Freedom of Information Statistics in Central Government for Q4 2020

This bulletin presents headline statistics for Freedom of Information (FOI) requests in central government for October to December 2020 (Q4), including key breakdowns by monitored body.

**Key statistics:**
From October to December 2020 there were 11,632 FOI requests received across all monitored bodies*. This is a decrease of 253 (-2.1%) from the same quarter in 2019 and represents the lowest number of FOI requests received in Q4 since 2016 (10,892).

Across all monitored bodies, 88% of requests were responded to in time, down from 94% from the same period in 2019.

Of the 11,632 FOI requests received, 8,428 were resolvable. Of these, 38% were granted in full, down from 43% from the same period in 2019 and 37% were withheld in full, up from 36% from the same period in 2019. The remaining resolvable requests were not yet processed or were partially withheld.

Of the 4,520 requests withheld in full or in part, 27% were withheld due to the cost of response exceeding the limit, 3% were withheld as vexatious or repeated, and the remaining 70% fell under other exemptions.

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**Coronavirus (COVID-19)**
These data are affected by the coronavirus (COVID-19) pandemic in the UK. Take caution when interpreting these data and comparing them with previous time periods. More information is available in the notes section on page 11.

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* A full list of monitored bodies included in these statistics is provided on page 9.
Introduction

The FOI Act 2000¹ and the associated Environmental Information Regulations² 2004 allow individuals to request information from public bodies.

This bulletin presents FOI statistics for 38 central government bodies, including all major Departments of State, and a number of other bodies with significant regulatory, policy-making or information handling functions. A listing of all monitored bodies and associated acronyms is included in the section on scope at the end of this bulletin.

The quarterly statistics report on:
- The initial handling of FOI requests
- The number received during the quarter
- The timeliness of issuing a substantive response
- The rates of disclosure of requested information
- The exemptions applied when withholding information

Corrections and Revisions
Monitored bodies review the figures provided in the quarterly monitoring, and may make internal revisions to the statistics after publication. The revised figures are then included in the annual end of year monitoring. As a result, the quarter to quarter statistics will not always sum to the annual figures. Where departments have made revisions to quarterly figures these will be noted in the statistical tables published in the annual report.

Further analysis and methodology
Summary information on the scope and methodology of monitoring is available at the end of this bulletin, with full details available in the quality and methodology information document³ published on the gov.uk website, along with previous versions of this bulletin: https://www.gov.uk/government/collections/government-foi-statistics

National Statistics
Freedom of Information statistics are designated National Statistics in accordance with the Statistics and Registration Service Act 2007. National Statistics status means that official statistics meet the highest standards of trustworthiness, quality, and public value.

All official statistics should comply with the Code of Practice for Official Statistics⁴. They are awarded National Statistics status following an assessment by the UK Statistics Authority’s regulatory arm. The Authority considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate. FOI statistics were most recently assessed by the Authority during 2016, with continuing designation granted in June 2017.

Request for Feedback
We always welcome user feedback on our publications. We can be contacted at: foistatistics@cabinetoffice.gov.uk

¹ Full text of the FOI Act: www.legislation.gov.uk/ukpga/2000/36/contents
² Full text of the EIR regulations: www.legislation.gov.uk/uksi/2004/3391/made
⁴ Code of Practice for Official Statistics: https://code.statisticsauthority.gov.uk/
From October to December 2020 there were 11,632 FOI requests received across all monitored bodies. This is a decrease of 253 (-2.1%) from the same quarter in 2019 and represents the lowest number of FOI requests received in Q4 since 2016 (10,892).

The majority (7,845) of these requests were at Departments of State, with the remaining 3,787 being received by other monitored bodies.

The Department for Health and Social Care, the Ministry of Defence, the Ministry of Justice, and the Home Office accounted for just under half (49%) of requests to Departments of State; while the Health and Safety Executive, National Archives and HM Revenue & Customs accounted for 59% of requests to other monitored bodies.

The Department for Health and Social Care had the largest increase in requests (+443) amongst all monitored bodies compared to the same period in 2019, followed by HM Revenue and Customs (+305). The Department for Education had the largest decrease across the same period (-540), followed by The National Archives (-408).

Statistical Note
Comparisons are made to the same period in the previous year rather than the previous quarter due to consistent differences in the volume of requests per quarter each year.
Timeliness

The FOI Act requires public bodies to respond to requests for information in a timely manner. ‘In time’ responses are those processed within the statutory deadline (20 working days) or subject to a permitted deadline extension, including:
- Additional time for public interest tests under the FOI act.
- Extensions under the Environmental Information Regulations for complex requests.
- 10 additional working days for archival records from the National Archives.

Across all monitored bodies, 88% of requests were responded to in time, down from 94% from the same period in 2019.
- Across all Departments of State 87% of requests were responded to in time, down from 93% from the same period in 2019.
- Across all other monitored bodies 91% of requests were responded to in time, down from 95% from the same period in 2019.

Statistical Note
Where monitored bodies only receive a small number of requests they can demonstrate higher variability in quarterly statistics.
Outcomes of FOI requests

Important Note: Additional measures for FOI outcomes

This bulletin provides additional statistics on FOI request outcomes.

Prior to the Q4 2018 bulletin only the headline measure was presented where ‘procedural refusals’ within the statistics are classified as resolvable requests that have been fully withheld. ‘Resolvable requests’ are defined as all those where it is possible to make a substantive decision on whether to release the requested information. They exclude requests which are lapsed or ‘on-hold’, where the information is not held, and where it was necessary to provide advice and assistance since in each of these cases it would not have been possible to resolve the request in the form it was asked.

FOI requests that have been refused for being vexatious or repeated, along with those refused on cost grounds are treated and included in these statistics as resolvable requests that have been ‘fully-withheld’. These types of refusals are referred to as ‘procedural refusals’ in these statistics.

To better understand the impact on the statistics of classifying ‘procedural refusals’ as resolvable requests that have been ‘fully-withheld’, additional statistics are now presented on page 7 that excludes ‘procedural refusals’ from resolvable requests and requests that have been ‘fully-withheld’.

The headline statistics for ‘resolvable’ requests and their outcomes continues to include ‘procedural refusals’ as requests that have been ‘fully-withheld’.
11,632 "non-routine" requests were received in October to December 2020. Of these:

8,428 (72%) were resolvable. Resolvable requests are those where it was possible to give a substantive decision on whether to release the requested information. Of these:
- 3,193 were granted in full.
- 4,520 were withheld in full or in part, where:
  - 67 were vexatious, as defined in Section 14 of the Act.
  - 46 were repeated, as defined in Section 14 of the Act.
  - 1,240 had a cost of response which exceeded the limit as defined in Section 12 of the Act.
  - 3,167 involved information subject to one of the exemptions and exceptions listed under Sections 22-44.
- 715 were not yet processed.

3,203 (28%) requests were not resolvable. Of these:
- 681 requests required further clarification prior to responding, and monitored bodies provided “advice and assistance” on how to reformulate the request.
- 2,522 involved information not held by the responding body.
- 1 (0.0%) were on hold at the time of monitoring.
Outcomes

See Table 5, and dataset

11,632 "non-routine" requests were received in October to December 2020. Of these:

7,075 (61%) were resolvable excluding procedural refusals. Of these:
- 3,193 were granted in full.
- 3,167 were withheld in full or in part, involving information subject to one of the exemptions and exceptions listed under Sections 22-44.
- 715 were not yet processed.

1,353 (12%) were procedural refusals. Of these:
- 67 were vexatious, as defined in Section 14 of the Act.
- 46 were repeated, as defined in Section 14 of the Act.
- 1,240 had a cost of response which exceeded the limit as defined in Section 12 of the Act.

3,203 (28%) requests were not resolvable. Of these:
- 681 requests required further clarification prior to responding, and monitored bodies provided “advice and assistance” on how to reformulate the request.
- 2,522 involved information not held by the responding body.

1 (0.0%) were on hold at the time of monitoring.

* See definition on page 10
Exemptions
See Table 8 and dataset

Exemptions
Under the FOI Act, public bodies can only refuse to provide requested information that they hold if the information falls under one of the specific exemptions within the Act.

Of the 4,520 requests withheld in full or in part, 27% were withheld due to the cost of response exceeding the statutory limit, 3% as vexatious or repeated, and the remaining 70% concerned exempt information. Of these, Section 40 (covering personal information) was by far the most commonly cited, as in previous quarters.

Section 21
A Section 21 exemption can be used under the FOI Act when information is reasonably available by other means. Requests where a Section 21 exemption was the sole exemption used are reported separately because the FOI Act is not meant to act as a means to access data in the public domain.

Across all monitored bodies 751 requests subject to a Section 21 exemption were reported.

Statistical Notes
Percentages for exemptions may sum to more than 100 as each request may cite multiple exemptions. Requests exempted under Section 21 are not counted in any other figures.

¹ Note that exceptions under EIRs are not included here
## Scope of monitoring

### Bodies included in centrally monitored statistics

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<th>Key</th>
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<tr>
<td><strong>Departments of State (N=22)</strong></td>
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<td><strong>Other Monitored bodies (N=13)</strong></td>
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### Attorney General’s Office (AGO)
- Crown Prosecution Service (CPS)
- Serious Fraud Office (SFO)
- Crown Prosecution Service Inspectorate

### Business, Energy and Industrial Strategy (BEIS)
- Advisory Conciliation and Arbitration Service
- Companies House
- Insolvency Service
- Met Office
- UK Intellectual Property Office
- UK Space Agency

### Cabinet Office (CO)
- Crown Commercial Service
- Government Equalities Office
- Government Property Agency

### Ministry of Defence (MOD)
- Defence Electronics and Components Agency
- Defence Equipment and Support
- Defence Science and Technology Laboratory
- Submarine Delivery Agency
- UK Hydrographic Office

### Ministry of Justice (MOJ)
- HM Courts and Tribunals Service
- Legal Aid Agency
- HM Prison and Probation Service
- The Office of the Public Guardian
- Criminal Injuries Compensation Authority

### Northern Ireland Office (NIO)
- UK Export Finance (UKEF)

### Scotland Office (SO)

### Wales Office (WO)

### HM Revenue and Customs (HMRC)

### Valuation Office
- Charity Commission (CC)
- Competition and Marketing Authority (CMA)
- Food Standards Agency (FSA)
- Government Legal Department (GLD)
- The National Archives (TNA)
- Office for National Statistics (ONS)
- Office for Standards in Education, Children’s Service and Skills (OFSTED)
- Office of Gas and Electricity Markets (OFGEM)
- Office of Rail and Road (ORR)
- Land Registry (LR)
- Water Services Regulation Authority (OFWAT)
- National Savings and Investments (NS&I)
Defining the scope of FOI monitoring

Section 1 of the Freedom of Information Act 2000⁡ states that (subject to certain conditions):

‘Any person making a request for information to a public authority is entitled—

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to him’

Regulation 5 of the Environmental Information Regulations 2004³ states that (subject to certain conditions):

‘A public authority that holds environmental information shall make it available on request.’

Following their introduction on 1 April 2005, the above provisions apply to all relevant requests for information made to public authorities, no matter how routine and straightforward they may be.

Government departments supply large amounts of information, both on request and proactively, as an established and routine part of their business. This includes information released in the form of leaflets, correspondence exchanges, reports and other published material, and through websites and departmental FOI Publication Schemes. All information released on request is covered by the Freedom of Information Act, however it would be both uninformative and fundamentally unfeasible to count all such activity in departmental FOI monitoring returns.

The statistics in this bulletin therefore relate to all ‘non-routine’ information requests that government departments have received, and those routine information requests that are handled under Section 21. Essentially, this means that departments’ statistics should only count those requests where:

1. It was necessary to take a considered view on how to handle the request under the terms of the Freedom of Information Act, and
2. Departmental Freedom of Information officer(s) were informed of the request and logged it in their case management systems.

Notes
See the quality and methodology information document¹ for further detail

Defining a request

The full definition of an ‘information request’ for the purposes of inclusion in the Cabinet Office’s monitoring returns is shown below:

‘[An information request for monitoring purposes is one …]

1. Which meets the criteria in section 8 of the Freedom of Information Act and if the request falls under the Environmental Information Regulations it includes requests made in any form or context, including oral requests; and
2. Which is a request for information that is not already reasonably accessible to the applicant by other means; and
   (i) Which results in the release of one or more documents (in any media) or inclusion of extracts of documents in the information released; or
   (ii) Results in information being withheld under an exemption or exception from the right of access (either the Freedom of Information Act or the Environmental Information Regulations); or
   (iii) The request is not processed because the department estimates the cost of complying would exceed the appropriate limit in accordance with section 12 of the Freedom of Information Act; or
   (iv) The request is not processed because the department is relying on the provisions of section 14 of the Freedom of Information Act; or
   (v) Where a search is made for information sought in the request and it is found that none is held.’

Consistency of the statistics

The definition shown above has been widely disseminated to FOI officers in government. It is necessary to apply a definition of this sort to set a clear boundary to the coverage of our monitoring, and thereby obtain meaningful information from the process.

However there is considerable variation in the way these bodies are structured and managed, and in the mechanisms that they have put in place to meet their
Notes (continued)

See the quality and methodology information document¹ for further detail

obligations under the FOI Act. For example, some bodies operate a centralised Freedom of Information secretariat that co-ordinates responses to all information requests received. Others give a greater degree of autonomy to individual work areas in the handling of information requests.

Because of these differences, there could be a degree of inconsistency in the way in which bodies have interpreted and applied the definition of an ‘information request’ for monitoring purposes. However, the statistics effectively count those requests which have been dealt with by each monitored body formally under the FOI Act. As such, the statistics report on how many such requests for information each monitored body has received and how they have implemented the Act’s requirements in providing responses. Direct comparisons between the statistics for different monitored bodies can therefore be made on this basis.

In summary:

(i) These statistics cover both ‘non-routine’ information requests, and ‘routine’ information requests which are answered under a Section 21 exemption. This does not give a representative picture of all requests for information received in government.

(ii) There is likely to be a degree of inconsistency between monitored bodies’ interpretations of the definition of an ‘information request’ for monitoring purposes. This should be borne in mind when using these statistics.

Coverage

The statistics in this bulletin have been derived from monitoring returns completed by Freedom of Information officers in government departments during February 2020.

The formal monitoring work covers a total of 38 central government bodies, including major Departments of State. The monitored bodies which are not Departments of State nonetheless have significant policy-making, regulatory or information-handling functions.

The Freedom of Information Act 2000 applies in England and Wales, Northern Ireland and Scotland (with exceptions, see below).

The Freedom of Information (Scotland) Act 2002 applies to public bodies over which the Scottish Parliament has devolved jurisdiction, and as such lies outside the scope of the monitoring work on which this bulletin is based. However, Scottish parts of UK-wide bodies which are ordinarily under the remit of the Scottish Parliament act (such as the Forestry Commission) are subject to the UK-wide 2000 act rather than Scottish Government’s 2002 Act. A full list of the bodies covered by the monitoring statistics in 2019 can be found on page 8.

The Northern Ireland Office, Scotland Office and the Wales Office are included in these statistics as they fall under the jurisdiction of the UK-wide 2000 act. However, data is not collected from the Welsh Government or Northern Ireland Executive.

Statistics on FOI requests made to the Scottish Government can be found here: http://www.gov.scot/About/Information/FOI/Reporting. Note that there are several differences in the UK and Scottish FOI Acts which mean that the figures are not directly comparable.

Users and uses of the statistics

The main users of these statistics are departmental FOI teams responsible for coordinating responses and requests, Ministers and officials with responsibility for developing information access policy, and other non-governmental bodies and individuals with an interest in the accessibility of government information. The statistics are used to monitor the implementation of the FOI Act by central government, both as a whole and by each individual body included in the figures.

Coronavirus (COVID-19)

The impact of the coronavirus (COVID-19) pandemic will have affected a number of the statistics captured in this quarterly bulletin and in particular those on 'Timeliness' and 'Volumes'. These impacts will vary by organisation. Caution is advised when interpreting these statistics and in comparing them with previous time periods.

Revisions

The underlying times series data for the chart on slides 1 and 3 entitled ‘Volume of FOI requests by quarter since Q4 2017’ have been revised to correct for an error for the period Q4 2017 to Q3 2020. This revision affects this chart only and does not affect any other figures or numbers contained elsewhere in this bulletin or in any of the associated data tables.