

One month on - UK Local Authority responses to an FOI request

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IDOX Information Service

Commercial in Confidence

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Foreword

Information is critical for citizens and businesses to make informed decisions and interact with public bodies.

The new Freedom of Information Act 2000 (FOIA) and Freedom of Information (Scotland) Act 2002 (FOISA), both of which came into force on 1 January 2005, provide a 'right to access' to information for those who have to interact or challenge decision-making by public bodies.

The aims are noble, but how it will actually work is the challenge facing all public bodies.

This survey was designed to check the progress in the first month of implementation at the local authority tier and provides a baseline for monitoring the legislation over the years to come.

Findings should inform policy makers, those responsible for implementing the Act in local authorities, specialist consultants and suppliers who provide systems and services.



Tony Burton OBE

Director, IDOX Information Services Ltd

IDOX would very much like to thank all those who responded to its request for information (RFI) and particularly to those councils who went to considerable effort. IDOX has for many years been committed to meeting the needs of local government with its services and products and the information received will be helpful in formulating its future plans for continuing to address customer requirements.

Special thanks go to Fiona Musgrave from Carlisle - despite the difficulties of the flood she remained cheerful and committed to responding to the IDOX plc RFI.

Executive Summary

Local authorities have made considerable effort in setting up systems and processes to deal with Freedom of Information (FOI) requests for the communities they serve. Their approach has, as expected, been pragmatic, and simple solutions have been adopted with a 'wait and see' attitude.

The findings demonstrate that there are significant differences in Councils' approaches and attitudes to the provision of information under FOIA.

Eighty-six percent of the Councils responded within the specified 20 day period, with the highest response rate achieved by English and Welsh authorities (87% and 86% respectively). This indicates most of the authorities adopted a positive approach, within the spirit of the legislation.

Seventy-five percent of respondents provided a full response to the RFI, indicating most officers understood what was required.

Only 18 Councils requested clarification, with 8 Councils applying a formal exemption.

Three out of the 7 Councils who best met the criteria were London Councils.

North Lincolnshire District Council, North Somerset District Council and Thurrock Borough Council requested feedback on their response - indicating a commitment to improving quality.

Seven Councils met all the criteria in the way they dealt with the RFI; with another 34 other councils providing very good responses.

Eighty-two percent of the responses were received from either Corporate or Legal Services - again indicating a pragmatic 'wait and see' approach before process and procedures are formalised within the Councils.

The responses were signed by 220 different job titles, with majority having 'information' and 'officer' in the title.

The survey indicates that, although local authorities can see the need for technology, none had made significant investment with 72% opting for manual, desktop or internally developed systems. Clearly, if the overall objectives of the legislation are to be met, the number of requests will increase and local authorities will need to put in place people, processes and technology to deliver an excellent service.

Introduction

The agenda for modernisation of public services included a commitment for greater openness in all aspects of public sector decision-making. This ‘openness’ strengthens democracy at all levels. For some years various legislation and European directives have promoted increased access to public documents. The FOIA and FOISA have provided an absolute right to public information for ordinary citizens, local community organisations, businesses, the press and pressure groups. There are exceptions, but the responsibility to explain these exemptions rest with the public bodies holding the information and the requester can ask for any exception to be reviewed by the Information Commissioner. There is no requirement for the requester to explain why the information is required or for what purpose it will be used.

The Act provides:

- general rights of access in relation to recorded information held by public authorities, subject to certain conditions and exemptions
- in cases where access to information is refused in reliance on an exemption from disclosure, a duty on public authorities to give reasons for that refusal
- a duty to provide reasonable advice and assistance to applicants approaching public authorities seeking information
- a duty on every public authority to adopt and maintain a publication scheme.

How local authorities have responded to this challenge in the first month of FOIA was tested through a desk-based survey of 439 authorities in England, Wales and Scotland.

This exercise reviews the readiness and receptiveness of Councils to requests for information. The survey also attempted to identify the current situation regarding Councils’ RFI management practices under the Freedom of Information Act (FOIA) and Freedom of Information (Scotland) Act.

Requests for information can be sent to any public body, with each public body responsible for recognising the request and handling it effectively and appropriately. Public bodies have 20 working days to respond to an FOI request

This report was prepared primarily to promote best practice in FOI matters to fee-paying members of the IDOX Information Service who receive daily information on best practice and governance in the public sector. The service has over 300 members from public, private and voluntary sector organisations.

It has also been made available to those local authorities that participated in this exercise.

Findings

Management of Requests

The survey achieved an excellent rate of response, with most Councils accepting the request for information in the spirit of Freedom of Information.

Recent reports within the press indicate that public authorities received around 4000 RFIs in January alone;¹ most Councils reported receiving small numbers of FOI requests as a part of this survey.

- Of the 439 requests made, 86% of Councils responded - all within the 20 day period, which meant that no response was received from the 63 remaining Councils.
- The greatest proportion of Councils which responded to the RFI within 20 days were in England, with approximately 87% of English respondents meeting the statutory deadline, 6% higher than Scottish Councils and only 1% higher than those in Wales.

Figure 1: Regional Breakdown - Responded within 20 days

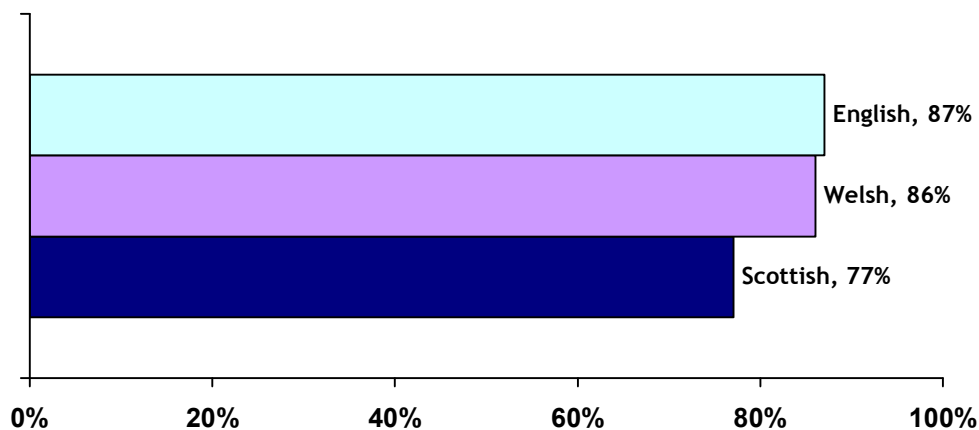


Figure 2 shows the response rates amongst the different Council types. The response rate amongst County Councils was 12% higher than both Unitary Authorities and District Councils.

Figure 2: Response Rate by Council Type

Council Type	Response Rate
Unitaries (London Boroughs, Scottish and Welsh)	82%
Counties	94%
Districts	82%

This indicates County Councils were better prepared for the new Act.

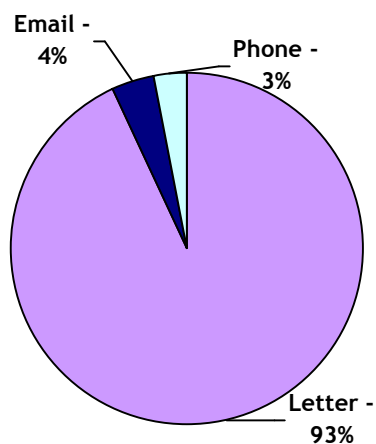
¹ HoldtheFrontPage.co.uk, 03 Feb 2005

- On the whole, Councils adopted a positive or neutral tone in their responses to the RFI, replying in the spirit of open government. However, 29 of the Councils (8% of all respondents) demonstrated some displeasure at receiving such a request from a commercial firm claiming that it was not in the spirit of FOI. Of those that made direct contact with IDOX, almost all were willing to respond to the request once the reason for the request was explained to them.

The format of the responses to the RFI were examined to gauge the range of formats used.

- The format of the responses was left to each Council's discretion because IDOX did not ask for the information to be provided in a particular way. The results, which are presented in Figure 3, show that the vast majority of the responses were received in hardcopy format.

Figure 3: Format of Responses

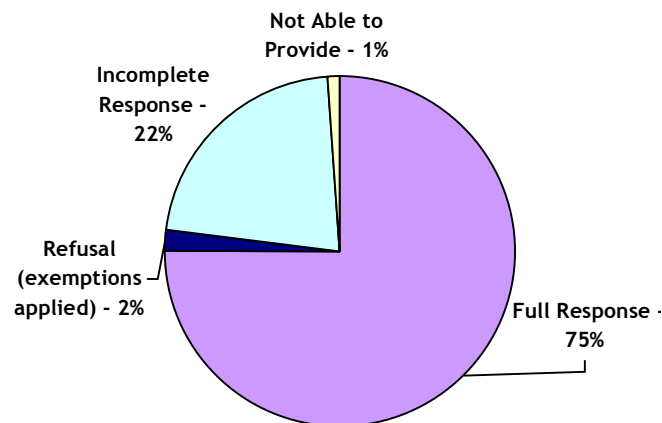


- Many respondents provided simple summarised replies in a letter while others provided supporting documentation from archives, and only a handful had found it necessary to redact confidential information. Redactions included personal names of officers.

Quality of RFI Responses

- The quality of the responses to the RFI varied considerably from those which were very full and frank to those in which little or no response to the question in the RFI was provided.
- Figure 4 indicates that the vast majority of respondents (75%) provided very full information to the RFI with only 2% refusing, and 1% unable to provide any information.

Figure 4: Breakdown of Responses Provided



- Forty-nine Councils sent acknowledgement letters and subsequently followed through with responses within the 20 days. Most acknowledgements confirmed that the request would be dealt with under FOIA, and provided guidance as to what the process would be - assessment of exemptions, consultation with third parties, potential fees and complaints/appeals contact details.
- Nine Councils requested clarification by letter and nine by telephone. Many asked about the depth of information required. Given the open-ended nature of the RFI, it is surprising that more Councils did not ask for clarification.
- Three Councils could not provide the information on the basis that they had no documentation relating to the request.
- Formal exemptions were applied by 2% (9) of Councils. Exemptions included commercial sensitivity of the requested information and that the information requested was already accessible via the online publication scheme. For those that applied a time bar, only one Council explained that the information would be published at a future date.

- Three Councils requested feedback on the Council's response to the RFI, demonstrating a commitment to FOI and care for the quality of their activity in this area. These were:
 - North Lincolnshire District Council
 - North Somerset District Council
 - Thurrock Borough Council

Feedback is important to ensure that any new processes and systems are delivering the objectives of the Council in relation to FOI.

- Councils which met **all** criteria outlined in the methodology include:
 - Cornwall County Council
 - Corporation of London
 - Dartford Borough Council
 - London Borough of Lambeth
 - London Borough of Hammersmith & Fulham
 - Nottinghamshire County Council
 - Thurrock Borough Council
- Councils which provided **very good** responses against the criteria outlined in the methodology include:
 - Angus Council
 - Amber Valley Borough Council
 - Aylesbury Vale District Council
 - Basingstoke and Deane Borough Council
 - Chorley Borough Council
 - Coventry City Council
 - Dumfries and Galloway Council
 - East Lindsey District Council
 - East Staffordshire Borough Council
 - Fenland District Council
 - Harlow District Council
 - Highland Council
 - Hinckley & Bosworth Borough Council
 - Isle of Anglesey County Council
 - Lancashire County Council
 - London Borough of Merton

information into intelligence

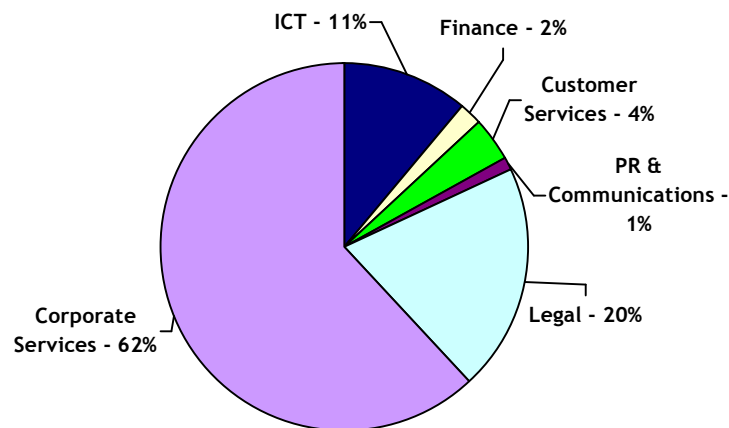
- London Borough of Richmond upon Thames
- London Borough of Southwark
- Mendip District Council
- Norfolk County Council
- Oxfordshire County Council
- Peterborough City Council
- Solihull Metropolitan Borough Council
- South Cambridgeshire District Council
- South Lanarkshire Council
- South Tyneside Metropolitan Borough Council
- Spelthorne Borough Council
- Stoke-on-Trent City Council
- Tamworth Borough Council
- Taunton Deane Borough Council
- Trafford Metropolitan Borough Council
- West Devon Borough Council
- Wigan Metropolitan Borough Council
- Worcestershire County Council

Source of Responses

The survey responses were examined to identify which Council departments had been given specific responsibility for responding to the RFI, the results being presented in Figure 5. This shows that:

- 82% of the personnel who were tasked with responding to the IDOX plc RFI resided within Corporate and Legal Services teams.

Figure 5: Departments Responsible for Responding to RFIs



- There were over 220 unique job titles recorded, ranging from Chief Executive, to Solicitor, to e-Government Programme Manager, to Scrutiny Manager.
- During the deliberation of the legislation, it was envisaged that most of the early requests would be received from the press, it was noticeable that only 1% were managed by Public Relations/Press Office functions.
- The majority of respondents had titles such as 'Information Officer', 'Information Rights Officer', 'Access to Information Officer', 'Freedom of Information Officer', 'DP/FOI Officer'.
- It was found that on the whole Information and Customer Service staff replies were more 'open' and 'convivial' in tone.

Examples of positive attitudes displayed

“Please contact me again if you require further assistance on this matter and I will do my best to provide relevant and helpful advice”.

“I hope this is the information you are seeking. If you require any further information, please do not hesitate to contact me.”

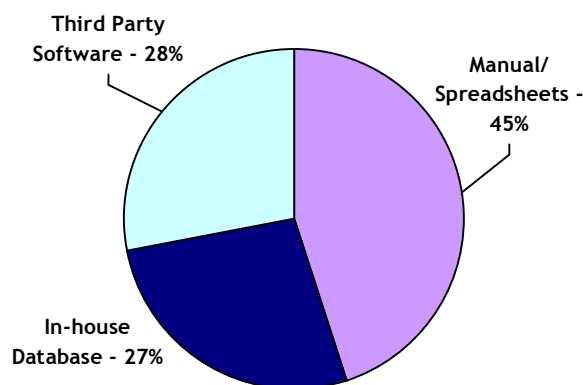
“I trust that this information meets with your current needs. If you have any further questions do not hesitate to contact me again.”

Technology

RFI Tracking Software

- The majority of Councils reported that they are taking a ‘wait and see’ approach with regard to investing in technology to improve the management of RFIs. Comments made included:
 - “using desktop systems as the volume is still unclear”
 - “using Excel as an interim measure until the full extent of the demands under the new legislation can be assessed”
 - “no justification to invest in other software as yet”.

Figure 6: Technology being used to Manage RFIs



- Figure 6 illustrates that 72% of respondents are using manual approaches, existing desktop technology or internally developed databases for managing RFIs. At present only 28% have invested in technology provided by third-party suppliers.
- Of the Councils that have chosen to develop in-house systems, there is little or no documentation for the continued support and development of such systems, other than simple user guides. This suggests that the shelf-life of such systems is limited.
- Nine percent of respondents have no plans to invest in any technology at all - for FOI tracking or EDRMS and Workflow. Comments made included:
 - “We have purchased no software and we are not considering any such implementation”
 - “Not considering, or using technology”
 - “Not considering any technology at this point”
- A couple of the authorities mentioned downloading a free package from the Actuaries’ Department as an interim solution.

Electronic Document and Records Management

- The majority of respondents (52%) acknowledge the link between FOI and Records Management - both in terms of good records management practice and technology. Many refer to the plans in their IEG statements and conforming to Priority Outcomes.
- Of the Councils that do wish to pursue a technology approach, they expect to have something implemented in the next 12-18 months and plan to undertake considerable work with regard to policy and procedure development before technology is applied. Many quoted ISO15489 and indicated that any technology must be TNA² approved. Comments made included:

“the Authority is currently developing a records management strategy and as part of this, will be exploring the benefits of EDRM technology”

“no single solution or policies in place...now planning to focus on the strategic aspects of EDRM”

- Seventeen percent of respondents believe that FOI Tracking is best handled by CRM systems, or existing complaints systems. The RESPOND complaints system features strongly in London. Of those that were utilising (or planning) to use CRM technology for FOI tracking, over half still acknowledged the link required between the CRM and EDRM systems.

“using a CRM system developed in-house and this is linked to an existing DIP system”

² National Archives (PRO2002)

Conclusions

The findings demonstrate that there are significant differences in Councils' approaches and attitudes to the provision of information under FOIA. Although this exercise was carried out in the first week of the new Act coming into force, it is gratifying to find that 86% of all UK Councils responded within the 20 day time period.

The quality of response varied considerably with only just over 10% providing excellent or very good responses in relation to the guidance from the legislation.

Most authorities are taking a 'wait and see attitude' to investing in new technology.

Access to information is not just about citizens; businesses also have a right to request information. Businesses may increasingly use the provisions of FOI to gather intelligence from government authorities.

The Government is committed to greater openness in the public sector. The Freedom of Information Acts will further this aim by helping to transform the culture of the public sector to one of greater openness, enabling members of the public to better understand the decisions of public authorities, and ensuring that services provided by the public sector are seen to be efficiently and properly delivered.

This report illustrates that most Councils have taken on board the requirements of the legislation and put in place procedures and systems to deal with requests. As they have only recently been introduced, these new procedures and systems will need to be adapted to reflect customer needs as the legislation settles down.

Thank you once again to all that participated. To discuss this report in any further detail, please initially contact Michelle Lacey, Group Marketing Manager at: michelle.lacey@IDOXplc.com

Appendix 1 - Methodology

The request for information (RFI) was sent as a letter because of the FOIA and FOISA requirements for information requests to be in hardcopy or other format which can be referred to subsequently. IDOX considered that this approach would ensure a high response rate from the Councils to which the RFI was sent.

The survey was designed to test the first three elements of the legislation with a particular emphasis on Section 16 - a duty to provide advice and assistance.

To assist in this, a simple two part question was adopted:

“I am interested in information or documentation detailing your organisation’s plans to manage Requests for Information (RFIs).

Do you have a software package for this purpose, or are you considering the implementation of technologies for EDRMS and Workflow?”

It was anticipated that some organisations would construe the request as providing ‘sufficient detail’ for a response, while others might find ambiguity. The RFI was designed to generate a formal request for clarification where required.

In drafting this question, IDOX was concerned that the second part of the request might be viewed as a cynical attempt to use the new legislation to obtain market intelligence. However, legislation stipulates that the public authorities should not require a reason for the request and the Act was intended to assist all individuals and organisations find answers to their needs. The second part of the question was retained because the legislation allows for local authorities to request further clarification or argue exemption.

Councils were assessed against the following criteria:

No.	Test	Reason
F01	The correct level of detail in the response	To comply with Section 1 of the Act
F02	Attachments which are relevant and comprehensive	Compliance with the general principle for disclosure
F03	An explanation of any exemptions that were applied	To comply with Section 2
F04	Publication scheme with full URL link	
F05	Full contact details	To comply with the Code of Practice
F06	Information about right of appeal and complaint procedures	Compliance with Code of Practice
F07	Response signed by the authorised officer	To ensure that recipients have confidence that all the relevant information is provided and contact details
F08	Assumptions not being made about the reason for the request	To comply with the spirit of the legislation
F09	Reasonable advice and guidance	To comply with Section 16