

Freedom of Information Statistics Implementation in Central Government



Cabinet Office



This bulletin presents key headline results for Freedom of Information (FOI) requests in central government, as well as some breakdowns by monitored body for July to September 2016.

Key statistics:

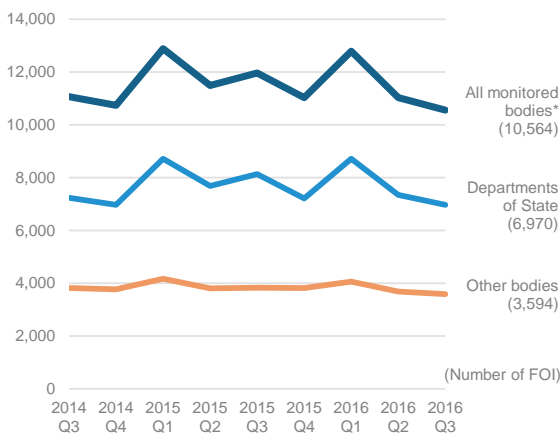
From July to September 2016 there were **10,564 FOI requests received** across all monitored bodies*. This is a decrease of 1,407 (-12%) from the same period in 2015.

Across all monitored bodies, **89% of requests were responded to 'in time'**, unchanged from the same period in 2015.

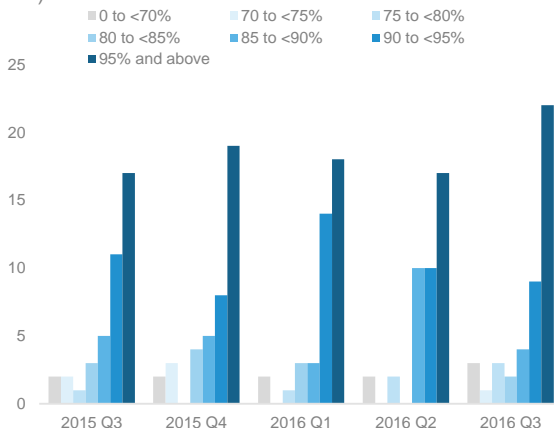
Of the 10,564 FOI requests received, 7,882 were resolvable. Of these **44% were granted in full, and 33% were withheld in full**. This is a decrease of 1 percentage point each on the same period in 2015. The remaining resolvable requests were not yet processed or were partially withheld.

Of the 3,586 requests withheld in full or in part, 27% were withheld due to the cost of response exceeding the limit, 2% were withheld as vexatious or repeated, and the remaining 71% fell under other exemptions.

Volume of FOI requests by quarter since July 2014 (see Table A2)



Number of monitored bodies by their percentage of responses to requests 'in time' since Q3 2015 (see Table A4)



Q3 July to September 2016

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* A full list of monitored bodies included in these statistics is provided on pages 8-9

Introduction

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

This bulletin presents FOI handling statistics for 44 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

Departments 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 most recent annual report on the gov.uk website, as well as previous versions of this bulletin: <https://www.gov.uk/government/collections/government-foi-statistics>

National Statistics

National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value. All official statistics should comply with all aspects of the Code of Practice for Official Statistics³. National Statistics status is awarded following an assessment by the UK Statistics Authority (UKSA).

Freedom of Information statistics were assessed during 2016 by the UKSA. An assessment report was published in July 2016⁴. The Authority judged that FOI Statistics may continue to be designated as National Statistics, subject to implementation of the requirements listed in the assessment report by March 2017.

Cabinet office have published a plan⁵ of its proposed actions to respond to the identified requirements and to ensure the increased trustworthiness, quality and public value of FOI statistics.

Request for Feedback

We always welcome user feedback on these statistics. 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

³ Code of Practice for Official Statistics:
https://www.statisticsauthority.gov.uk/wp-content/uploads/2015/12/images-codeofpracticeforofficialstatisticsjanuary2009_tcm97-25306.pdf

⁴ UKSA report:
<https://www.statisticsauthority.gov.uk/publication/assessment-report-328-statistics-on-freedom-of-information-implementation-in-central-government/>

⁵ Plan of actions:
<https://www.gov.uk/government/collections/government-foi-statistics>

Machinery of Government changes

On the 14th July a number of Machinery of Government changes affecting bodies monitored in these FOI statistics came into effect.

Monitoring of requests has in general transferred between new and old departments, and as such the principal change in scope of monitoring is the extension to two new Departments of State.

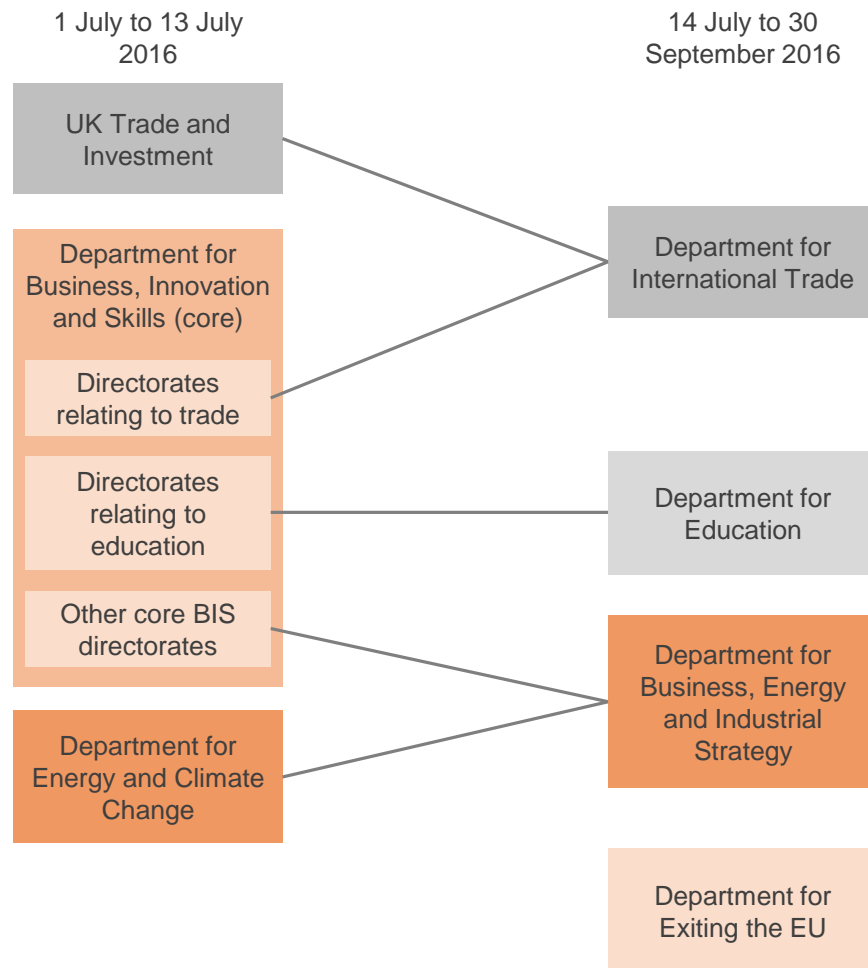
Changes to Existing Departments of State

Figures for the Department for Business, Innovation and Skills (BIS) and the Department for Energy and Climate Change (DECC) include requests received from 1 July to 13 July, after which monitoring is primarily continued by the Department for Business, Energy and Industrial Strategy (BEIS), with the following exceptions:

- BIS core directorates relating to education are now part of the Department for Education, and requests from 14 July are included in Department for Education figures.
- UK Trade and Investment and BIS core directorates relating to trade have now become part of the Department for International Trade and requests from 14 July are included in Department for International Trade figures.

New Departments of State

Figures for the Department for Business, Energy and Industrial Strategy (BEIS), the Department for Exiting the European Union (DEXEU) and the Department for International Trade (DIT) include requests received from 14 July to 30 September.



Volumes

See Tables A1 & A2

From July to September 2016 there were **10,564 FOI requests received** across all monitored bodies. This is a decrease of 1,407 (-12%) from the same period in 2015. Around two thirds of these (6,970) were at Departments of State, with the remaining 3,594 being received by other monitored bodies.

The Department for Work and Pensions, the Ministry of Justice, the Ministry of Defence, and the Home Office account for over 50% of requests to Departments of State; while the Health and Safety Executive and the National Archives alone account for over 50% of requests to other monitored bodies.

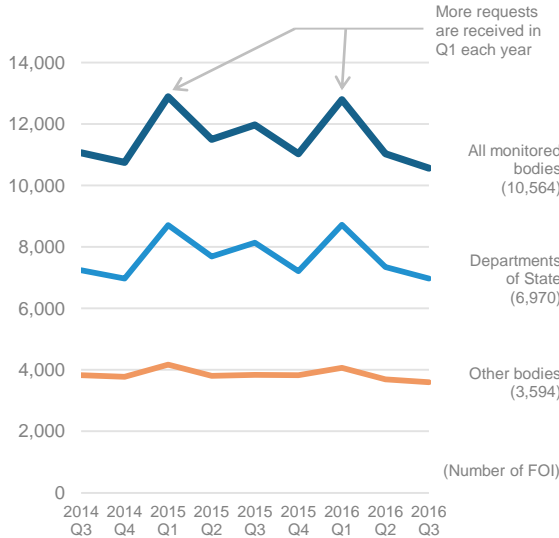
Despite fluctuations in the total volume of requests, the relative volume of requests accounted for by each monitored body has remained fairly stable.

The largest decrease in requests amongst all monitored bodies since the same period in 2015 occurred at the Department for Work and Pensions (-229) while HM Land Registry saw the largest increase over the same period (+21).

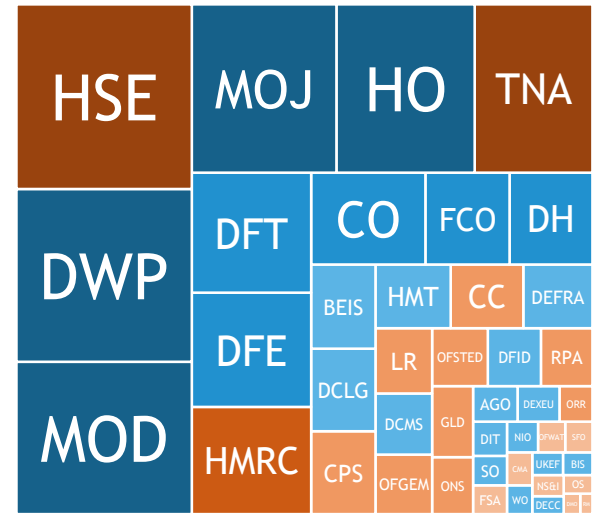
Statistical Note

Comparisons are made to the previous year rather than the previous quarter due to consistent differences in the volume of requests per quarter each year (on average more requests are received in the first quarter than in the other quarters).

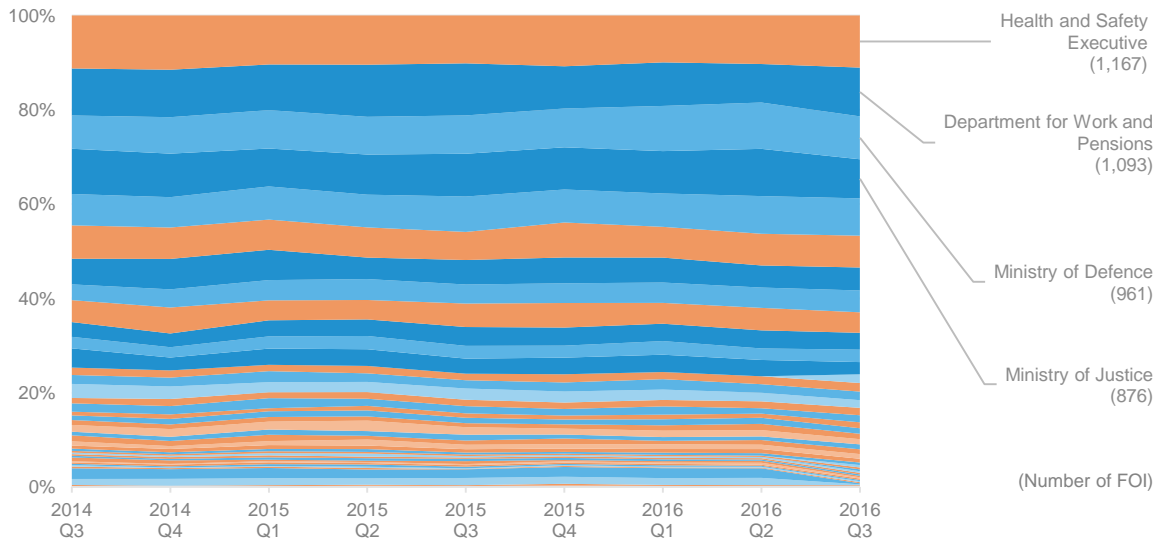
Volume of FOI requests by quarter since July 2014 (see Table A2)



Relative volume of FOI requests across all monitored bodies in July to September 2016 (see Table A1)



Relative volume of FOI requests across all monitored bodies by quarter since July 2014 (see Table A2)



Timeliness

See Tables A3 & A4

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.

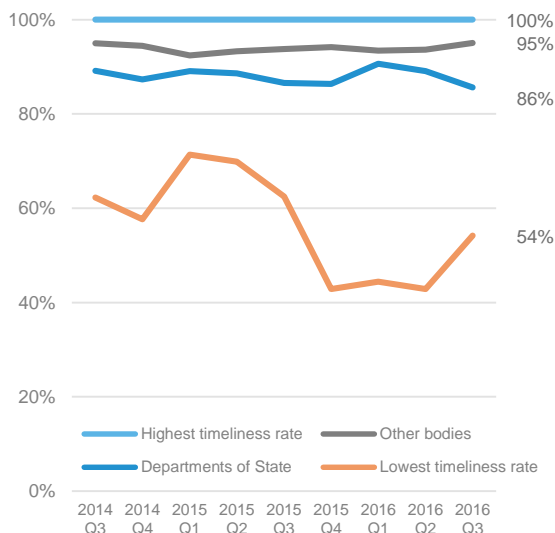
Across all monitored bodies, 89% of requests were responded to 'in time', unchanged from the same period in 2015.

- Across all Departments of State 86% of requests were responded to 'in time', a decrease of 1 percentage point on the same period in 2015.
- Across all other monitored bodies 95% of requests were responded to 'in time', an increase from 94% in the same period in 2015.

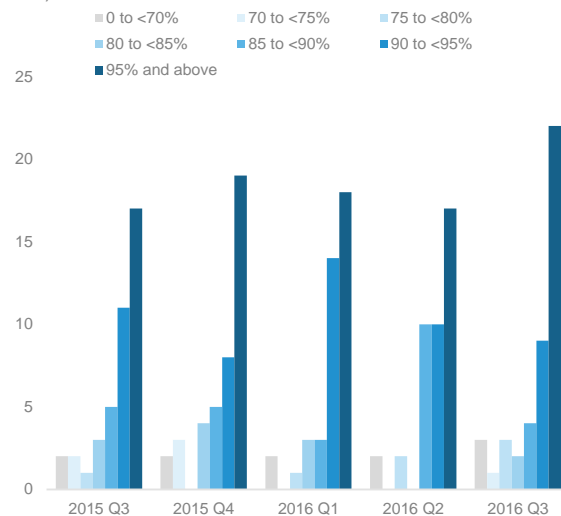
Statistical Note

Where monitored bodies only receive a small number of total requests they can demonstrate higher variability in quarterly statistics.

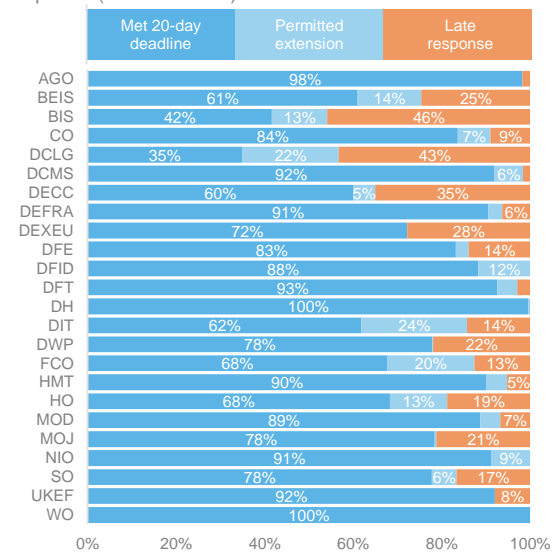
Percentage of responses to FOI requests 'in time' across all monitored bodies since Q3 2014 (see Table A4)



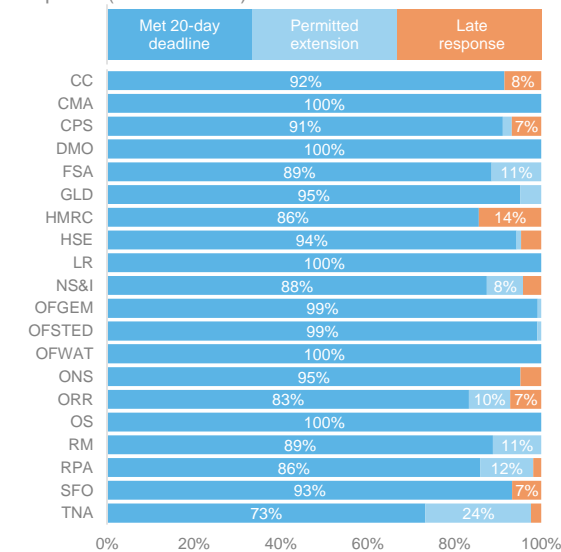
Number of monitored bodies by their percentage of responses to requests 'in time' since Q3 2015 (see Table A4)



Departments of State: Timeliness of response to FOI requests (see Table A3)



Other monitored bodies: Timeliness of response to FOI requests (see Table A3)



Outcomes

See Tables A5 & A6

In July to September 2016, 10,564 “non-routine” requests were received. Of these:

Resolvable requests made up 75% (7,882). That is, it was possible to give a substantive decision on whether to release the information being sought. Of these:

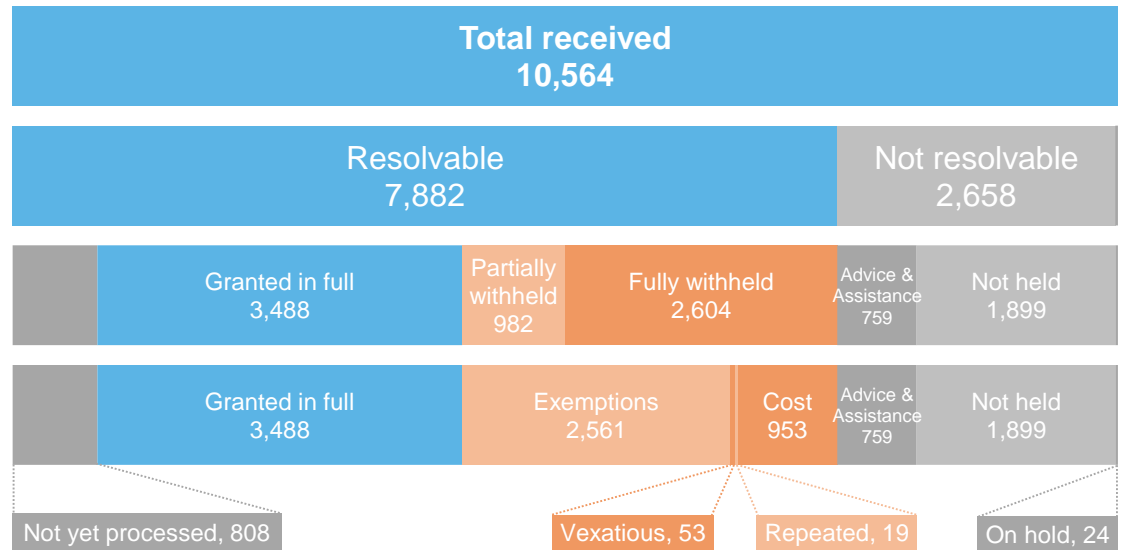
- 3,488 were granted in full.
- 3,586 were withheld in full or in part, where:
 - 53 were vexatious, as defined in Section 14 of the Act.
 - 19 were repeated, as defined in Section 14 of the Act.
 - 953 had a cost of response which exceeded the limit as defined in Section 12 of the Act.
 - 2,561 involved information subject to one of the exemptions and exceptions listed under Sections 22-44.
- 808 were not yet processed.

A further 25% (2,658) were not resolvable. Of these:

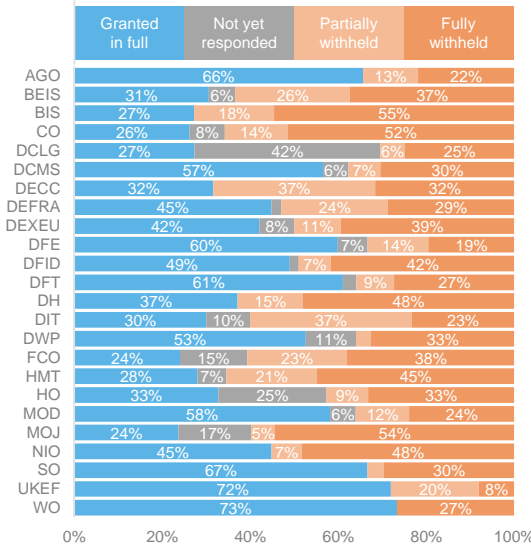
- 759 required further clarity and “advice and assistance” on how to reformulate the request was provided.
- 1,899 involved information not held by the responding body.

The remaining 0.2% (24) were on hold at the time of monitoring.

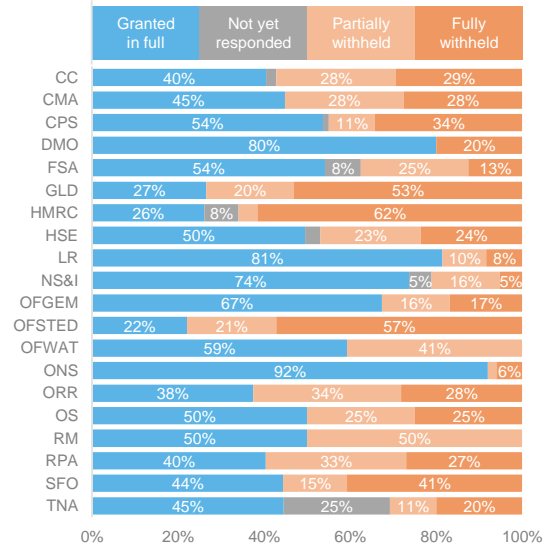
Outcomes of FOI requests received in July to September 2016 (see Tables A1, A5, A7, and data file)



Departments of State: Outcomes of FOI requests as a percentage of resolvable requests (see Table A5)



Other monitored bodies: Outcomes of FOI requests as a percentage of resolvable requests (see Table A5)



* See definition on page 10

Exemptions

See Tables A7 & A8

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.

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.

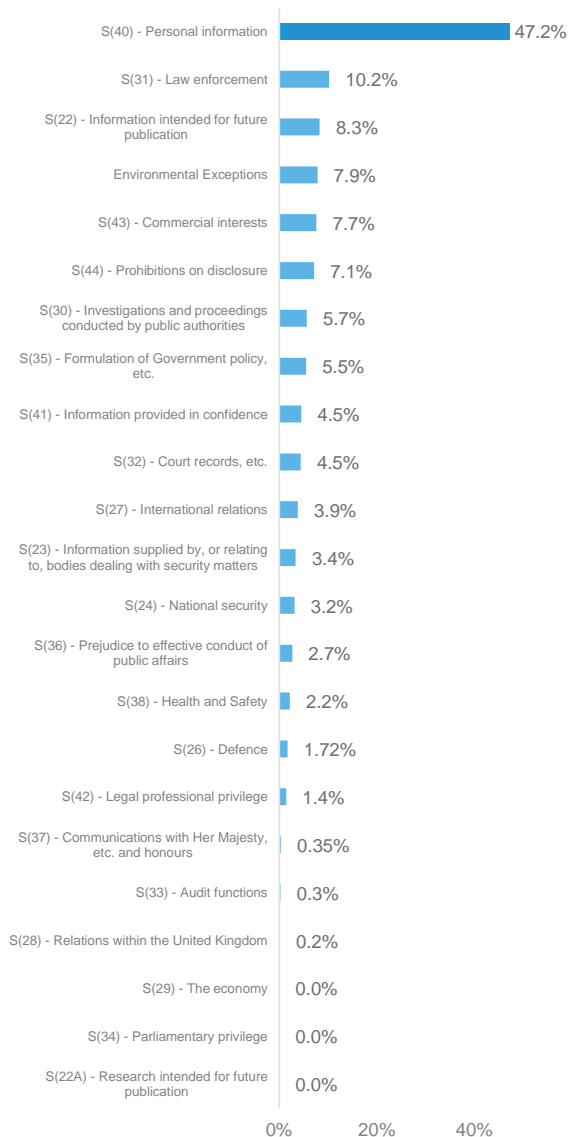
Of the 3,586 requests withheld in full or in part, **27% were withheld due to the cost of response** exceeding the limit, 2% were withheld as vexatious or repeated, and the remaining 71% concerned exempt information. Of these, **Section 40 (covering personal information) was by far the most commonly cited**, as in previous quarters.

Section 21

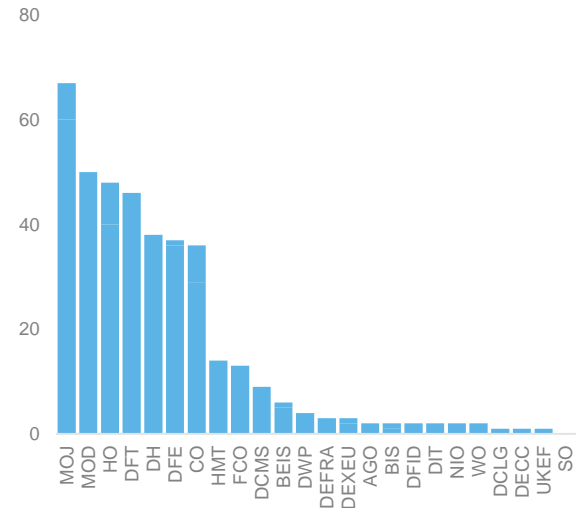
A Section 21 exemption can be used under the FOI Act when information is reasonably available by other means. Requests where a Section 21 exemption was the sole exemption used are reported separately because the FOI Act is not meant to act as a means to access data in the public domain.

Across all monitored bodies 485 requests subject to a Section 21 exemption were reported.

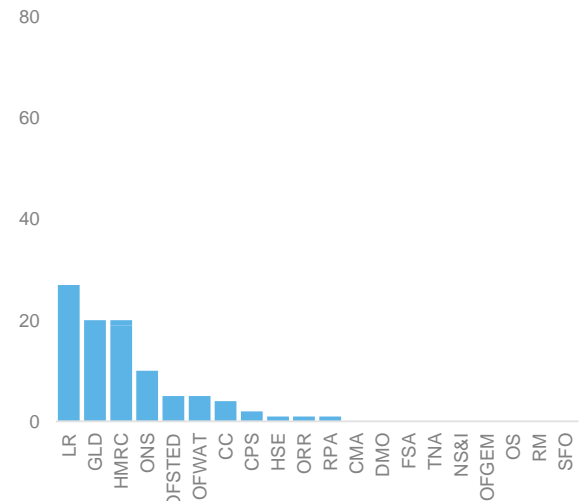
Use of exemptions in July to September 2016, as a percentage of all exempted requests (see Table A7)



Departments of State: Volume of requests subject to a Section 21 exemption in July to September 2016 (see Table A8)



Other monitored bodies: Volume of requests subject to a Section 21 exemption in July to September 2016 (see Table A8)



Scope of monitoring

(1 July to 13 July)

Bodies included in centrally monitored statistics in Q3 2016

Key	
Departments of State (N = 21)	Bodies included in monitoring by parent department (N=23)
Other monitored bodies (N=8)	Bodies monitored separately from parent department(N=12)
	Unmonitored bodies* (N=20)

Attorney General's Office (AGO)	Crown Prosecution Service (CPS)
	Government Legal Department (GLD)
	Serious Fraud Office (SFO)
	Crown Prosecution Service Inspectorate
Business, Innovation and Skills (BIS)	National Measurement and Regulation Office
	UK Trade and Investment
	Land Registry (LR)
	Advisory Conciliation and Arbitration Service
	Companies House
	Insolvency Service
	Met Office
	Skills Funding Agency
	UK Intellectual Property Office
	UK Space Agency
Cabinet Office (CO)	Crown Commercial Service
Department for Communities and Local Government (DCLG)	Planning Inspectorate
	Queen Elizabeth II Conference Centre
Department for Culture Media and Sport (DCMS)	National Archives (TNA)
	Royal Parks

Department for Education (DFE)	Education Funding Agency
	National College for Teaching and Leadership
	Standards and Testing Agency
	Office for Standards in Education, Children's Services and Skills (OFSTED)
Department for Environment Food and Rural Affairs (DEFRA)	Office of Qualifications and Examinations Regulation
	Water Services Regulation Authority (OFWAT)
	Rural Payments Agency (RPA)
	Animal and Plant Health Agency
	Centre for Environment, Fisheries and Rural Affairs
	Veterinary Medicines Directorate
Department for International Development (DFID)	
Department for Transport (DFT)	Driver and Vehicle Licensing Agency
	Driver and Vehicle Standards Agency
	Maritime and Coastguard Agency
	Vehicle Certification Agency
	Office of Rail and Road (ORR)
Department for Work and Pensions (DWP)	Health and Safety Executive (HSE)
Department of Energy and Climate Change (DECC)	Oil and Gas Authority
Department of Health (DH)	Medicines and Healthcare Products Regulatory Agency
	Public Health England
Foreign and Commonwealth Office (FCO)	FCO Services
	Wilton Park Executive
	UK Trade and Investment
HM Treasury (HMT)	Office for Budget Responsibility
	Debt Management Office (DMO)
	National Savings and Investments (NS&I)
	Government Internal Audit Agency

Home Office (HO)	
Ministry of Defence (MOD)	Defence Electronics and Components Agency
	Defence Equipment and Support
	Defence Science and Technology Laboratory
	UK Hydrographic Office
Ministry of Justice (MOJ)	HM Courts and Tribunals Service
	Legal Aid Agency
	National Offender Management 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)	
Charity Commission (CC)	
Competition and Markets Authority (CMA)	
Food Standards Agency (FSA)	
HM Revenue and Customs (HMRC)	Valuation Office
Office of Gas and Electricity Markets (OFGEM)	
Office for National Statistics (ONS)	
Ordnance Survey (OS)	
Royal Mint (RM)	

* Only unmonitored civil service bodies that belong to a monitored parent department are included in the unmonitored bodies category.

Scope of monitoring

Bodies included in centrally monitored statistics in Q3 2016

(14 July to 30 September)

Key	
Departments of State (N = 22)	Bodies included in monitoring by parent department (N=22)
Other monitored bodies (N=8)	Bodies monitored separately from parent department (N=12)
	Unmonitored bodies* (N=19)

Attorney General's Office (AGO)	Crown Prosecution Service (CPS)
	Government Legal Department (GLD)
	Serious Fraud Office (SFO)
	Crown Prosecution Service Inspectorate
Business, Energy and Industrial Strategy (BEIS)	National Measurement and Regulation Office
	Oil and Gas Authority
	Land Registry (LR)
	Advisory Conciliation and Arbitration Service
	Companies House
	Insolvency Service
	Met Office
	UK Intellectual Property Office
	UK Space Agency
	Cabinet Office (CO)
Department for Communities and Local Government (DCLG)	Planning Inspectorate
	Queen Elizabeth II Conference Centre
Department for Culture Media and Sport (DCMS)	National Archives (TNA)
	Royal Parks

Department for Education (DFE)	Education Funding Agency
	National College for Teaching and Leadership
	Standards and Testing Agency
	Office for Standards in Education, Children's Services and Skills (OFSTED)
	Office of Qualifications and Examinations Regulation
	Skills Funding Agency
Department for Environment Food and Rural Affairs (DEFRA)	Water Services Regulation Authority (OFWAT)
	Rural Payments Agency (RPA)
	Animal and Plant Health Agency
	Centre for Environment, Fisheries and Rural Affairs
	Veterinary Medicines Directorate
Department for Exiting the European Union (DEXEU)	
Department for International Development (DFID)	
Department for International Trade (DIT)	
Department for Transport (DFT)	Driver and Vehicle Licensing Agency
	Driver and Vehicle Standards Agency
	Maritime and Coastguard Agency
	Vehicle Certification Agency
	Office of Rail and Road (ORR)
Department for Work and Pensions (DWP)	Health and Safety Executive (HSE)
Department of Health (DH)	Medicines and Healthcare Products Regulatory Agency
	Public Health England
	FCO Services
Foreign and Commonwealth Office (FCO)	Wilton Park Executive

HM Treasury (HMT)	Office for Budget Responsibility
	Debt Management Office (DMO)
	National Savings and Investments (NS&I)
	Government Internal Audit Agency
Home Office (HO)	
Ministry of Defence (MOD)	Defence Electronics and Components Agency
	Defence Equipment and Support
	Defence Science and Technology Laboratory
	UK Hydrographic Office
Ministry of Justice (MOJ)	HM Courts and Tribunals Service
	Legal Aid Agency
	National Offender Management 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)	
Charity Commission (CC)	Competition and Markets Authority (CMA)
Food Standards Agency (FSA)	
HM Revenue and Customs (HMRC)	Valuation Office
Office of Gas and Electricity Markets (OFGEM)	Office for National Statistics (ONS)
Ordnance Survey (OS)	Royal Mint (RM)

* Only unmonitored civil service bodies that belong to a monitored parent department are included in the unmonitored bodies category.

Notes

See the annual FOI statistics bulletin for further detail

Defining the scope of FOI monitoring

Section 1 of the Freedom of Information Act 2000¹ 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 2004² 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.

More information can be found by accessing the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/262792/25section2.pdf

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.'

¹ Full text of the FOI Act: www.legislation.gov.uk/ukpga/2000/36/contents

² Full text of the EIR regulations: <http://www.legislation.gov.uk/uksi/2004/3391/made>

Notes (continued)

See the annual FOI statistics bulletin for further detail

Consistency of the statistics

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. The definition shown above has been widely disseminated to FOI officers in government.

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 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 November 2016.

The formal monitoring work covers a total of 44 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, Wales, Northern Ireland, and to UK public authorities operating in Scotland. The Northern Ireland Office, Scotland Office and the Wales Office are included in these statistics. However, data is not collected from the Welsh Government, or from the bodies that make up the Northern Ireland Civil Service.

The Freedom of Information (Scotland) Act 2002 applies to Scottish public bodies. This legislation covers 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. The Scotland Office has been included here because although it deals with matters relating to Scotland it is based in England and hence falls under the scope of the Freedom of Information Act 2000 rather than the corresponding Scottish legislation. In addition, 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 2016 can be found on page 7.

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.