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**Title:** First pulse check on UK FOI community indicates good health

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Central government departments and local authorities in the UK recorded a total of approximately 47,000 Freedom of Information Act requests between 1 January and 30 June 2005<sup>1</sup>. Although the number of requests decreased over the six-month period, the total volume reflects a significant amount of work carried out by public officials and civil servants to comply with the Freedom of Information (FOI) Act in the first half of the year. How did they cope? In order to 'take the pulse' of the FOI community, on 16 June the Constitution Unit distributed a survey to FOI practitioners attending the *Third Annual Information Conference for the Public Sector: FOI Live 2005*<sup>2</sup>. The survey results suggest that practitioners found the process of implementation a smooth one, albeit with a few challenges, and that they believe they did well in responding to requests in the first half of the year.

133 delegates from central and local government, the NHS, universities, and other organisations subject to the FOI Act completed the questionnaire<sup>3</sup>. Of those who responded, 32 per cent (43) worked for central government departments, 18 per

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<sup>1</sup> This figure was reached by adding the total number of requests to central government reported in the Department for Constitutional Affairs' *Statistics on Implementation in Central Government Q1: January – March 2005* (23 June 2005) and Q2: *April – June 2005* (30 September 2005) (<http://www.foi.gov.uk/statsapr-jun05.htm>), as well as the estimated total number of requests to local authorities reported in the Constitution Unit's *Freedom of Information: The first six months – The experience of local authorities in England* (30 September 2005) please contact the Constitution Unit for more information – s.holsen@ucl.ac.uk".

<sup>2</sup> The conference was jointly organised by the Constitution Unit, Department for Constitutional Affairs and the Information Commissioner's Office and attracted delegates from both the public and private sectors. The focus of the conference was assessing the first six months of freedom of information compliance in the UK and identifying areas that need attention.

<sup>3</sup> The total number of conference delegates was 347. Because no sampling techniques were used, we cannot claim that the data are statistically significant. A copy of the survey questions can be obtained by contacting Sarah Holsen, Research Fellow at the Constitution Unit, at s.holsen@ucl.ac.uk.

cent (25) for a public body or quango, 17 per cent (22) for local authorities, 11 per cent (15) for NHS departments and 5 per cent (6) for universities. 61 per cent of respondents reported that they were the primary FOI practitioners for their organisation and all but 9 per cent of respondents had responsibilities other than FOI compliance, most in the areas of data protection, records management and/or the Environmental Information Regulations.

Overall, practitioners felt their organisations were prepared for FOI and that they effectively met the challenge of responding to requests. Over 75 per cent of respondents reported that they were satisfied with the level of training received prior to implementation, whilst only 11 per cent believed that the key FOI staff in their organisation had *not* been adequately trained. Practitioners also reported that they found the volume of requests manageable - almost half (41 per cent) of all respondents received between one and 100 requests over the first six months, whilst local government practitioners received between 101 and 300, and five practitioners reported receiving more than 1000 requests (two of whom were from central government departments). The ability of public organisations to effectively handle implementation of the Act was also reflected in the fact that the majority of FOI practitioners (84 per cent) claimed to have met the statutory 20-working day response deadline 'most of the time' (only 4 per cent admitted to meeting the deadline less than half the time). However, there was concern about the adequacy of resources their organisations had dedicated to FOI compliance, e.g. staff or software. Just over half (52 per cent) believed that their organisation had sufficient resources to handle the requests they received.

The survey also suggests that if the Act's success were based on rate of disclosure, it succeeded in the first half of the year. Most practitioners reported that their organisations disclosed the information requested; indeed, more than half of respondents stated that their organisations did not refuse or only partially refused to disclose information for more than 80 per cent of requests they received. However, the survey also found that 16 per cent did refuse to disclose information and did so for over half of all requests they received. This figure increased to 22 per cent when taking into account only central government respondents.

The types of information requested suggest that people are using the FOIA to demand greater openness and accountability from public institutions. Respondents reported that the category of information most frequently requested was information related to the management or use of public funds (56 per cent), followed closely by information relating to government policies/plans at 50 per cent. Information concerning government contracts, licensing /regulatory decisions and other business transactions formed a substantial proportion of the remainder of request types.

Who was making the requests? Because the Act is requester blind, i.e. requesters do not have to disclose the capacity in which they're making a request, an exact answer is impossible. However, when asked to guess the top three categories of requesters, practitioners stated that they believed most were private individuals (reported by 118 practitioners) and journalists (reported by 100). Coming in a distant third, fourth and fifth were business employees/executives, academics and students, and NGOs/pressure groups. Although the FOI practitioners suggested private individuals were the most frequent requesters, it is possible that requests from business people (especially small business), for example, could appear to have come from private

individuals. Nevertheless, if one puts the data together, most information requests seem to come from private individuals who are concerned with the management or use of public funds and with particular aspects of government policies or plans.

Despite the fact that most practitioners reported few significant problems with implementation, they did face some challenges. The top three problems mentioned by practitioners (in order) were applying the public interest test (28 per cent), coordinating with sections of their organisations that held the requested information (28 per cent) and figuring out whether their organisations held the information requested (22 per cent). When asked which topics they'd like addressed in the form of guidance, respondents listed balancing the public interest test, handling repeated and vexatious requests, and dealing with requests for personal information. Most practitioners (54 per cent) reported turning to colleagues when faced with a problematic FOI request, followed by the Department for Constitutional Affairs (35 per cent) and senior management (31 per cent). It is clear from the survey results that formal and informal networks of support were considered valuable sources of advice and support - over half reported subscribing to a support/advice network. The most frequently mentioned FOI practitioner network was the JISC Mail email discussion list (<http://www.jiscmail.ac.uk/lists/FREEDOM-OF-INFORMATION.html>), though only 11% of the surveyed practitioners stated that they subscribe.

In summary, practitioners' responses to the survey give the impression that the FOI community as a whole was adequately trained, had sufficient resources and was able to deal with the volume of requests received in a timely manner during the first six months of 2005. Survey results also suggest that the implementation of the FOI Act was not as problematic as some might have expected; indeed, for many the concerns

prior to 1 January seemed to turn out to be 'much ado about nothing'. There is also evidence that there was a general acceptance of the new Act among public authorities – 51 per cent of practitioners reported that the attitude toward FOI in their organisation was positive. In short, if doctors were assessing the health of the FOI community on the basis of the Constitution Unit's brief check of its pulse on the 16 June 2005, they might conclude that it was stable and without serious ailments. However, this is only a small (and informally derived) part of the picture – larger scale sector-specific surveys of practitioners and FOI requesters should be conducted on a regular basis in order to gauge the 'success' of FOI and any changes in the level of that success and make necessary modifications to procedure and administration.

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