects”

In a survey of Irish Local Government FOI officers² only 9% noted an improvement in record keeping, as opposed to 59% of HEI FOI officers answering this question. The disparity between the results could be indicative of the different starting points of both sets of institutions in terms of their existing information management systems and prior approach to record keeping. This supposition ties in with the comments of one respondent to this survey who noted that although there was an improvement in information and records management this was from “a very low baseline”.

Professionalism

There were repeat mentions of an increase in professionalism and an improvement in the quality of written correspondence due the greater element of care taken by those composing it, with the possibility of disclosure in mind.

Considering all of the mentions regarding the effect on the content of written communications were identified as positives, this does not seem to be indicative of any wider ‘chilling effect’, however the effect on written communication within the university could be perceived differently by officials than by others, such as academic staff members or senior management.

² McDonagh, M. (2009) ‘FOI in Irish Local Government’, in Worthy, B. [Et. Al] (2011) ‘Town Hall Transparency? The Impact of the Freedom of Information Act 2000 on Local Government in England’, Appendix 3, 37-40, <http://www.ucl.ac.uk/constitution-unit/research/foi/foi-and-local-government/town-hall-transparency.pdf>

- “Staff are more thoughtful when drafting emails and not treating them as verbal communications”
- “People are more judicious about what they write down“
- “More professionalism from staff”
- “People are more careful about information they produce”
- “Minute taking quality has improved”
- “People take more consideration over what they write down”

Awareness of regulations and procedures

3 respondents noted an increase in awareness of information legislation itself and also the internal working practices and procedures of the university

- “Has made other aspects of information governance and compliance better known”
- “Staff awareness of many other policies and procedures”
- “An awareness of FOI by researchers”
- “An awareness amongst staff in relation to working practice”

Overall procedural benefits

3 respondents noted a general improvement to different existing procedures.

- “Lessons from FOIs have brought big changes in procedures e.g. staff claims and expenses; curriculum reviews; budgeting; greater transparency in governance matters such as declarations of interest and gift registers; HR procedures where emailed non professional comments about peers [.....] are greatly reduced”
- “Real and tangible framework for dealing with requests for information”
- “Ensures a process is in place to ensure all requests are responded to/customer care”

Improved external relations

2 respondents noted an improvement in external relations as being one of the top 3 positive effects that FOI and EIR has had on their institution.

- “External contacts with other professionals working in the same area of legislation but in different sectors”
- “Maybe our relationships are better in some respects, both internal and external, but you'd need to ask requesters”

Other

To further highlight the difficulty in identifying positives as opposed to negatives, one respondent commented:

- “I really don't think it has had a positive effect in any of these areas”

This response was not included in the totals calculated above.

Q7. If you have any further comments about the positive and negative aspects of information legislation more generally, please put them in the box below.

This question invited respondents to expand on some of their previous answers. 16 respondents chose to offer additional comments, with a clear majority elaborating the difficulties they encounter, rather than positives, a sample of which are provided below:

- “I find the legislation over-bureaucratic and not conducive to a good customer experience. For example, the obligation to refuse the request and cite the "reasonably accessible" exemption, even when we are providing the applicant with the information under the publication scheme”
- “I think a general view would be that the negatives outweigh the positives and there is a strong undercurrent that while it is important to be accountable to the public, requests for commercial purposes and journalistic purposes are viewed with considerably less sympathy, particularly when so much funding does not come from the public purse”
- “Most people in the organisation see FOI as a tax on their already hard pressed resources. In their view the case for it has not been made by the government at all”
- “I think FOI and the culture of transparency is a good thing. Perhaps specifically things like research data need protection and a recognition of the more commercial nature (and less publicly-funded nature) of HEIs are negative. Also it has set up a more adversarial relationship with certain stakeholders such as the press or complainants. These types of people tend to have a starting point of 'these people have something to hide”
- “Biased media reporting has led to a bunker mentality and a refusal to address any positive aspects of openness”
- “Journalists and researchers see FOI as a fishing exercise. Time constraints and fee limitations are on us”
- “The reason for my Q6 reply is that FOI is only ever publicised as being used to extract damaging information from public authorities. The publication Scheme is a waste of time and effort as no-one seems to use it. The vast majority of responses to individual requests do not appear to have any wider public benefit”
- “Negative aspects are the excessive time/cost just to comply and the resentment of colleagues who have to adjust their priorities to answer non productive questions. My positive approach as described in 6 above shows that HEIs can do better if they publish and question why it is apparently "confidential" in the past”
- “People do find it frustrating to have to drop everything for FOI request - especially when you get 2 or 3 for one are in a week. They often ask me why the requester wants to know - people get worried and suspicious when they don't know why they are being asked for something”

Bests and Worsts (Q8, Q9, Q10, Q11)

In order to obtain information on the types of requests higher education institutions have to deal with, respondents were asked to identify which requests were the most problematic and which are the best to process.

Q8. What kinds of requests are the most problematic to deal with? (i.e. requests about particular topics or from particular types of requesters). You can specify up to three. Please don't identify any individuals.

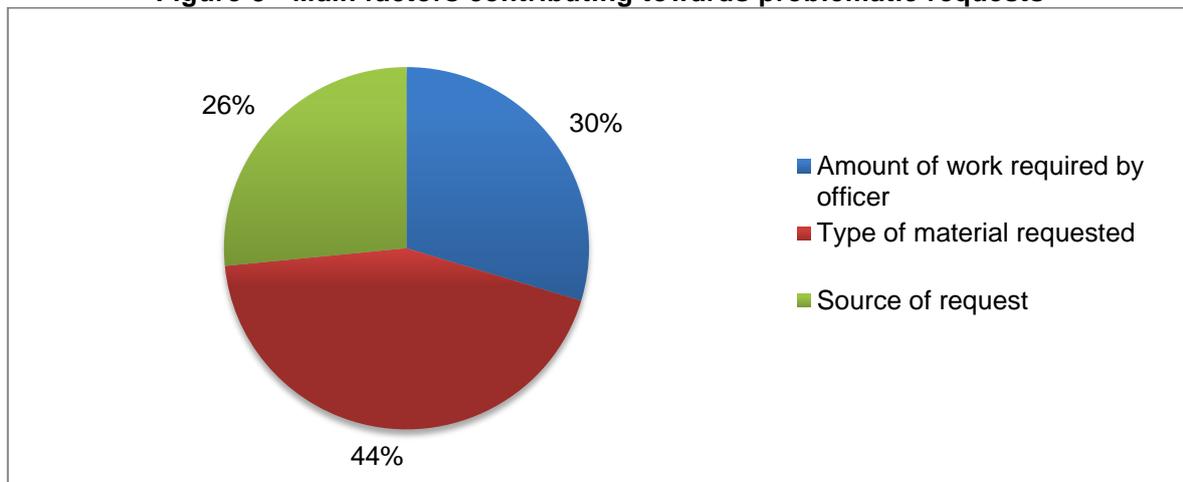
24 participants responded to this question, providing 64 answers. Table 3 details the different types of problematic requests identified, and percentage of respondents who mentioned this type of request at least once in the answers they provided.

Table 3 - Most problematic requests to deal with

Type of request	Percentage of respondents
Complex/Time consuming	71%
For information on controversial issues	42%
Requesters with an agenda	38%
Financial, expenses, salaries	33%
Requests from commercial bodies	21%
Strategy or contractual	17%
Requests involving senior management	8%
For information held by problematic departments	8%
Other	17%

Considered more broadly, three factors appear to be central in contributing towards a request being considered as problematic: the amount of work and time spent by the official on processing the request, the type information that was being requested, and the source of request. Figure 8 shows the percentage of requests that fell within these broad categories.

Figure 8 - Main factors contributing towards problematic requests



The most problematic requests therefore are generally those that require a large amount of the officer's time and effort, those that request controversial information or material, and those from a persistently troublesome source, such as a requester with an agenda.

Q9. Please explain why these kinds of requests are problematic.

This question afforded participants space to elaborate on why these types of requests were problematic to deal with. As some respondents chose to detail these in their response to Q8, the explanatory remarks have been collated under this question for convenience.

Complex and time consuming requests

71% (17) of the 24 respondents noted complex and time consuming requests; those involving multiple sources of data, large datasets or those requiring a large amount of redaction, as being some of the most problematic that they have to respond to.

- “I have to talk the issues through with numbers of senior staff and do lots of consulting with colleagues to check we're taking the right line, read up on all the guidance - just very time consuming”
- “Difficult to negotiate with staff about what is required of them and can harm relationships with colleagues”
- “You can't take redacting time into account re appropriate limit”
- “The enormous requests are difficult due to the resource required to answer them”
- “Requests which involve a large amount of information which needs screening for exemptions e.g. personal data. We cannot include this time in our cost calculation, and it consumes a lot of resources”
- “Anything that asks for the information to be put into a spreadsheet - often not easily done other than manually and it's time consuming for no apparent purpose”

FOI officer's concerns expressed here about the impact that complex and time consuming requests have on HE institutions were echoed in numerous submissions to the Justice Committee's post-legislative scrutiny of FOI³, where dissatisfaction with the current limit/fees framework, and the non-inclusion of redaction, featured in 58% (15) out of the 26 submissions.

Controversial Issues

42% (10) of 24 respondents commented that some of the most problematic request to deal with were those relating to political, high profile or otherwise controversial issues, with animal based research receiving repeat mentions.

- “I have to talk the issues through with numbers of senior staff and do lots of consulting with colleagues to check we're taking the right line, read up on all the guidance - just very time consuming”
- “High profile requests could have serious consequences for the University”
- “They involve colleagues whose training and approach is not to disclose information to any third parties except in well defined circumstances”
- “Obviously researchers are concerned about their safety and the Animals and Scientific Procedures Act clauses fail to provide an exemption (after the Newcastle case)”
- “Time taken discussing release/non release and getting a workable consensus”

Requesters with an agenda

Individuals who are aggressive, rude, or had an agenda against the university or its staff were noted as generating problematic requests by 38% (9) of 24 respondents.

- “Aggressive' requesters are those who think we are hiding something, quote the legislation to you and think all the information in the whole uni is easily at hand so cannot believe that it takes over 18 hours to locate, extract etc.”
- “Requests from people that you know have their own agendas and have previously 'spun' information from previous requests negatively”

³ House of Commons Justice Select Committee, Submissions to the post-legislative scrutiny of Freedom of Information Inquiry, <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmjust/writev/foi/foi.pdf>

- “Rude requestors who are also suspected of submitting requests under pseudonyms purely designed to annoy but where there is no evidence”
- “They will often not accept perfectly reasonable refusals and make unreasonable requests”
- “Can't claim vexatious unless you can show that no serious purpose to the request and designed to annoy”
- “I received 78 utterly useless requests last year from one person”
- “Very little satisfaction in providing information to someone who is being hostile”
- “Staff who make requests, even those from other universities can be problematic in that it tends to be staff with a grievance and other academics are seen to be shortcutting building relationships. No staff like dealing with requests from journalists it is seen as a shortcut to research and the info provided is cherry picked, if used at all”

These types of requests were also a prominent feature in the evidence presented to the Justice Committee, with 62% (16) of the 26 HE sector's submissions to the post-legislative scrutiny highlighting the difficulties they experience managing frivolous, vexatious and requests fuelled by personal grievance.

Requests for financial information

33% (8) of 24 respondents identified request for financial information; relating to expenses, salaries and purchasing information, as being among the most problematic to deal with.

- “Because of the misunderstandings of colleagues and the level of redaction of commercially sensitive data requires”
- “Simply because we are asked so often and the VC will not publish on the website”
- “Difficulty deciding where exemptions apply”
- “The requests for Finance can involve a lot of time spent locating, retrieving and extracting, for no return that the department can determine”
- “There is a lot of debating how much information we are happy to disclose. Also, it involves contacting a number of different staff members and collating lots of information within the deadline”
- “Expenses can include lots of difficult to extract information which isn't particularly well organised or recorded”

Requests from commercial bodies

Requests for commercially sensitive information, or was from a source that was obviously intending to utilise the material for commercial gain were found to be problematic by 21% (5) of the 24 respondents.

Explanations provided seem to point towards a fairly even division between those who find them problematic because of the resistance encountered from colleagues during the process of obtaining and disclosing the information, and those who resent having to obtain information that will be used by businesses or individuals for private financial gain or commercial advantage.

- “Time consuming and feelings of frustration around commercial organisation requests which doesn't really cover the public scrutiny the Act was set up for”
- “This is one area where there is maybe less understanding of the expectation of transparency than in other sectors”
- “Some requesters expect us to do the work, while they gain financially from re-use of the data”
- “Persuading staff this information needs to be released”

University strategy or contractual arrangements

17% (4) of 24 respondents identified requests received relating to the university strategy and contractual arrangements as being problematic to deal with.

- “Staff are often reluctant to provide information relating to finances and contracts of the institution with an assumption that all of this is 'Confidential' or 'Commercially Sensitive' and should not be disclosed”
- “The University merger plans - not yet decided”

Requests involving senior management

8% (2) of the 24 respondents found requests involving, or concerning senior management as being problematic to process.

- “The consultation and influencing needed”
- “In relation to the senior team, it is difficult to get them all to approve in the timescale”
- “Senior staff regard most requests as attempts to damage the university”

Information held by problematic departments

8% (2) of 24 respondents found that either inefficiencies or attitudes within specific university departments holding the information required made requests problematic to process.

- “Estates Director can't be bothered with providing the data to me on time, so the Chief Operating Officer winds up getting involved and it's a huge flap almost every time“
- “Marketing requests are problematic as the department asked to provide the information are usually not best pleased”

Other

- “The use of exemptions leads requesters to believe that we have something to hide or are simply lying”
- “Requests where the applicant is vague as to what they want and do not take up our advice on how to refine their request”
- “Balancing the interests of multiple parties (including the public interest) and applying judgements where the balance of the interests needs to be properly considered”

Q10. What kinds of requests are the 'best'? (i.e. particular topics, or the way the questions are asked, or particular types of requesters). You may specify up to three. Again, please don't identify particular individuals.

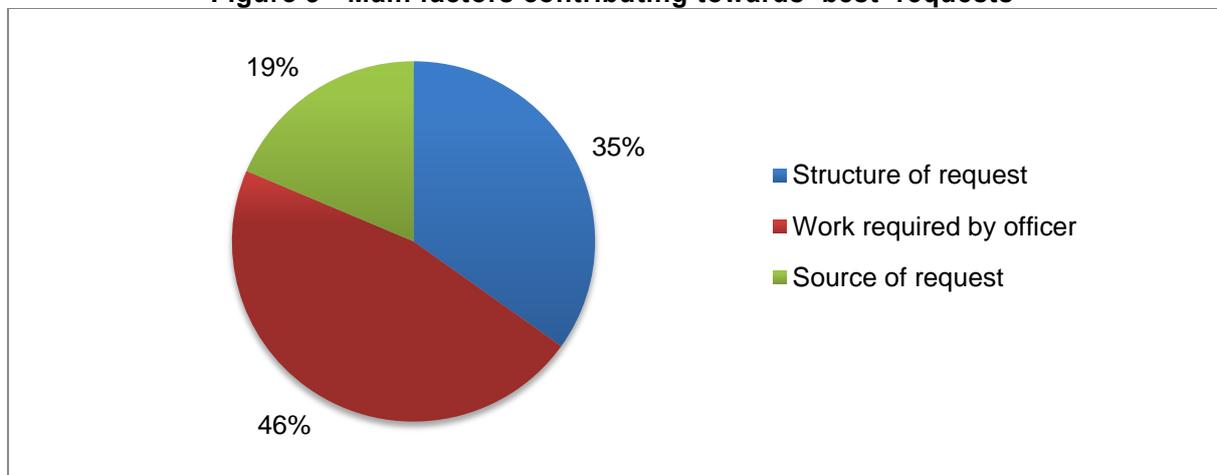
In keeping with previous questions the positive aspects of the information legislation are largely outweighed by negatives. 21 respondents provided 43 examples of the ‘best’ type of requests to deal with.

Table 4 - 'Best' types of request to deal with

Type of request	Percentage of respondents
Clearly written and well structured	66%
Easily accessible information	48%
Already published material	29%
Requests from students	14%
Interesting subject area	10%
Requests from journalists	10%
Other	10%

Again, grouping the responses more broadly and three key areas can be seen as contributing towards what constitutes the 'best' requests to process: work required by officer, clear and well structured requests, and the source of request. Figure 9 displays the percentage of requests that fell within these key areas.

Figure 9 - Main factors contributing towards 'best' requests



Mirroring the most problematic requests, the 'best' requests to deal with are those that require a smaller amount of the official's time and effort to respond to, were well written with a clear purpose, and from a source the official was happy to assist, such as a student researching information for their thesis.

Q11. Please explain why these requests are 'the best' to deal with.

18 participants chose to elaborate on why these types of requests were the best to deal with; again some of the more explanatory answers given in response to Q10 have been listed here for ease of reference.

Well structured, clearly written requests

66% (14) of the 21 respondents found the 'best' requests to deal with were those that were clearly written and well structured, not requiring repeat correspondence from the official in order to obtain clarification.

- "It is quicker to deal with a clearly phrased request than one which is so vague that you have to get clarification.
- "Getting into a trail of clarifications and follow-up requests is extremely time-consuming for me and the applicant, and in most cases could have been avoided if

- they had submitted a clearer or more comprehensive request in the first place, or done some basic preliminary research about how universities work”
- “It is easier to provide the requester with the information they are seeking”
- “Clearly written, well thought through and where the requestor engages with requests for clarification and shows appreciation for the efforts being undertaken by staff!”
- “There are no best questions as long as they are clear and do not need ‘clarification’ by the enquirer”

Requests for easily accessible information

48% (10) of the 21 respondents commented that some of the ‘best’ requests to process were those that requests easily accessible information.

- “Any "straight forward" ones - i.e. ones where a particular document is easily accessible and the request is closed within a few days”
- “Information readily locatable and disclosable without the need to consider commercial sensitivity or personal data”
- “Financial information as our financial systems allow pretty good reporting so they're usually easy to deal with”
- “Information which the University has easily available”
- “Straightforward stats that I know we're likely to hold”

Requests for information/data already published by the university

29% (6) of 21 respondents said that some of the ‘best’ requests to respond to were those where the information requested is already published by the university.

- “Requests for information already published on our website, as they are easy to answer”
- “Quick and easy if it's on the website”
- “Easy to redirect to our website “
- “Less time consuming and also simple to draft a response”
- “Anything where the answer is on our website!”

Requests from students

14% (3) of 21 respondents found requests from students as being among the best to respond to, with explanations citing either the ease with which they are responded to, or the satisfaction gained from assisting a member of the student body, particularly in relation to their academic efforts.

- “Usually require data which is held and easy to access”
- “Helping with information for projects/dissertations/theses just feels good!”
- “Student requests often involve a lot of clarification, but they are grateful when they get the info and almost always send a note of thanks”

Requests for information on an interesting subject

10% (2) of 21 respondents found that some of the ‘best’ requests to deal with were those that requested information into an ‘interesting’ or ‘serious’ subject area, citing both the personal enjoyment and satisfaction gained from responding.

- “Requests about ‘serious’ topics or issues - these give me job satisfaction as they are what I think the legislation was for”
- “Anything asking a genuinely interesting question so I'm also interested in finding the answer”

Requests from journalists

10% (2) of 21 respondents commented that requests from journalist were among the 'best' to deal with, with the clarity of requests, and journalists using information legislation to produce positive news stories being cited as reasons for this.

- "Journalist requests that highlight positive findings rather than negative"
- "Most journalists are pretty explicit in their requests and the requests are carefully worded"

Other

- "There are no "best" requests as such. An experienced requester may ask in a better way but the question may be more complex. I guess the best ones are the ones where the HEI holds no information!"
- "Requests for environmental information seem to be, for some reason, clearer and better thought through and set out, and don't generally impinge upon commercial/personal data"
- "Ones I can deal with myself because it saves the hassle of asking someone else, relying on them and chasing them. Some people are a lot better at getting back to me than others, but I myself have a 100% record"
- "Local residents with a specific issue they want to know about"

Relationship with requesters

One aspect that featured among number of comments received in response to Q10 and Q11, was the effect that positive engagement with requesters has in determining an official's view of a request overall. 63% (12) of 19 respondents mentioned at least once that best requests were those that were polite and thoughtful and/or submitted by requesters who were responsive and appreciative.

- "Engagement with the requestor makes it easier to provide information, and also makes staff feel they are providing a good service which is appreciated"
- "Always nice to deal with someone who treats you with respect"

Reasons for the increase in FOI requests since 2005 (Q12, Q13, Q14)

As numbers of FOI requests are continuing to increase across many sectors⁴, we wanted to obtain some insight from officials working in HEIs to establish whether there were any sector specific factors they may have encountered, or if university request volumes are being determined by the same influences affecting public authorities more generally.

Q12. The average number of FOI and EIR requests received by HE institutions each month tripled from 2005 to 2010. What do you think is driving this increase?

⁴ For central government statistics, see Ministry of Justice Statistics Bulletin, 'Freedom of Information Act 2000, Statistics on Implementation in central government, 2011 Annual and Q4: October – December 2011', <http://www.justice.gov.uk/downloads/statistics/mojstats/foi-statistics/foi-stats-bulletin-q4-2011.pdf>; for the HE sector, see JISC infoNet 'Information Legislation & Management Survey 2011', <http://www.jiscinfonet.ac.uk/foi-survey/2011/results>. For evidence from various other sectors, see the submissions made to the House of Commons Justice Select Committee for their post-legislative scrutiny of Freedom of Information, available here: <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmjust/writev/foi/foi.pdf>

- Greater awareness of the Acts, not least through high profile media use of them, and 'copy cat' members of the public who have read in the media about issues like MPs expenses, and decide to collect info on other people's expenses.
- "People becoming more aware of the legislation and their rights under it"

This correlates with the statistics on central government published by the Ministry of Justice, with "a greater public perception over time of the FOI and its uses" being identified as one of the main drivers for increased numbers of requests⁵.

Journalists' activity

We have only counted requests directly from journalists in this category, rather than articles concerning FOI in the press as these were classed as increased public awareness.

35% (8) of 23 respondents commented that the amount of requests received from journalists was a key factor behind the increase in total requests received by universities.

- "I think journalists think it's quicker than going through the press office. They don't have to make an effort to talk to people. They send a round robin, never acknowledge the response and occasionally (as I know from using drop box) take weeks to collect the response"
- "Lazy journalism"
- "It is easy for the press to prepare their stories"
- "Economic crisis is encouraging newspapers to save money by using FOI"

Economic crisis and dissatisfaction with public institutions

26% (6) of 23 respondents felt that the current economic crisis, and the greater scrutiny of the expenditure and efficiency of public institutions that followed, has contributed towards the increase in requests received.

- "More fears that public authorities are randomly wasting tax payer money"
- "General dissatisfaction with public bodies and increase in students using every possible arena to voice discontent"
- "The economic situation since lots of the requests are on salaries, expenses and pay increases"
- "Public dissatisfaction with public services in a recession, and incidents in other political spheres – e.g. MP expenses scandal meant more university requests even though they are not implicated"

Other

- "Awareness raising by ICO and also other pressure groups like "what do they know"
- "In terms of individuals - we only get requests when they have an agenda (e.g. they have complained) or are undertaking some sort of research"
- "Recent revamp of our website put Freedom of Information link prominently on the bottom of the home page"

And finally, one answer which was not included in the figures above:

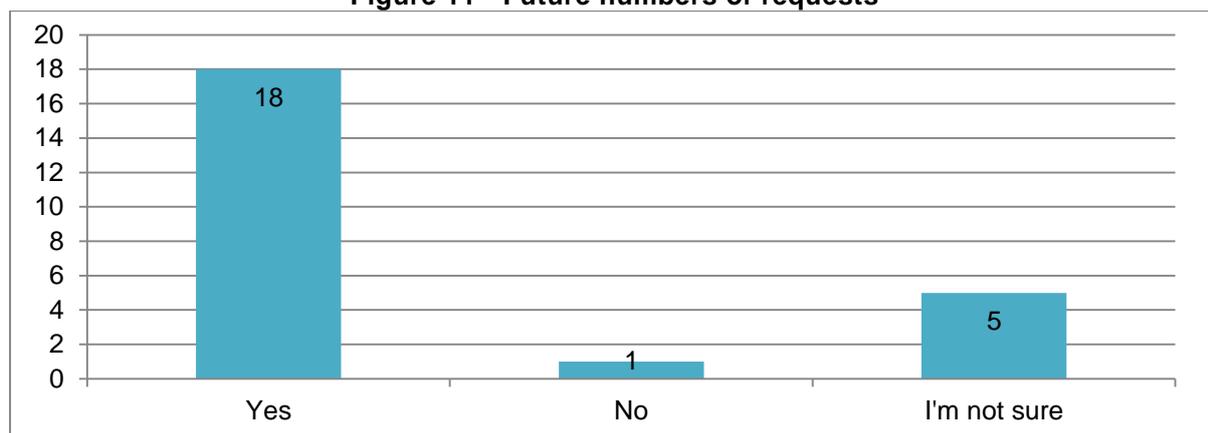
- "No idea, wish they'd stop"

⁵ Ministry of Justice Statistics Bulletin, 'Freedom of Information Act 2000, Statistics on Implementation in central government, 2011 Annual and Q4: October – December 2011', <http://www.justice.gov.uk/downloads/statistics/mojstats/foi-statistics/foi-stats-bulletin-q4-2011.pdf>

Q13. Do you think the trend of more and more requests will continue into the future?

24 respondents contributed their thoughts on the future quantities of requests received by higher education institutions, with 75% predicting a continuation of increasing numbers of requests, 21% expecting a decline in the amount received, and the other 4% of respondents being unsure of future volumes.

Figure 11 - Future numbers of requests



Q14. If you answered Yes or No above, can you briefly explain why you think this?

20 respondents offered further explanation behind their answer to Q13, with some examples displayed below. No clear trends were identifiable among the answers received, but the most commonly occurring explanation referenced the general increase in the scrutiny of the efficiency and expenditure of public institutions, which was expected to only be heightened as a result of the changes to tuition fees.

Respondents who answered 'Yes'

- "We, that is all public bodies, have a lot of info that has been accumulated at taxpayers' expense therefore we should share it where ever we can. If others can use it then so much the better even if it exposes weaknesses in those public bodies"
- "We have experienced year on year growth for at least 5 years. There is no reason to expect this to change as 'obtained under FOI' is now frequently quoted in the media to add excitement to a story. Also growth of Whatdotheyknow.com etc."
- "I expected us to follow the Irish experience and level out after about 5 years, but the last couple of years have seen the greatest increases yet, and this year has started off the same. If it keeps its high profile then it will keep increasing"
- "I think the increase in tuition fees will contribute to a culture in which people demand to know more about the organisation they feel they are paying to deliver a service. Which is fair enough, but also ironic in that the increase in fees will also be happening alongside a decrease in our public funding"

- “Many requests we receive are simply journalists on fishing trips. We got a lot of requests re expenses after the MP’s scandal so journalists asked the same sort of questions of other public bodies”
- “As we go into £9k fees for students they will want to ensure they get value for money and there will be more scrutiny. In addition commercial organisations are becoming aware that they can request all kinds of information which will benefit them”
- “I don’t think there is a natural ceiling on requests. The only thing that might change that is if a charge per request was introduced”
- “The increased momentum is self perpetuating and increasing all round - commerce, research students, journalists and public”

Respondents who answered ‘No’

- “We seem to have peaked here - the last 2 year roughly the same number of request after several years of large increases”

The Future: Proactive release and exemptions? (Q15, Q16, Q17, Q18)

We wanted to find out how officials’ experiences had shaped their opinions on what should be released and what should be exempt from under FOI/EIR. We asked respondents for their views on material they would like to see their institution to proactively publish, and whether there was any information they felt universities should be allowed to withhold.

Q15. Is there any information held by your organisation that you would like to see proactively released?

Q16. Why?

First we asked respondents whether there was any information they would like their institutions to be proactively disclosed, and the following question was open-ended, offering the opportunity to elaborate on their recommendation. We received 19 responses to this question and Table 6 below displays the information that participants suggested should be proactively published and the percentage of the 19 respondents who mentioned this type of information

Table 6 - Information for proactive release

Type of Information	Percentage of respondents
Financial	68%
None	16%
Everything	11%
Dependent on the requests received	5%

Financial information

68% (13) of 19 respondents said they would like to see an increase in the amount of financial information proactively published by their institutions, with 53% specifically recommending the proactive publication of senior salary and expenses information.

Whilst 1 respondent advocated that this information be proactively published as a method of improving scrutiny and accountability of senior staff, the remainder recommended it because it would assist with the reducing volumes of requests – as the majority received are for this type of information.

- “Because the majority of requests relate to financial information. The culture in HE is to protect this kind of information due to the competitive environment of the sector. If it was more readily available it would be much easier to answer FOI requests”
- “Would save a lot of time and hassle when these are requested and would encourage better recording of what was spent, by whom, for what reason”
- “We always get several requests for these each year. If the info is there, I will either be able to use a s.21 exemption, or the questions we get will be more targeted in nature (and thus easier to answer)”
- “Higher scrutiny and accountability”

Respondents who said ‘no’

3 respondents stated there was not any type of information that they would like to see their organisation proactively release. 2 commented that their organisation already published a large amount of information on their website although, one added that they were not convinced in proactive disclosure as a method of reducing FOI costs due to the often specific nature of requests.

The other respondent said any information or material that was proactively published that was not routine, such as board meeting minutes, was likely to be sanitised prior to proactive publication.

- “Anything proactively released will have been sanitised first - e.g. Board level minutes, which will inevitably make them less interesting and useful. Although I'd love to know what is actually discussed behind closed doors at certain times I can appreciate that very often senior managers need to be able to have that private space for discussion. It is not practicable to run a University, or any major organisation, completely in the open”
- “We already publish a lot, and I am dubious about the cost-benefit arguments for publishing more. FOI requests tend to focus on an individual's specific area of interest rather than being of general interest”
- “We are quite good at publishing information on our website”

Respondents who recommended everything be disclosed

2 of the 19 respondents recommended that as much information be proactively disclosed as was feasible, 1 of which suggested permitting accessing to information archives.

- “Yes, I’m in favour of a much greater publication rate - basically everything that isn’t actually confidential. It would improve our image and make it much simpler for all concerned, requiring non-disclosure to be argued for rather than the kneejerk response”
- “There is so much historical data that it would be easier to give access than to actively publish”

Determined by requests received

The remaining respondent agreed that an effort should be made to increase proactive publication, and that the type of information and material published should be determined by the more frequent types of requests received by the institution.

- “An analysis of regular requests identifies the types of information which should be proactively provided“

Q17. Are there some kinds of information that universities have been ordered to release under FOI/EIR that you think should be have been able to be withheld?

Q18. Why?

We also questioned if there was any information that universities should be able to withhold, again offering a space to provide some explanatory comments in the following question. We received 23 responses to this question. Table 7 displays the types of information that participants suggested should be withheld and the percentage of the 23 respondents who mentioned this type of information.

Table 7 - Information to be withheld

Type of Information	Percentage of respondent
None	35%
Research	35%
Commercial Information	7%
That which enables the identification of individuals	7%
Other	7%

None

35% (8) of 23 respondents confirmed they did not believe that there were certain types of information that should be able to be withheld, with 1 respondent elaborating:

- “Present exemptions let us refuse when we need to”

Research

35% (8) of 23 respondents felt that universities should be able to withhold research data, and information relating to research grant applications and licences.

- “Because the Act was designed to control and regulate this area and to do so in a confidential environment. The failure of the confidentiality clause under FOI is a huge problem. There are other ways to ensure that there is proper accountability

and public scrutiny of these experiments - not achieved by forcing disclosure of the licences to convicted animal rights extremists”

- “Publication of this information could compromise the safety of staff”
- “This is a globally competitive industry, and we may find ourselves at a disadvantage commercially if funders are discouraged by the need for premature disclosure”
- “Most researchers are happy to discuss the non-confidential aspects of their applications on a one-to-one basis and advise colleagues elsewhere. To use the Act is rude and heavy handed. To try to force disclosure of confidential information is underhanded, because it jeopardises someone else's research and career prospects”
- “It gets in the way of proper peer review on completion of research. Headline journalism and scare stories rarely if ever give space to the caveats of scientific endeavour”

Commercial information

7% (2) of 23 respondents wrote that universities should be able to withhold commercial requested by profit orientated organisations to obtain commercial advantage.

- “FOI should be concentrating on public interest issues. Contract transparency is best driven by separate requirements concerning procurement”
- “Commercial information for obvious reasons”

Information where individuals were identifiable

7% (2) of 23 respondents felt the university should be able to withhold information that would enable individuals to be identified.

- “Information on students and staff, where numbers are below 5 due to probability of identification”
- “[...] should not have had to release the schools of origin of individual students in a format that meant current students were identifiable. This infringed student privacy”

Other

- “We disclosed some high salary data with some notes which were not published and so the data was taken out of context and complaint was received from a member of staff”

Additional comments (Q19)

Q19. Please provide any additional comments about your experiences as an FOI/EIR 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 14 responses some of which contained more than one substantial comment.

- “More guidance is needed on the particular challenges faced by FOI in the HE sector particularly in an increasingly competitive environment. The ICO's guidance for the HE sector is very helpful, but focuses mainly on research. More guidance on the

applicability of the Commercial Interests exemption and its applicability to HE would be especially helpful.”

- “Firstly I'd say that FOI is a good thing and I enjoy my job. However, it can be 'lonely' in the sense that the FOI practitioner is stuck in the middle of things with some competing issues to contend with: on the one hand you want to be transparent and give requesters what they want and on the other hand you need to balance this with the interests of the organisation. Requesters think you're trying to cover things up and colleagues think you're too open and liberal about wanting to release information they feel goes too far or should be kept secret. You can't always keep everyone happy, but you have a job to do. Sometimes this can make you unpopular, but you'd rather be unpopular with a requester who you'll never meet than unpopular with the people you need to work with day-in, day-out. Occasionally it can be a balancing act nonetheless.”
- “I'm getting tired of it since no one views FOI as a job well done. It's seen as a tax on the business. I'm also fed up with colleagues (not FOI but general) discussing how we will "deal" with a sector wide request without checking with us first to see if their approach stands a chance of succeeding.”
- “FOI/EIR have changed HEIs approach to data generally for the good. It is a pity Government has not caught up with its own legislation!”
- “I think we have developed a pretty good system for dealing with requests. Generally we get a reasonable level of co-operation from colleagues, particularly those who are regularly hit with requests, such as the Student data team and HR, and I am comfortable that we usually meet our legal obligations. It is an interesting job. On balance whilst I have no concerns with the disclosure of most of the information we have been asked for I fail to see that the vast majority of it adds anything of any substantive public interest to society. That being the case, is it really worth the investment required of us?”
- “I ADORE reading the sarcastic comments on Twitter about FOIA Officers etc. (oh look what I did there) by the FOIA practitioners and WDTK. Makes coming into the office an absolute joy.”
- “Junior staff are still reluctant to prioritise FOI requests and this is a concern. It is difficult to cost the FOI process at the institution, but we are just formulating a new record-keeping system which will allow us to estimate costing in the coming year. During busier periods, requests from companies carrying out market research are particularly annoying for the staff who are required to source the information requested. We usually comply within 20 days but my feeling is that the timeframe should be longer and maybe brought in line with the 40 day DPA limit.”
- “I enjoy the variety of requests that I receive although some are rather time consuming. I understand the need for this information to be in the public domain and I think the need for transparency and accountability will ensure that some processes are improved/streamlined as a result. I would hope that records management should also improve as people become aware that information must be released if it is held.”
- “I do much less training on FOI, as fewer people in the University are directly affected by it, but it would be nice if the Senior Management Team would make the effort. There's also an on-going confusion between FOI and DP, where people think they can get their own personal data under FOI (and that it should, therefore, be free). I

have plenty of policies and procedures, but so far, no way of making sure people read them. I'd love a good, online training package that I can tailor to our policies, but have yet to hear of one that's both good and reasonably priced.”

- “In the last 12 months I have found being an FOI Officer at times extremely stressful - the amount of requests that have come in have, on occasion, made compliance with the 20 day requirement extremely difficult and there has been the odd occasion where we have not met this requirement. This is something that doesn't sit comfortably with me but it is something that at the time we couldn't avoid.”
- “It's a duty I will cheerfully relinquish on retirement soon.”
- “From my perspective I know the FOI Act has been implemented on behalf of the public in terms of greater transparency and scrutiny. I think this is commendable. However, it can be misused by others, journalists and commercial organisations.”
- “Most staff comply without problems. Some staff are difficult, but comply in the end. I haven't yet had to refuse to put my name to a response that I don't believe is accurate or fair, but would hold that option in reserve.”

We have not attempted to group these responses due to the wide range of content received, however one factor appears significant by way of absence is any great reference to the overall burden of cost to the university, with only one respondent raising this as an issue:

- “I never imagined it would take up so much time. This is now a major proportion of my governance role, and it is certainly not the most interesting aspect, I'm afraid. Whilst I support the principle of openness, I do wonder about the allocation of not-cheap time to process requests.”

73% (19) of the 26 HE sector submissions to the Justice Committee complained about the financial burden that information legislation entails making it the joint most referenced problem, compared with the infrequent and sporadic mentions by officers in the survey responses we received.

This could be illustrative of the discrepancy between the views of officials expressed during this survey and some of the most common views submitted by institutions to the Justice Committee, which although broadly congruent, place greater emphasis on different aspects of their legislative responsibilities.

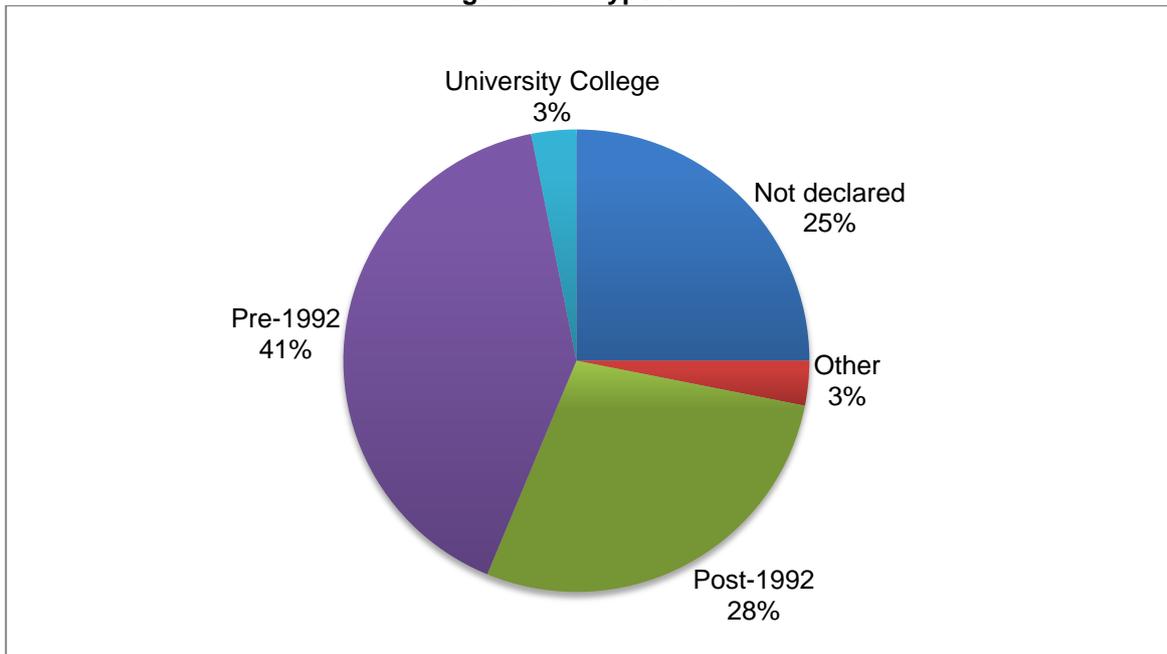
The other most common complaint was the claim that FOI compromises private sector funding, with 73% (19) of the 26 submissions referencing this issue, an aspect which was mentioned by only 19% (6) of 32 respondents at any point during this survey, again highlighting the major effects of information legislation being perceived differently at the 'coal-face' than by other sections of the institutions.

Information about your organisation (Q20, Q21)

The final two questions are to provide a general picture of the location and type of institutions that those who were surveyed work for, the responses and categories are suitably general as to maintain respondent anonymity.

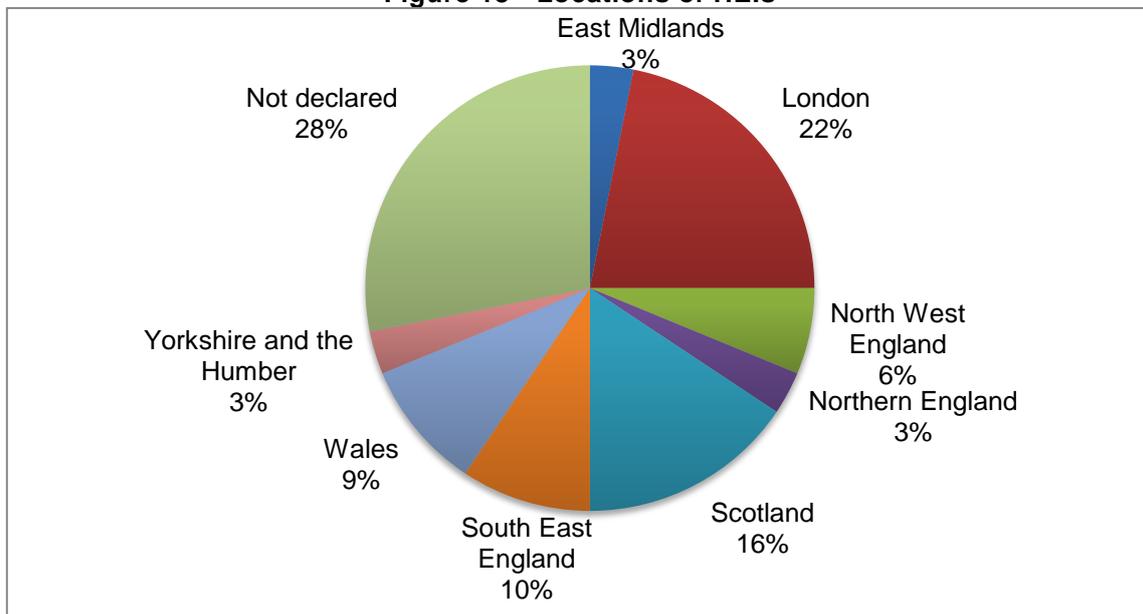
Q20. For which type of HE institution do you work?

Figure 12 - Type of HEI



Q21. Where is your institution located?

Figure 13 - Locations of HEIs



We found that examining the different types of university and the locations of institutions against the answers obtained earlier in the survey; comparing them against difficulties, positive aspects, and attitudes of senior management etc., did not produce any correlations of note.

The lack of relationship would indicate that an institution's approach to handling their FOI and EIR responsibilities and the staff attitudes that they foster, are much more attributable to their individual experiences in managing the general burdens and benefits of the information

legislation that the majority of public institutions encounter, rather than being influenced by any regional or institutional factors.

Part One Conclusion

We received 32 responses, either whole or partial, to this survey from FOI officials working in different types of higher education institutions in varying locations.

Respondents confirmed a strong knowledge of information legislations amongst non-academic staff, with the level of awareness amongst academic staff members being considered significantly lower. The attitudes of senior management appeared to be widely variable, both between and within institutions, with a ranging from 'openly supportive' to 'resistant'. The most commonly reported attitude of senior management was one of 'begrudging compliance' with FOI/EIR obligations.

The attitude of an institution's senior management team can be seen to have an effect on the attitude of staff at lower levels of an institution. The main problem with compliance identified by respondents was their colleagues, with 92% of those who answered Q5 confirming fellow staff members as being one of their main obstacles with FOI/EIR compliance. 86% of respondents who worked with a 'resistant' senior management team mentioned colleagues amongst their major problems with compliance, whereas only 40% of those who had 'openly supportive' senior staff members identified colleagues amongst their top 3 problems. This finding does correlate with the comments of FOI officials working in local government given in response to a previous Constitution Unit survey⁶. Respondents also encountered difficulties with their institutions' capacity to process requests, as workload, deadlines and staffing issues were all repeatedly referenced as stumbling blocks to complying with regulatory obligations.

Turning to the positive effects of FOI/EIR, whilst officials found it admittedly harder in identifying benefits as opposed to difficulties, the majority of respondents reported a notable improvement in the level of openness and transparency of their institution, and 59% of those who answered commented that FOI/EIR had brought about an improvement in the information and record management procedures and systems within their institution.

We also asked respondents about the types of requests that they receive. The 'worst' requests appear to be determined by the type of material requested, the amount of work required by the official to process, and the source of request. Complex and time consuming requests and requests for information relating to controversial issues were the most commonly mentioned.

Predictably mirroring the most problematic, the 'best' requests seem to be generally determined by a clear structure, the amount of work required to process them, and the source of request. The most commonly stated were well written requests not requiring further clarification, and those seeking readily available or already published information.

When asked if there was any information they would like to see regularly published or withheld by their institutions, the majority of respondents wanted to see financial information proactively disclosed as a method of reducing requests volumes, due to the amount of requests they currently receive for information on expenses and senior staff salaries. Many respondents believed that universities should be able to withhold information relating to research, including grant applications and as yet unpublished data, however an equal

⁶ Worthy, B. [Et. Al] (2011) 'Town Hall Transparency? The Impact of the Freedom of Information Act 2000 on Local Government in England', The Constitution Unit, <http://www.ucl.ac.uk/constitution-unit/research/foi/foi-and-local-government/town-hall-transparency.pdf>

amount commented that there was no information that a university should be permitted to withhold, and that the protection afforded by current exemptions sufficed.

Journalists, round robin requests, and fishing exercises were mentioned in 35 responses in total throughout the survey, only 3 of which were in a positive capacity, the remainder highlighted the negative impact on resources that they cause and selective publication of information. These frustrations were also put to the Justice Committee in 65% (17) of the 26 HE sector submissions.

Part Two – Analysis of Disclosure Logs

Executive Summary

This report is part of a research project examining the impact of FOI on universities funded by The Leverhulme Trust. To find out what kinds of information are requested from universities, and what information they withhold and disclose, we analysed the disclosure logs of seven universities: Kings College London, the University of Salford and the University of East Anglia, Northumbria, Kent, Chester and another disclosure log that was provided to us in confidence.

We found the level of detail recorded varied greatly between logs; however the data does provide a general idea of the type of information being requested, who the requesters are, what types of information is released by universities and what exemptions are applied.

Throughout this report we refer to the data gathered by JISC infoNet in their annual survey of HE FOI officers for comparison. We also used some of JISC infoNet's categories and styles for our survey.

Key findings

- Journalists and the public are by far the most common requester types, accounting for 29% and 28% of identifiable requesters respectively.
- 51% of the coded requests were disclosed in full, 20% were partially released, and 9% were for information not held.
- With regards to exemptions relating to the actual content of the material requested, across both FOI and EIR combined the most common exemption applied was personal data.
- The most common type of information requested was on 'student issues' which accounted for 18% of coded requests. Second most common was for 'HR and staff issues' at 16%, and third was 'teaching and assessment' at 12%.
- 13% of the requests we coded were about research, 84% of which were contained within the East Anglia disclosure log. Research focused requests are usually for research data itself or the research 'policies' of the institution.
- The complexity of requests does seem to be increasing, however the strength of the findings are impacted by the variable coverage in the disclosure logs. However, the majority of requests remain short, with 62% of all requests coded containing only 1 or 2 questions.

Methodology

In total we coded 780 requests, coding every second request contained within the seven disclosure logs ensuring the statistical significance of the results, and making allowances for the time and resource circumstances of the project.

A web-based questionnaire was designed and built using Survey Monkey, a fee-based Internet survey software. The questionnaire enabled us to code the requests detailed in the logs in accordance with the following criteria:

- Name of the university
- The year the request was answered
- The date the request was answered (DD/MM)
- Information regime (FOI/EIR)
- The number of questions contained within the request
- Whether the request focuses on one/topic or department
- General subject of the request (as listed by the university)
- Type of requester
- What happened to the request (information was fully released, or request was transferred etc.)
- Any mention of fees/cost limit
- Exemptions applied (if any)

We included additional sections to enter the actual text of request if it was provided in the disclosure log, and any further comments for interesting or unusual requests that we noticed throughout the process.

We also coded the requests according to a series of general categories. Universities frequently have their own method of labelling or categorising requests according to the type of information requested which can vary significantly between institutions, with some universities not classifying the requests in their disclosure log at all. Coding the requests in accordance with our own list of categories enabled us to generate some consistency across the different logs and facilitate analysis.

The coding was completed over a period of nine months by six different individuals. In order to mitigate variation and improve inter-coder reliability we created a set of definitions detailing the types of requests to be placed into the appropriate categories. A copy can be found in Appendix C.

Volume and result of requests

780 requests were detailed in the disclosure logs we examined. The overwhelming majority of requests were identified as being Freedom of Information requests, with 738 being coded as such. Of the 32 EIR requests we coded, 31 were contained in the East Anglia disclosure log.

Table 8 - Number of requests coded

Information regime	Total
Environmental Information Regulations	32
Freedom of Information	738
Not Stated	10
Total	780

Table 9 shows the numbers of requests coded across the disclosure logs according to the year in which they were answered by the institutions. The sizeable differences between request volumes according to year is predominantly due to the variation between the disclosure logs, with the majority of logs only covering select time periods.

Table 9 - Number of requests per year

Year	2005	2006	2007	2008	2009	2010	2011	Total
Number	33	11	55	156	221	149	155	780

Over half of all requests detailed in the logs analysed were disclosed in full, with the university applying no exemptions. 17% of requests were completely refused, 20% were partially released. 9% of requests that were coded were asking for information not held by the institution.

Table 10 - Disclosures, exemptions and refusals

Result	Percentage
Completely refused	17%
Fully released, no exemptions applied	51%
Information was not held	9%
Other (please specify)	1%
Partially released (without exemptions identified)	3%
Partially released, 1 or more exemptions applied	17%
Transferred/requester recalls request/lapses	1%
Grand Total	100%

Most common requesters

Only 496 of our 780 requests had requesters identified by FOI officers in the logs. The results are detailed in Table 11, displaying the number of requests received by requester type, percentage according to type, and also the percentage according to type with unknown requesters removed.

Table 11 - Most common requesters

Type of requester – 2005-2011 (all data)	Total	%	Unknown requesters removed
Unknown	284	36.41	0%
Journalist	146	18.72	29%
Public	141	18.08	28%
Staff, researcher, student from <i>other</i> institution	50	6.41%	10%
Commercial Organisation	46	5.90%	9%
NGO/campaign group	27	3.46%	5%
current student	16	2.05%	3%
Ex-student	15	1.92%	3%
current staff	14	1.79%	3%
MP/political party	10	1.28%	2%
Ex-staff	9	1.15%	2%
lawyer	6	0.77%	1%
Stakeholder	4	0.51%	1%
Parent	4	0.51%	1%
Prospective student	3	0.38%	1%
Trade Union	3	0.38%	1%
HE sector organisation of some kind	1	0.13%	0%
Public Sector	1	0.13%	0%
Total	780	100%	100%

Requests from the media and members of the public are by far the two most frequent sources of requests received by HE institutions. This is similar to the experience of local government authorities, where a previous Constitution Unit study found the public and media to be the top two categories of requesters by volume⁷. Those from other HE institutions are also well represented, considerably more so than an institution's current staff or students.

Table 12 - Most common requester for each topic of request

Topic	Requester type
Admissions	Journalist
Commercial activities	Commercial organisation/Current staff or student
Dissertations and thesis	Current student
Estates and Buildings	Journalist
Financial Information	Journalist
HR and Staff issues	Journalist
IT provision and use	Commercial organisation
Management and Administration	Public
Other (please specify)	Journalist
Procurement and contracts	Commercial Organisation
Research - Animal	Journalist
Research - clinical or medical	Public
Research - other	Journalist / Public / NGO / Lawyer
Research - science (i.e. Bio, Chem, Physics etc)	Public
Student issues	Journalist
Teaching and assessment	Journalist
Unable to say/not recorded	Current staff or student

⁷ Bourke [Et Al.] (2011) FOIA 2000 and local government in 2010: The experience of local authorities in England, The Constitution Unit, <http://www.ucl.ac.uk/constitution-unit/research/foi/foi-and-local-government/2010-foi-officers-survey.pdf>

Journalists

Journalists account for 146 of our requests. Of the 496 requests that have a requester type they account for 29%. Regarding the type of information they are interested in, it appears that journalists like to ask for everything: of our 16 general topic categories, they are the top requesters in 9 of them, see Table 12 above.

Journalists are especially interested in three main areas: student issues, admissions and teaching and assessment. Requests for information relating to 'HR and staff issues' were a close fourth (see Table 13).

Table 13 - Journalist requests by topic

Journalist requests – what topics do they ask for?	Total
Student issues	32
Admissions	27
Teaching and assessment	26
HR and Staff issues	19
Financial Information	12
Research - science (i.e. Bio, Chem, Physics etc)	7
Estates and Buildings	7
Management and Administration	7
Procurement and contracts	3
IT provision and use	2
Research - Animal	1
Research - clinical or medical	1
Research - other	1
Other (please specify)	1
Grand Total	146

Their interest is therefore mostly in students themselves – their grades, fees, courses, nationality/ethnicity, behaviour, complaints, and their life on campus, suggesting that journalists interrogate student life through FOI requests.

Reviewing requests made for information concerning 'student issues' more generally, 35% per cent of requests about 'student issues' originate from journalists, the public is the second largest group on 23%, and all other requester types accounted for less than 10%.

Table 14 - Requests for 'student issues' according to requester type

Requests about 'Student issues' - Type of requester	%
Journalist	35%
Public	23%
Staff, researcher, student from other institution	9%
Ex-student	8%
Current student	7%
NGO/campaign group	5%
Commercial Organisation	4%
Parent	2%
Lawyer	2%
MP/political party	2%
Public Sector	1%
Prospective student	1%
Current staff	1%
Total	100%

Members of the public

Members of the public account for 141 of our requests. Of the 496 requests that have a requester type they account for 28%.

Table 15 - Public requests by topic

Public requests – what topics do they ask for?	Total
Admissions	13
Estates and Buildings	3
Financial Information	8
HR and Staff issues	17
IT provision and use	2
Management and Administration	12
Other (please specify)	1
Research - clinical or medical	4
Research - other	1
Research - science (i.e. Bio, Chem, Physics etc)	52
Student issues	21
Teaching and assessment	6
Unable to say/not recorded	1
Grand Total	141

By far the most common type of information requested was science research, with 37% of the requests from members of the public being for material of this type, a reflection of the FOI requests received by the University of East Anglia. Table 16 shows the data with East Anglia removed. These amended figures portray the public as being more 'typical', as would have reasonably been expected, with 'HR and Staff issues' and 'Student issues' being equally the most frequently type of information requested.

Table 16 – The Public’s requests excluding University of East Anglia

Public’s requests	Total
Admissions	1
Estates and Buildings	1
Financial Information	6
HR and Staff issues	12
IT provision and use	1
Management and Administration	7
Other (please specify)	1
Research - clinical or medical	3
Research - science (i.e. Bio, Chem, Physics etc)	1
Student issues	12
Teaching and assessment	2
Unable to say/not recorded	1
Grand Total	48

With East Anglia removed, there was only 1 request for information relating to scientific research, providing a clear example of the impact that research on a controversial subject, and an event like ‘climategate’, can have on the type and volume of requests received by a university.

Students and their parents

We can see that current students, ex-students, parents and prospective students made only 38 requests. Unsurprisingly, most of them ask about student issues followed by information on teaching and assessment.

Table 17 - Student requests by topic

General categories	Total
Student issues	16
Teaching and assessment	9
Management and Administration	3
HR and Staff issues	3
Admissions	2
Dissertations and thesis	2
Unable to say/not recorded	1
Financial Information	1
IT provision and use	1
Grand Total	38

What does our coding tell us about students using FOI as a method of holding their institution and staff to account? The relatively small number of requests suggests that students do not tend to use requests as a method of scrutinising universities.

It is possible that student requesters could occasionally be recorded incorrectly in disclosure logs, and be hidden under ‘public’ requesters, for example.

Some of the FOI officers working in the HE sector that we surveyed anticipate an increase in student requests as a result of the increase in tuition fees. This may have an impact on the

use of FOI as a method of scrutinising HE institutions by current students, following their introduction in the forthcoming 2012/2013 academic year.

Categories of requests

We coded the requests according to a set of 16 general categories, based on the type of information that was requested, in order to facilitate comparison and analysis. You can see our coding definitions at the end of this report. Table 18 displays the number of requests that fell into each category.

Table 18 - Requests coded according to general category

General Categories	Total
Student issues	143
HR and Staff issues	126
Teaching and assessment	97
Admissions	92
Research - science (i.e. Bio, Chem, Physics etc)	81
Financial Information	70
Management and Administration	42
IT provision and use	32
Estates and Buildings	31
Procurement and contracts	26
Unable to say/not recorded	12
Research - clinical or medical	12
Research - other	6
Commercial activities	5
Dissertations and thesis	2
Other (please specify)	2
Research - Animal	1
Grand Total	780

‘Student issues’

143 requests of our 780 requests were about ‘student issues’. At 18%, it is the most represented category. The category includes (from our coding definitions guidance): *Disability policies, ethnicity, the ‘makeup’ of the student body (by course, by nationality, by year, etc. etc.) immigration certificates of sponsorship, careers following their time at uni, complaints (various), course fees, student numbers, educational background of students, scholarships and bursaries/financial assistance.*

Looking at the requests more closely, we can see the aspects of student life that requesters are actually interested in. A third of requests are regarding demographic/course profile of the student body – coded below as ‘make-up of the student body’. The next highest is students’ bad behaviour at 21%: this includes library fines, incidents of violence or criminal behaviour, dropping out of courses etc. All other categories accounted individually for less than 10%.

Table 19 - Requests for 'student issues'

Type of 'student issue'		Total		Percentage
Bad behaviour		30		21%
Campus life		6		4%
Compensation		4		3%
Extremism, terrorism, Islam		7		5%
Fees		3		2%
Graduation		11		8%
Make-up of the student body	Course	18	12.59%	Total: 33.57%
	Nationality	14	9.79%	
	Ethnicity	8	5.59%	
	Other	5	3.50%	
	Gender	2	1.40%	
	Criminal record	1	0.70%	
Scholarships and bursaries		7		5%
Student complaints		11		8%
Visas		1		1%
Welfare		3		2%
Other		12		8%
Grand Total		143		100%

'HR and staff issues'

126 requests of our 780 requests were about HE and staff issues, making it the second most common category, 16% of the total. We included salary and expenses requests in this, instead of placing them in finance or management. Our reasoning for this was that the apparent motivation of requesters (inferred from the text of requests) in these instances was often about examining individual staff's own circumstances, rather than looking at this issue from an overall institutional spending perspective.

This coding definition may account for why our results come out differently to JISC infoNet's data on topics of requests. Their results - based on a 2007-2011 average - had information concerning 'Management and administration' as the most frequently requested type, see Figure 14.

76 of the total 126 (60%) 'HR and staff issues' requests we coded had a requester type assigned to them in the disclosure logs. Again journalists are the most frequent requesters and account for 25% of the requests, members of the public are second on 22%. Current staff are third on 14% and ex-staff next on 9%. Unsurprisingly, 18 of the 23 requests (78%) of requests made by current and former staff in our sample are about HR.

Table 20 - 'HR and staff issues' according to requester type

HR and Staff issues - Type of requester	Total
Journalist	25%
Public	22%
current staff	14%
Ex-staff	9%
Commercial Organisation	9%
Staff, researcher, student from other institution	8%
current student	4%
NGO/campaign group	4%
MP/political party	1%
Trade Union	1%
Lawyer	1%
Grand Total	100%

'Teaching and assessment'

97 requests were for information relating to teaching and assessment, accounting for 12% of the 780 requests analysed, a figure not dissimilar to JISC infoNet's 2007-2011 average (see Figure 14). We can identify the requesters of 51 of these 97 requests: journalists account for half.

Table 21 - 'Teaching and assessment' according to requester type

Requesters of teaching information		
Journalist	26	51%
Public	6	12%
Ex-student	5	10%
NGO/campaign group	3	6%
Staff, researcher, student from other institution	2	4%
Current student	2	4%
Commercial Organisation	2	4%
Stakeholder	1	2%
Current staff	1	2%
Parent	1	2%
Prospective student	1	2%
MP/political party	1	2%
Total	51	100 %

Requests coded into this category included requests for information on (according to our coding guidance): *contact time (lecture and tutorial hours), pass rates, marks/results, examiners' reports, degree classifications, examination misconduct, taught programmes, provision of exam scripts, plagiarism, student to teacher ratio, course contents.*

Again, current students do not seem to interrogate the teaching and assessment policies or records of their institution via FOI requests, though the introduction of tuition higher fees again may change this in the future.

Research

We coded 100 (from the total of 780) requests as being about ‘research’ in some way. East Anglia requests dominate the sample accounting for 84 of the requests, with the overwhelming majority falling into the ‘science’ category.

Table 22 - Research requests

Requests relating to research subjects	Total
Research – Animal	1
Research – Clinical or medical	12
Research – Science (i.e. Bio, Chem, Physics etc)	81
Research – Other	6
Research - Humanities	0
Grand Total	100

How do people interrogate ‘research’?

To identify how requesters were using FOI to interrogate research, we examined what type of research ‘material’ they were requesting. ‘Data’ is popular to ask for, but it is not the only way to ‘interrogate’ or investigate research being carried out in universities. We found some requesters were asking for multiple types of information, so we have split these and therefore end up with more than 100 requests.

Table 23 - Type of research material requested

Type of research material requested	Total
Correspondence	13
Data	21
Finance – money for research	6
FOI or EIR details – how requests for research material are being dealt with	5
Other	3
Research outputs – reports, articles, papers	7
People – staff who research or participants in projects or events	5
Public relations – how research is disseminated or the university promotes its research	2
Research integrity – matters of research ethics	11
Research policies – data management, official plans	27
Research proposals or funding applications	3
Grand Total	103

The findings are heavily skewed by the 24 requests to the Climate Research Unit about the sharing of confidential data with international partners - all coded as ‘research policies’ – which was a series of requests made by what looks like one or a few individuals over a very short space of time.

EIRs and FOIs about research

We coded the topics of requests made under both the FOI and EIR regimes, and requesters are accessing information about research under both. 28 of the 32 EIRs in our coding were accessing research information. Just over a fifth of requests for research were made under the EIR regime.

Table 24 - Number of questions contained within requests

Research requests - Topics	EIR	FOI	Not Stated	Total
Research – Animal	0	1	0	1
Research - clinical or medical	1	11		12
Research - science (i.e. Bio, Chem, Physics etc)	27	54	0	81
Research - other		5	1	6
Research requests total	28	71	1	100

Size and complexity of requests

In their submission to the Justice Select Committee, Universities UUK state “Evidence from individual institutions points to an increasing complexity of requests”⁸. We coded the number of coherent questions in each request where we were able to (not all logs gave us enough detail to do this). We coded 707 requests for ‘number of questions contained’, Table 25 displays the results.

Table 25 - Number of questions contained within requests

Number of questions within request			
Year	1 or 2	3 or 4	5 or more
2005	59%	28%	13%
2006	83%	17%	0%
2007	81%	14%	5%
2008	65%	26%	8%
2009	61%	25%	14%
2010	50%	24%	27%
2011	69%	17%	14%
Total	62%	23%	15%

Averaging across all years, 62% of requests contained 1 or two questions, though this did alter over time. Requests containing more than five questions have been more common in recent years.

Source of large requests

Table 26 details the number of questions contained within a request, according to requester type:

⁸ Universities UK submission to inform the post-legislative scrutiny of the Freedom of Information Act <http://www.universitiesuk.ac.uk/ParliamentaryActivities/UUKInParliament/Documents/FOIActSubmissionFeb2012.pdf>

Table 26 - Source of large requests, all years

Type of requester	Number of questions within request			
	1 or 2	3 or 4	5 or more	Total
Journalist	78	32	24	134
Public	71	37	22	130
Staff, researcher, student from other	32	11	3	46
Commercial Organisation	25	5	8	38
NGO/campaign group	19	3	2	24
current student	13	0	2	15
Ex-student	12	2	0	14
current staff	11	0	0	11
Ex-staff	8	1	0	9
MP/political party	5	0	2	7
Stakeholder	4	0	0	4
Parent	2	2	0	4
Trade Union	2	1	0	3
Prospective student	1	0	1	2
Lawyer	1	1	0	2
Public Sector	1	0	0	1
HE sector organisation of some kind	1	0	0	1
Total	286	95	64	445

Looking at the types of requesters with a large enough volume of requests to constitute a fair representation i.e. taking the top four categories in Table 26 above, we can get an idea of the proportions of these groups' requests that are small and large:

Table 27 - Proportion of 'large' requests according to requester type, all years

Type of requester	Number of questions within request			
	1 or 2	3 or 4	5 or more	Total
Journalist	58.21%	23.88%	17.91%	100.00%
Public	54.62%	28.46%	16.92%	100.00%
Staff, researcher, student from other	69.57%	23.91%	6.52%	100.00%
Commercial Organisation	65.79%	13.16%	21.05%	100.00%

Table 27 shows that commercial organisations are the most likely to submit long or complex requests, with a fifth of theirs containing 5 or more questions. Journalists and the public submit slightly fewer of this size, however, along with staff, researchers, and students from other institutions, around a quarter of their requests that we coded contained 3 or 4 questions.

Exemptions

460 of 780 requests had no exemptions applied. Therefore 320 requests (41 per cent) were subject to some kind of exemption. We coded up to five exemptions for each request, so with multiple exemptions used on some requests, we get 380 exemptions used overall.

Universities receive lots of requests that are rejected on the basis of the information not being held. This is true for both FOIs and EIRs.

Table 28 - Exemptions used (FOI)

Exemption used (FOI)		
s1 Not held	117	31%
s12 Cost	69	18%
s21 Access by other means	50	13%
s40 Personal data	36	9%
s43 Commercial	26	7%
s14 Vexatious	25	7%
s22 Future publication	17	4%
s31 Law enforcement	13	3%
s36 Prejudice to effective conduct of public affairs	10	3%
s24 National security	6	2%
s41 Provided in confidence	4	1%
s23 Bodies dealing with security matters	3	1%
s38 Health and safety	3	1%
s42 Legal privilege	1	0%
Total	380	100%

Table 29 - Exemptions used (EIR)

Exemptions used (EIR)		
Regulation 12(4)(a) Not held	16	27%
Regulation 12(4)(b) Request is manifestly unreasonable - scope	11	19%
Regulation 12(5)(f) Confidentiality	10	17%
Regulation 12(5)(a) International relations	10	17%
Regulation 6(1)(b) Publicly available already	5	8%
Regulation 12(3) & 13(1) Personal information	3	5%
Regulation 12(5)(b) Adversely affect criminal enquiry	2	3%
Regulation 12(4)(d) Unfinished documents	1	2%
Regulation 12(4)(e) Internal comms	1	2%
Total	59	100%

Leaving aside the 'basic' kinds of exemptions - that do not necessarily have anything to do with the content of the material being requested (i.e. not held, cost, already published etc.) - and putting the EIR and FOI exemptions together, the most common exemption used concerns protecting personal data.

Table 30 – Use of exemptions: combined FOI & EIR exemptions

Similar exemptions combined: FOI and EIR regimes		
Not held	133	30%
Cost/scope	80	18%
Access elsewhere	55	13%
Personal data	39	9%
Commercial	26	6%
Vexatious	25	6%
Future publication/unfinished	18	4%
National security/international relations	16	4%
Law enforcement	15	3%
In confidence	14	3%
Internal comms/s36	11	3%
Bodies dealing with security matters	3	1%
Health and safety	3	1%
Legal privilege	1	0%
Total	439	100%

Our coding compared with JISC survey data

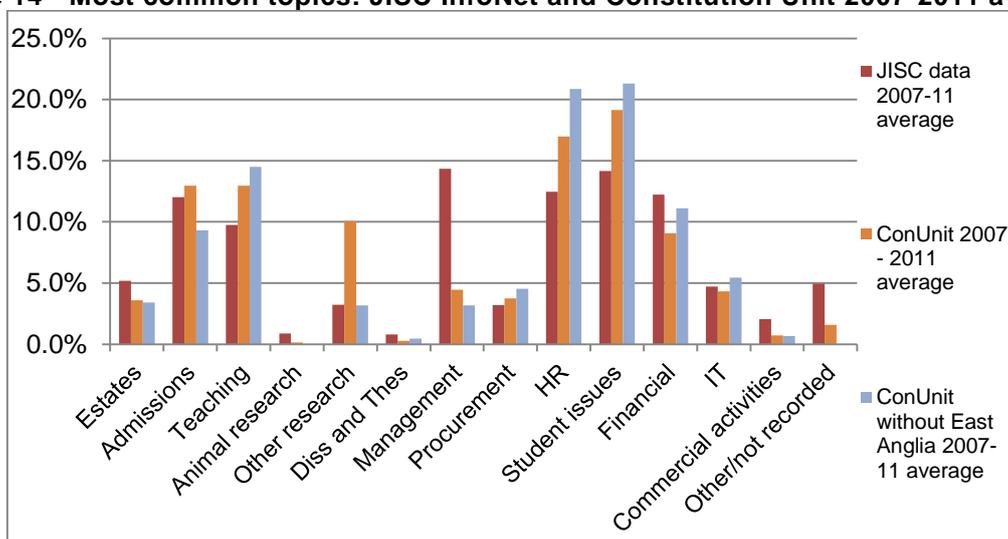
Most common topics of FOI requests

Our coding generated broadly similar results to much of JISC infoNet's data on topic of FOI requests. Our data is less sparse from 2007 onwards, so we have compared our data 2007 - 2011 data with JISC infoNet's data from the same years. JISC infoNet's survey data does not look at the topics of EIRs, so to facilitate the comparison (below) we have removed EIRs from our data, leaving only FOI requests.

Our 2007-11 and JISCs 2007-11 data on the proportion of FOIs made about estates, teaching, admissions, procurement, student issues, IT, commercial, animal research, dissertation and thesis, and financial are broadly similar. The differences are more pronounced with management, HR and other research.

Below have included our data from East Anglia's log, and without, to show the impact of the research requests that institution received on numbers overall.

Figure 14 - Most common topics: JISC InfoNet and Constitution Unit 2007-2011 averages

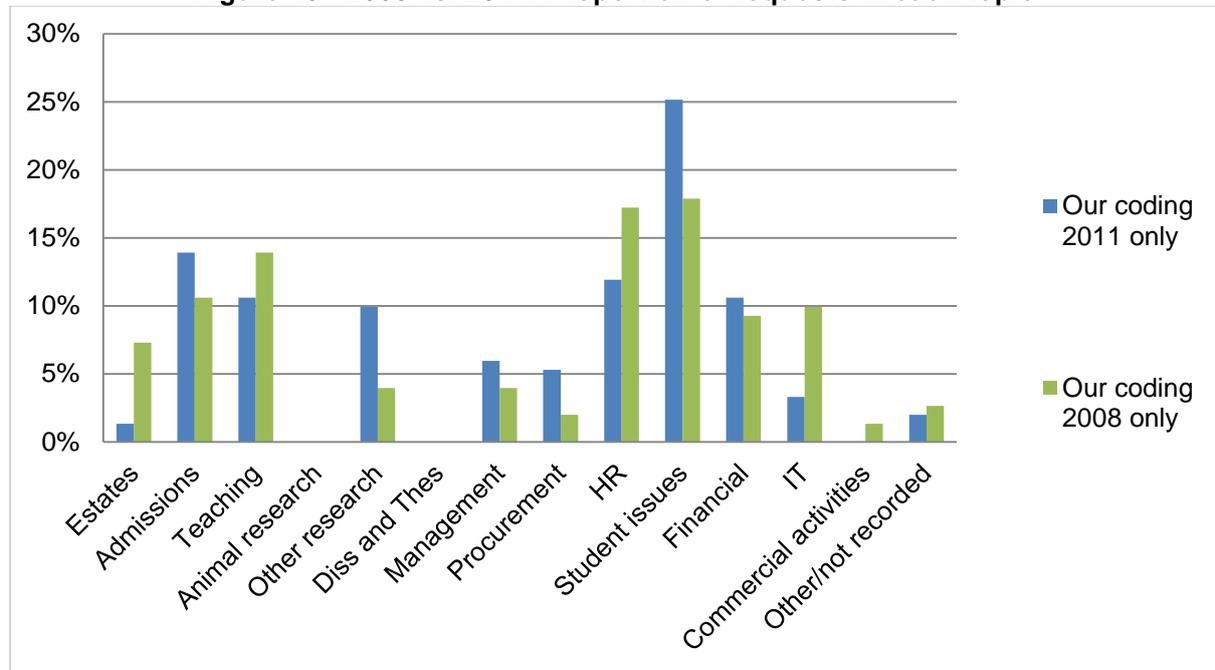


Has the focus of requests changed over time?

Our data

Our data is better from 2008 onwards, so we can see the change in focus of requests in our data by comparing 2008 with 2011.

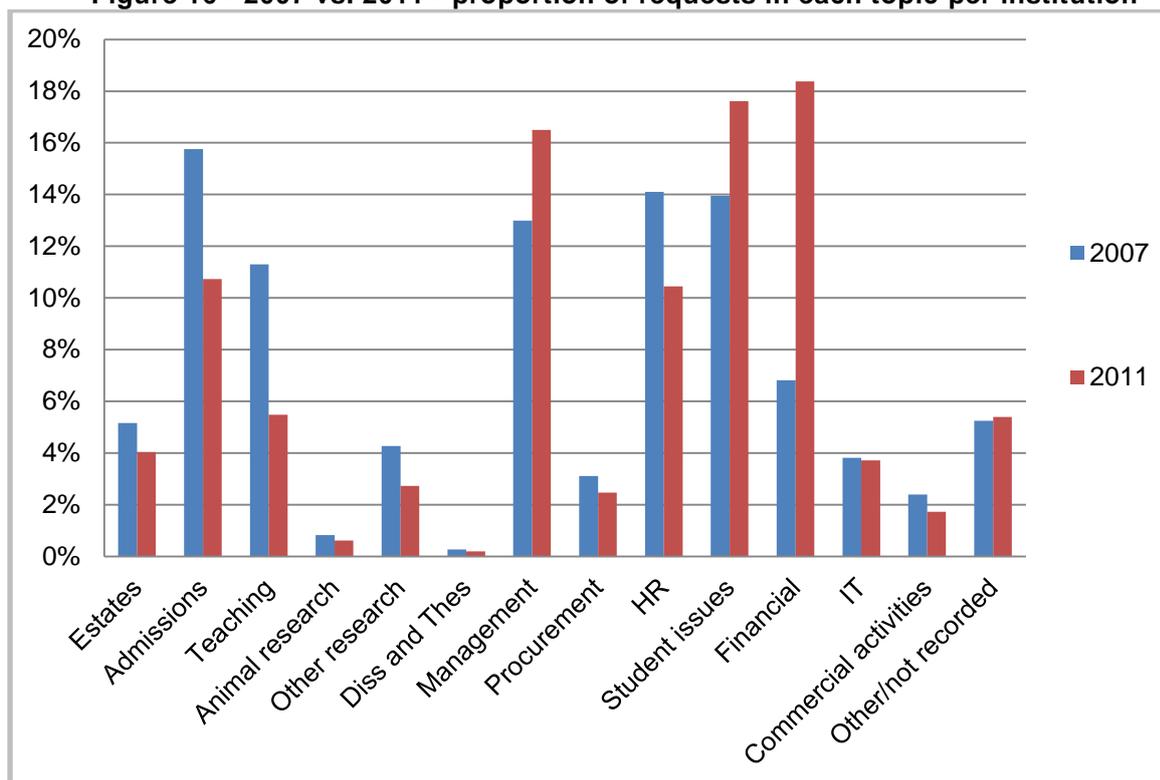
Figure 15 - 2008 vs. 2011: Proportion of requests in each topic



JISC infoNet's data

JISC's data is better from 2007 onwards, so we can use their data to show change in focus of requests over time too (see overleaf):

Figure 16 - 2007 vs. 2011 - proportion of requests in each topic per institution



Have requesters changed over time?

Our data

Our data is more detailed from 2008 onwards, so we have displayed the requester types by volume over those four years in Table 31. It is important to note that these numbers are generated by data from only 417 requests so these figures are by no means exhaustive.

Table 31 - Requester type over time

Type of requester – our data	2008	2009	2010	2011
Public	22%	31%	33%	31%
Journalist	29%	21%	48%	29%
Staff, researcher, student from other institution	16%	10%	8%	10%
Commercial Organisation	11%	12%	5%	6%
NGO/campaign group	5%	9%	0%	6%
Current student	2%	4%	0%	5%
Current staff	4%	3%	1%	2%
MP/political party	4%	3%	1%	2%
Ex-staff	0%	4%	0%	0%
Lawyer	4%	0%	3%	1%
Ex-student	2%	2%	0%	1%
Parent	0%	0%	0%	3%
Stakeholder	0%	0%	0%	3%
Prospective student	2%	1%	0%	1%
Trade Union	0%	0%	0%	1%
HE sector organisation of some kind	0%	0%	1%	0%
Public Sector	0%	0%	1%	0%
Grand Total	100%	100%	100%	100%

Our data shows public use increased between 2008 and 2009 but has remained steady since. Journalist usage spiked in 2010 and then returned to 2008 levels in 2011. FOI officers report that journalists are less likely to identify themselves nowadays which could provide another explanation for the decrease between 2010 and 2011. The use of FOI by commercial organisations is declining, as are volumes of requests submitted by MPs.

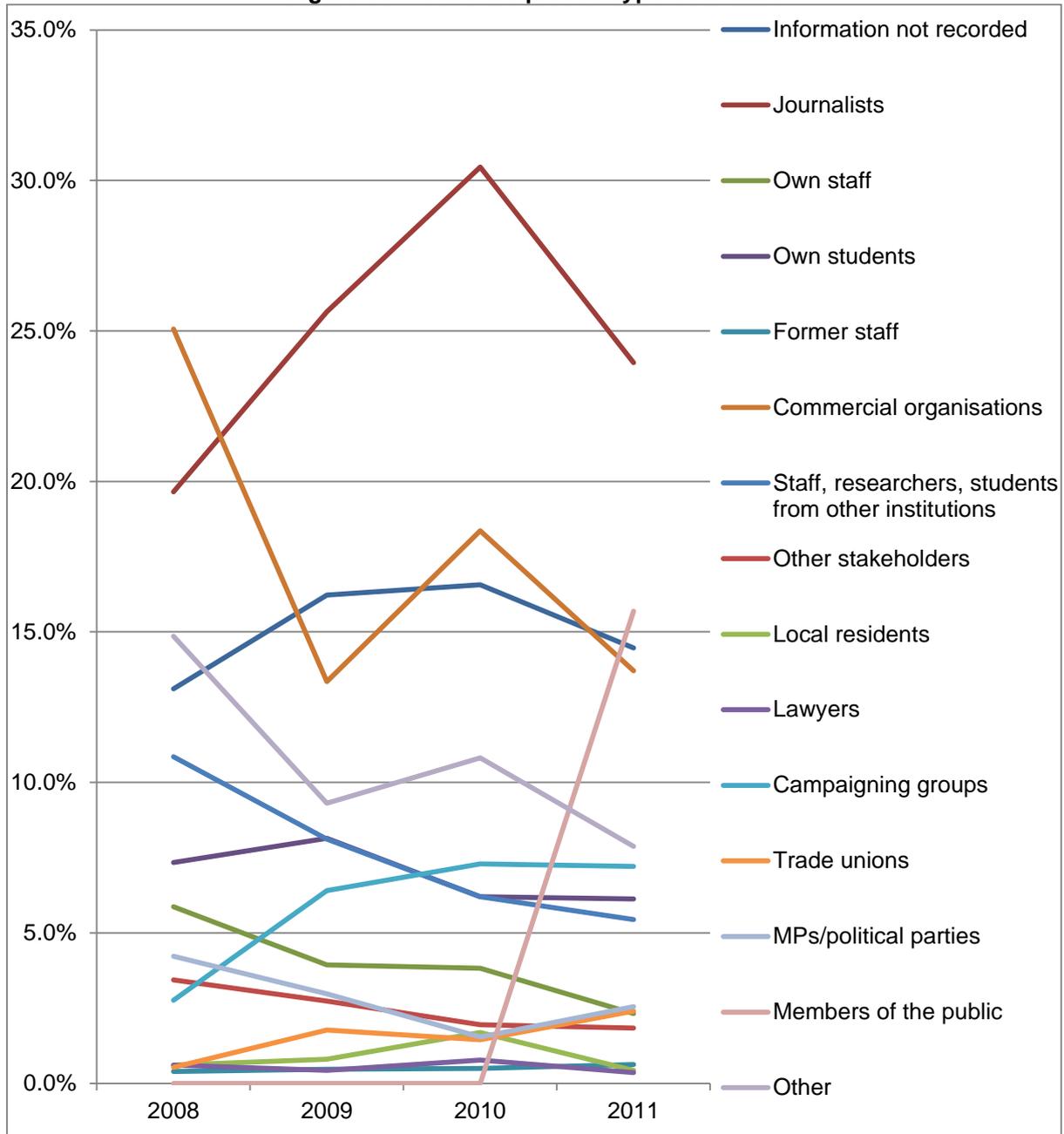
JISC infoNet's data

JISC did not list 'member of the public' as a category until 2011, and when this was introduced, the category account for 15% of the total. The effects of this on the data are clearly displayed in Table 32 and Figure 17 (overleaf).

Table 32 - JISC requester type over time

Requester Type	2005	2006	2007	2008	2009	2010	2011	All years
Not recorded	20.5%	12.8%	14.3%	13.1%	16.2%	16.6%	14.5%	15.4%
Journalists	21.9%	27.3%	22.3%	19.7%	25.6%	30.4%	23.9%	24.5%
Current staff	6.5%	5.4%	12.5%	5.9%	3.9%	3.8%	2.3%	5.8%
Current students	14.0%	13.4%	10.1%	7.3%	8.1%	6.2%	6.1%	9.3%
Former staff	0.0%	0.0%	0.6%	0.4%	0.5%	0.5%	0.6%	0.4%
Commercial organisations	16.1%	18.2%	24.4%	25.1%	13.3%	18.4%	13.7%	18.5%
Staff, researchers, students from other institutions	8.3%	6.3%	7.6%	10.8%	8.1%	6.2%	5.4%	7.5%
Other stakeholders (e.g. potential students or their parents, potential investors etc)	5.4%	3.7%	3.2%	3.4%	2.7%	1.9%	1.8%	3.2%
Local residents	1.8%	1.1%	1.5%	0.6%	0.8%	1.7%	0.4%	1.1%
Lawyers	0.8%	0.6%	0.4%	0.6%	0.4%	0.8%	0.4%	0.6%
Campaigning groups	4.8%	6.6%	1.7%	2.8%	6.4%	7.3%	7.2%	5.2%
Trade unions	0.0%	3.5%	2.3%	0.5%	1.8%	1.5%	2.4%	1.7%
MPs/political parties	0.0%	0.0%	0.0%	4.2%	3.0%	1.5%	2.5%	1.6%
Members of the public	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	15.7%	2.2%
Foreign embassy	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	5.9%	5.4%	13.5%	14.9%	9.3%	10.8%	7.9%	9.7%
Total	100.0%							

Figure 17 – JISC Requester type over time



There does not appear to be one requester type that dropped dramatically to accommodate the introduction of the public as a category in 2011. Although there was a 6.5% reduction in journalists' share of the total, and a 4.7% drop in the commercial organisations grouping, a glance at previous years shows that these requester types fluctuate regularly.

It is possible that members of the public were previously attributed to a wide variety of different requester types, with their categorisation being influenced by the type of information they were requesting.

How has request volume changed over time?

Our data

As a consequence of the inconsistent and variable coverage between the disclosure logs we examined, our data is not detailed enough to see volume change over time.

JISC infoNet's data

JISC infoNet's data enables us to generate a rough picture of the change in request volumes over time according to topic of request. By taking the total number of requests received according to topic, and dividing these by the number of institutions that responded to JISC's survey, we are able to obtain an average figure for the number of requests received for each topic per institution.

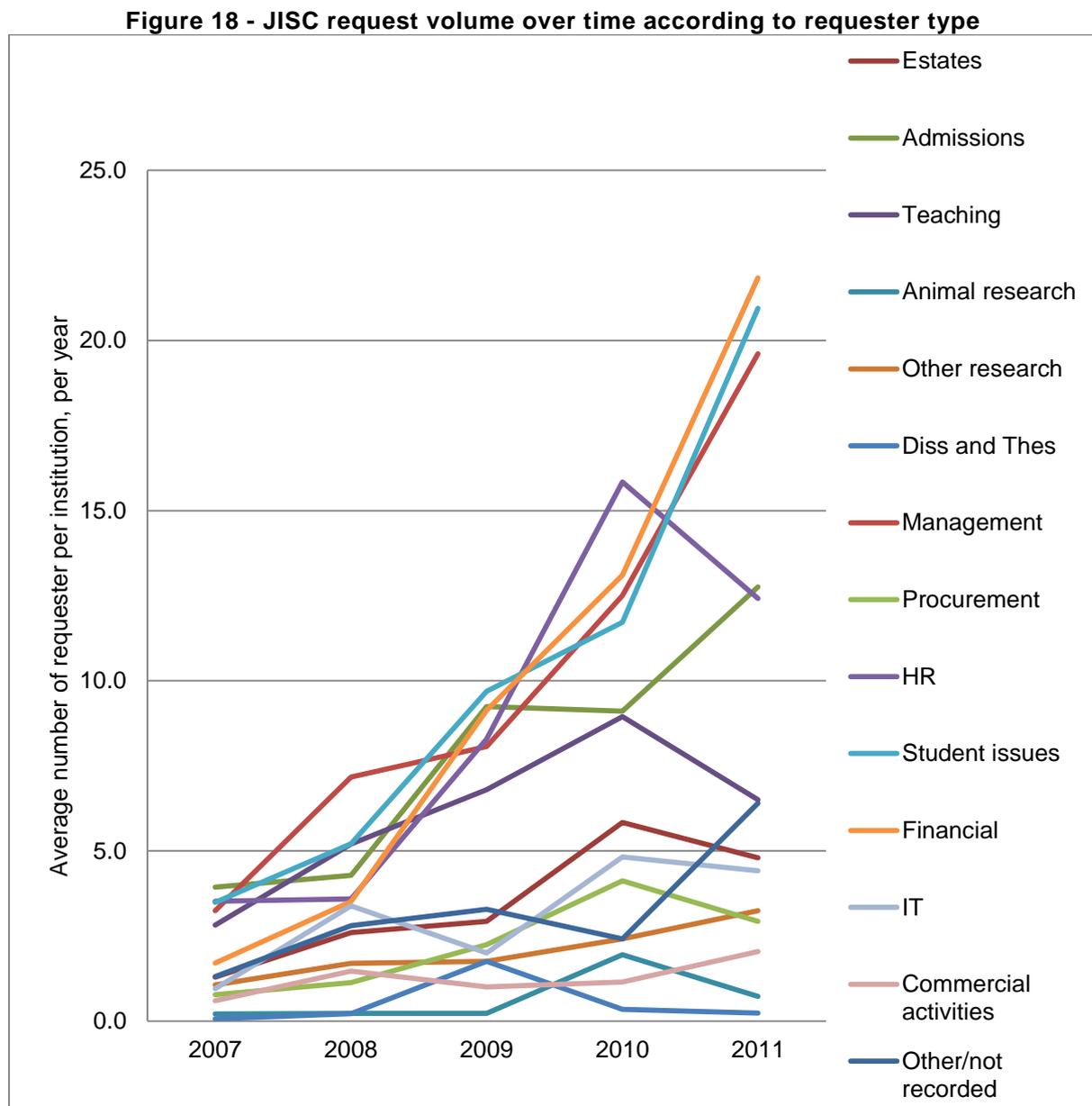


Figure 18 shows a general upward trend for most types of information. The three most requested types of information: financial, student issues and information relating to

management and administration, consistently increased between 2007 and 2011. Information relating to HR, the most requested type in 2010 fell in 2011, along with teaching and assessment.

Part Two Conclusion

Journalists and the public are by far the most common requester types. Between them they account for 58% of the 496 requests assigned a 'requester type' in the disclosure logs examined.

The most frequently requested type of information in the disclosure logs was concerning 'student issues'. This accounted for 18% of the 780 requests coded. 35% of requests coded for 'student issues' were submitted by journalists, who appear much more interested in interrogating student life through FOI than a university's current students, who submitted only 7% of the requests relating to 'student issues'.

With East Anglia's log included, our data showed that 37% of the public's requests were for scientific research. Removal of this disclosure log altered the results significantly, with 'HR and staff issues' and 'student issues' being the joint most requested information by the public. This is demonstrative of the effect that controversial research and the subsequent effects that 'climategate' had on the type and volume of requests received by East Anglia.

100 of our requests were coded as being for research of some form. Requesters seeking to interrogate the research of a university will generally submit requests for the research data itself, but the East Anglia log also contained a number of requests for its research 'policies', with requesters focusing on the data management, and project handling within the institution.

51% of the coded requests were disclosed in full, 20% were partially released, and 9% were for information not held. Aside from requests for information not held, was available elsewhere, or would exceed the appropriate limit, across both FOI and EIR combined the most common exemption applied was personal data.

The complexity of requests does seem to be increasing, however the strength of the findings are impacted by the variable coverage in our disclosure logs. Commercial organisations, journalists, members of the public and individuals from other HE institutions are the most likely to submit complex or long requests containing 3 or more questions, though the majority of requests by all requester types contain only 1 or 2 questions.

Appendix A – Survey Invitation email

Are you working as an information officer in a Higher Education institution in the United Kingdom? The Constitution Unit at UCL wants to hear from you.

The Constitution Unit at UCL is undertaking a study on the impact the Freedom of Information Act and the Environment Information Regulations have had on UK universities and higher education institutions. Rather than hard data, the survey will collect officers' views on FOI and transparency. We want your opinions as a practitioner: How well understood are information obligations in your institution? How easy or hard it is to process requests for information? In what ways has FOI been beneficial to your institution, students or the wider public? The survey will help inform an article about the impact of FOI and universities, and builds on our previous work surveying FOI officials who work in local government.

[Click here to access the survey](#) or copy and paste this url into your browser:

[link]

Your opinions matter to us: no one knows better about how FOI/EIRs operate day-to-day better than information officers. The survey doesn't ask for you to provide any statistical details, and as such, you don't need to prepare any information before filling it out.

Your responses will be anonymised, and you are under no obligation to identify which institution you belong to. We will use information provided in the report so that no individuals or institutions are identified.

The survey will run until Friday 9 March. We estimate it will take no longer than 20 minutes to fill out. You can start the survey and come back to it if you get interrupted.

For details or questions about the survey, please contact [link]

For information about the project, or the other work of the Constitution Unit, visit our website www.ucl.ac.uk/constitution-unit or our blog: <http://constitution-unit.com/>

Thank you!

Appendix B – Survey

HE Freedom of Information officers survey

Welcome

The Constitution Unit is part of the School of Public Policy at University College London. We are undertaking a study on the impact the Freedom of Information Act (and the Environment Information Regulations) have had on UK universities and higher education institutions.

We are asking for your opinions as an FOI/EIR practitioner, so please do not treat this survey as an FOI request. If some questions do not relate to your role, please just skip them and move on. If you are based in a Scottish HE institution, please answer in regards to your work under the Scottish Freedom of Information Act 2002.

All survey responses will remain confidential. You are under no obligation to identify which institution you belong to. Your responses will be anonymised, and the information you provide will be used in a way where no individuals or institutions are identified.

Please contact g.bourke@ucl.ac.uk for any questions or advice on the survey, or about our project as a whole. The Constitution Unit has surveyed FOI officers across the public sector for several years. You can see reports from local government officers' opinions on our website here: <http://www.ucl.ac.uk/constitutionunit/research/foi/foiandlocalgovernment>

Thank you in advance for participating.

Information Rights awareness

These questions focus on the awareness of information access legislation amongst other staff in your institution. Please use your experience in working alongside these people as a basis for your answers; your 'gut-feeling' judgment will do.

1. In your opinion, how well known are your institution's legal responsibilities in regards to the Freedom of Information Act and Environmental Information Regulations amongst colleagues in your institution with a managerial/administration/governance (i.e. non-academic roles)?

- Not well known at all - most of them don't realise we have any
- Somewhat well known - half are aware of what we have to do
- Very well known - most of them are aware of what we have to do
- Completely known by all staff of this kind

2. In your opinion, how well known are your institution's legal responsibilities in regards to the Freedom of Information Act and Environmental Information Regulations amongst colleagues in your institution with academic roles?

- Not well known at all - most of them don't realise we have any
- Somewhat well known - half are aware of what we have to do
- Very well known - most of them are aware of what we have to do
- Completely known by all staff of this kind

Working with others to manage requests

3. How frequently do you liaise with your institution's 'Press Office' or 'Media Relations Team' in regards to FOI/EIR requests received?

- Never
- Only when the requests come from journalists
- When I think the answer to the request could be publicised or be controversial
- I discuss every request with them
- Other (please specify)

4. How would you describe the attitude of your institution's senior management team towards FOI/EIR responsibilities? Feel free to illustrate with examples if you wish. Please note that any information provided in this survey will be treated anonymously: answers to this question will not be matched with data that could identify you or your institution.

Problems with compliance / Positive effects of information legislation

We would like to get your opinions on what positive differences information legislation makes to your institutions, and also the problems you encounter when processing requests.

5. Please describe the top three problems you have experienced with FOI/EIR compliance since 2005 (or whenever you began your current role in your institution). These may be problems relating to requests or requesters, working alongside others, resourcing, training/guidance or the appeals process. Write whatever you feel are the most difficult problems you face in your role.

- 1.
- 2.
- 3.

6. Please describe the top three ways in which you think being covered by the FOI Act (or Scottish FOI Act) and the Environmental Information Regulations has positively affected the HE institution you work for. This might include effects on internal and external relationships, governance, or cultural things like trust or openness.

- 1.
- 2.
- 3.

7. If you have any further comments about the positive and negative aspects of information legislation more generally, please put them in the box below.

Bests and worsts

8. What kinds of requests are the most problematic to deal with? (i.e. requests about particular topics or from particular types of requesters). You can specify up to three. Please don't identify any individuals.

- 1.

- 2.
- 3.

9. Please explain why these kinds of requests are problematic.

10. What kinds of requests are the 'best'? (i.e. particular topics, or the way the questions are asked, or particular types of requesters). You may specify up to three. Again, please don't identify particular individuals.

- 1.
- 2.
- 3.

11. Please explain why these requests are 'the best' to deal with.

Reasons for the increase in FOI requests since 2005

12. The average number of FOI and EIR requests received by HE institutions each month tripled from 2005 to 2010. What do you think is driving this increase?

13. Do you think the trend of more and more requests will continue into the future?

- Yes
- No
- I'm not sure

14. If you answered Yes or No above, can you briefly explain why you think this?

The Future: proactive release?

15. Is there any information held by your organisation that you would like to see proactively released?

16. Why?

The Future exemptions?

17. Are there some kinds of information that universities have been ordered to release under FOI/EIR that you think should have been able to be withheld?

18. Why?

Overall/additional comments

19. Please provide any additional comments about your experiences as an FOI/EIR practitioner in the box below:

Information about your organisation

20. For which type of HE institution do you work?

- pre1992
- post1992
- university college
- other

21. Where is your institution located?

- North West England
- Northern England
- Yorkshire and the Humber
- Eastern England
- East Midlands
- West Midlands
- London
- South East England
- South West England
- Scotland
- Wales
- Northern Ireland
- Other (please specify)

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 the impact of information legislation on the HE sector and we will endeavour to inform you when our findings are published.

Thank you!

Appendix C - General category coding definitions

General Category...	Definition	...which includes:
Admissions	Who gets in (but not about who is <i>already</i> in)	Admissions process, entry-requirements/offers, interviews, A-levels needed etc., 'how many students did you take from private schools'...
Dissertations and Thesis		Vivas, supervisors, binding etc
Estates and Buildings	Buildings owned or used by the University	Halls of residence,
Financial Information	Finances of the University (i.e. NOT procurement or contracts)	Investments, donations, compensation/good will payments, research grants, endowment management, financial statements, legal expenses
HR and Staff issues	Staff issues not related directly to teaching	Salaries, staff gradings, ethnicity, retirement, sickness, redundancies, living wage, employment contracts/contract terms, workplace bullying, staff structures (positions)
IT provision and use	Computers, software	e-book library services, expenditure on IT, ID card software
Management and Administrations	Broad policies held by the Uni and their execution	Council members and minutes, fee setting policy/decisions; corporate plan
Procurement and Contracts	Acquisition of goods and services	Journal subscriptions, vehicle hire,
Research – Animal	Information about the research	Participants in studies; raw data, Numbers used, correspondence, who are the researchers, outputs, funding, grants
Research – Clinical or medical	Information about the research	As above
Research – Science (Biology, Chemistry, Physics)	Information about the research	As above
Research – Social science/humanities	Information about the research	As above
Student Issues	Issues which are not related directly to teaching or exams	Disability policies, ethnicity, the 'makeup' of the student body (by course, by nationality, by year, etc. etc.) immigration certificates of

		<p>sponsorship, careers following their time at uni, complaints (various), course fees, student numbers, educational background of students, scholarships and bursaries/financial assistance</p>
<p>Teaching and Assessment</p>	<p>Staff and student issues directly related to teaching, examinations and assessment</p>	<p>Contact time (lecture and tutorial hours), pass rates, marks/results, examiners' reports, Degree classifications, examination misconduct, taught programmes, provision of exam scripts, plagiarism, student to teacher ratio, course contents</p>
<p>Unable to say/not recorded</p>		
<p>Other</p>		<p>Honorary degrees</p>