

Freedom of Information Statistics Implementation in Central Government



Cabinet Office



Key statistics:

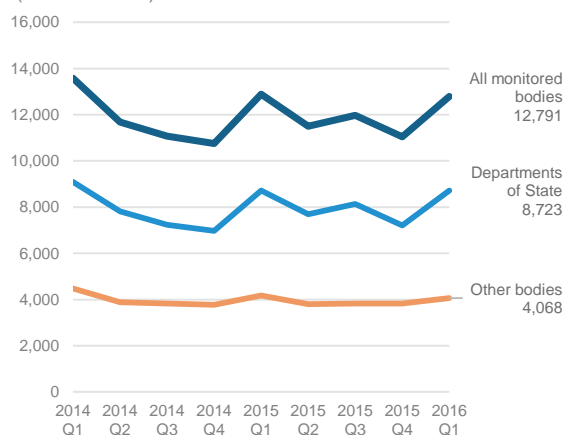
12,791 Freedom of Information (FOI) requests were received across all monitored government bodies in Q1 2016. This is a decrease of 93 (-1%) from Q1 2015.

Across all monitored government bodies, 92% of requests were responded to 'in time', up from 90% in Q1 2015. 32 bodies out of the 41 met the target of 90% 'in-time' responses.

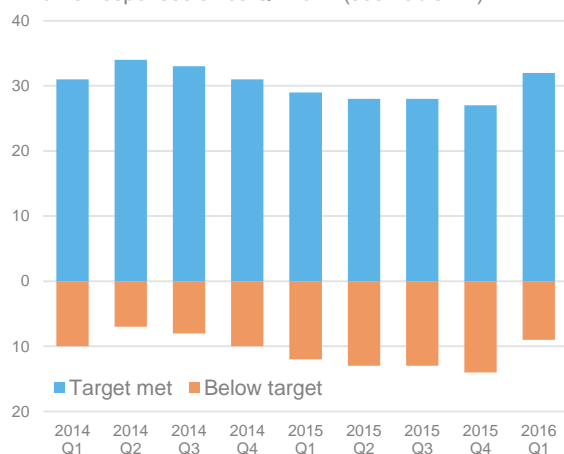
44% of resolvable requests were granted in full, a decrease of 4 percentage points on Q1 2015. 36% of resolvable requests were withheld in full, an increase of 5 percentage points on Q1 2015.

46% of the 3,041 requests which were exempted from response, cited Section 40 (personal information), making it by far the most commonly cited exemption in Q1 2016.

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



Number of monitored bodies that met the target of 90% 'in time' responses since Q1 2014 (see Table A4)



Q1 January to March 2016

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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 41 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, and the exemptions applied when withholding information.

This bulletin presents key headline results for central government, as well as some breakdowns by monitored body for the first quarter (January to March) of 2016.

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.

Following feedback from users, we have changed how we present the main findings each quarter. This shorter bulletin now focuses on presenting them in a more user-friendly format, while the raw data/tables continue to be published separately in a number of different formats.

We always welcome users feedback on the content and format of our statistics. Views on the new format would be particularly appreciated. Please email: foistatistics@cabinetoffice.gov.uk

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

The UK Statistics Authority has designated these statistics as National Statistics, in accordance with the Statistics and Registration Service Act 2007 and signifying compliance with the Code of Practice for Official Statistics.

Designation can be broadly interpreted to mean that the statistics:

- meet identified user needs
- are well explained and readily accessible
- are produced according to sound methods
- are managed impartially and objectively in the public interest.

Once statistics have been designated as National Statistics it is a statutory requirement that the Code of Practice shall continue to be observed. These statistics have not been formally assessed for compliance with the Code of Practice for Official Statistics since their transfer from the Ministry of Justice. The UK Statistics Authority is currently assessing the statistics for compliance with the Code of Practice.

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>

Volumes

See Tables A1 & A2

12,791 Freedom of Information (FOI) requests were received across all monitored government bodies in Q1 2016, this is a decrease of 93 (-1%) from Q1 2015. Over two thirds of these (8,723) were at Departments of State, with the remaining 4,068 being received by other monitored bodies.

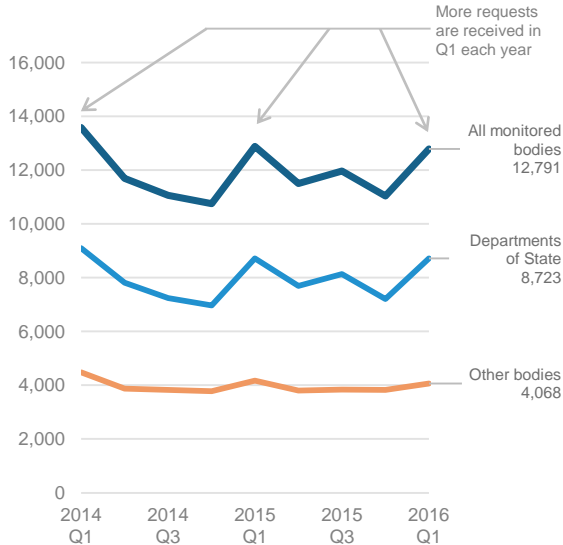
The Department for Work and Pensions, the Ministry of Justice, the Ministry of Defence, and the Home Office account for over 50% of requests to Departments of State; while the Health and Safety Executive and the National Archives alone account for over 50% of requests to other monitored bodies.

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

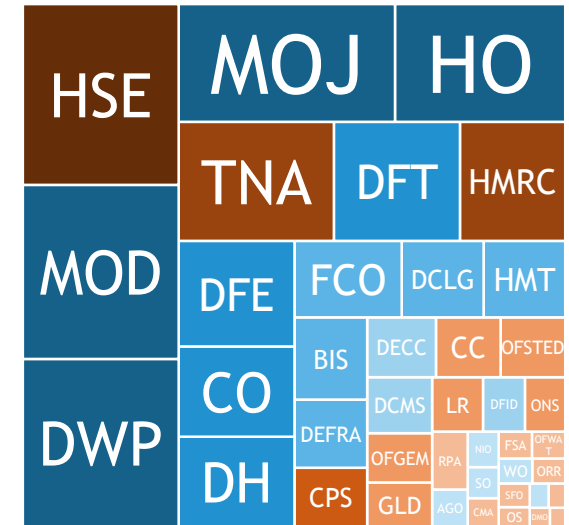
The largest decrease in requests since Q1 2015 amongst all monitored bodies occurred at the Department for Transport (-151) while the Ministry of Defence saw the largest increase over the same period (+177).

Note that 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).

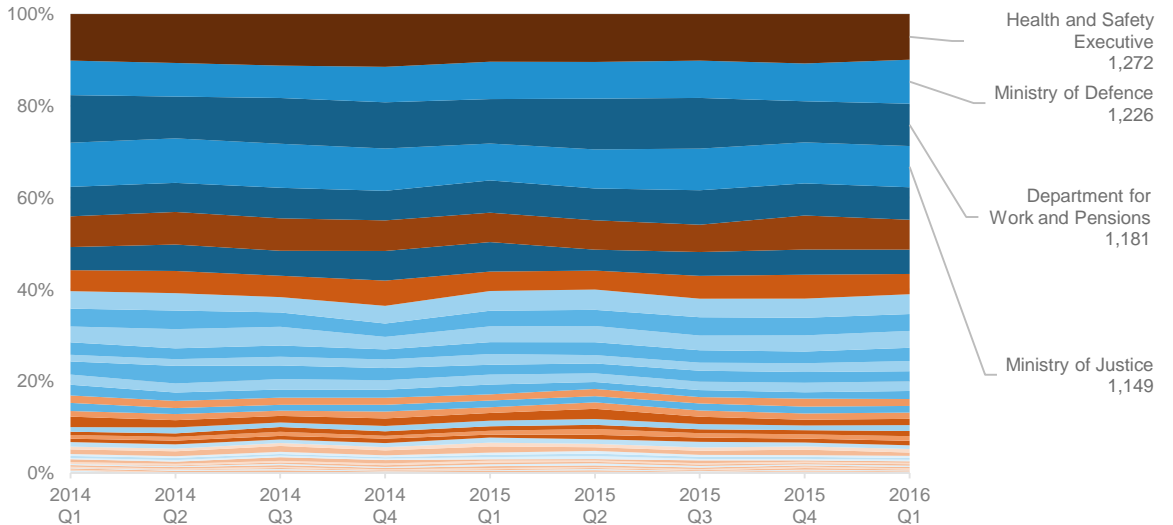
Volume of FOI requests by quarter since January 2014 (see Table A2)



Relative volume of FOI requests across all monitored government bodies in Q1 2016 (see Table A1)



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



Timeliness

See Tables A3 & A4

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:

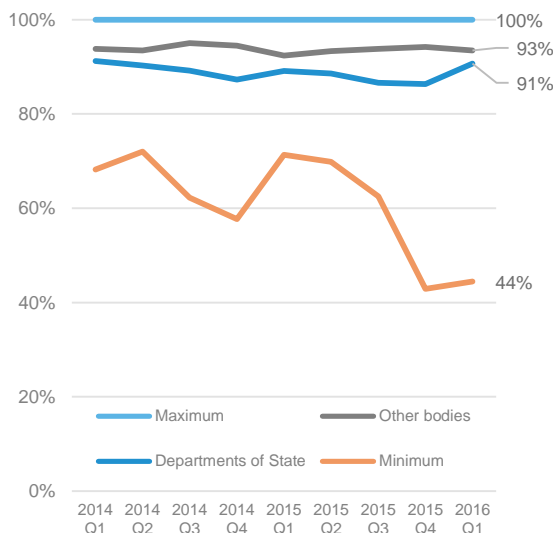
- Additional time for public interest tests under the FOI act.
- Extensions under the Environmental Information Regulations for complex requests.
- 10 additional working days for archival records from the National Archives.

The government target is 90% 'in time' responses: 32 bodies out of the 41 met the target. This is the highest number of bodies meeting the target since Q3 2014.

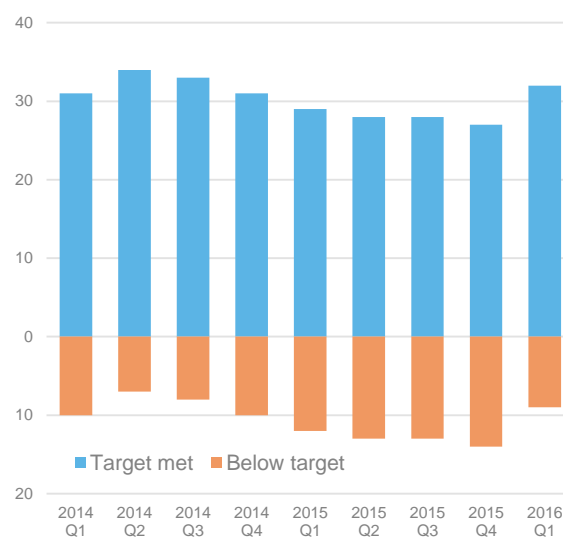
- 91% of requests across all Departments of State were responded to 'in time', an increase from 89% in Q1 2015.
- 93% of requests across all other monitored bodies were responded to 'in time', an increase from 92% in Q1 2015.

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

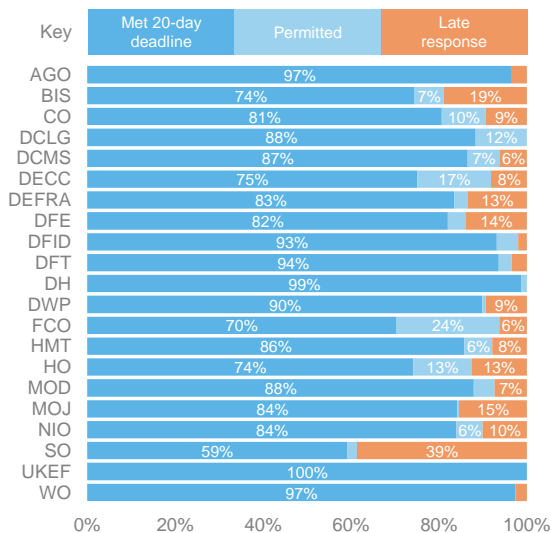
Percentage of responses to FOI requests 'in time' across all monitored bodies since Q1 2014 (see Table A4)



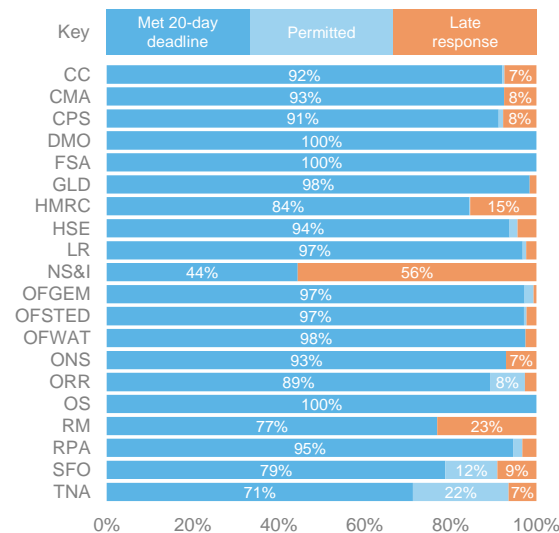
Number of monitored bodies that met the target of 90% 'in time' responses since Q1 2014 (see Table A4)



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

12,791 “non-routine” requests were received in Q1 2016, of these:

9,373 requests were resolvable (73%). That is, it was possible to give a substantive decision on whether to release the information being sought. Of these:

- 4,107 were granted in full.
- 4,636 were withheld in full or in part, where:
 - 58 were vexatious, as defined in Section 14 of the Act.
 - 51 were repeated, as defined in Section 14 of the Act.
 - 1,486 had a cost of response which exceeded the limit as defined in Section 12 of the Act.
 - 3,041 involved information subject to one of the exemptions and exceptions listed under Sections 22-44.
- 630 were not yet processed.

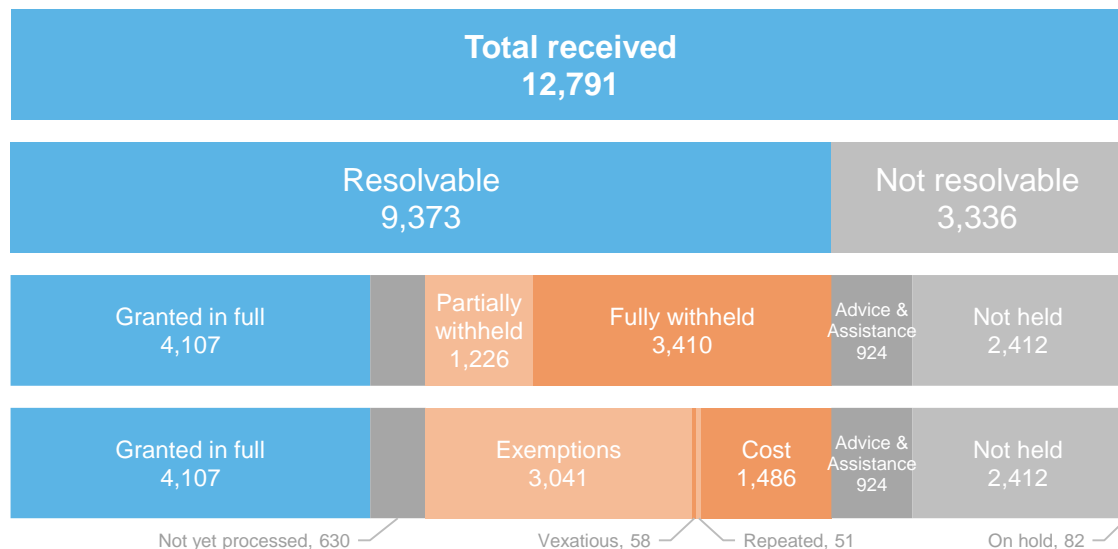
3,336 were not resolvable (26%). Of these:

- 924 required further clarity and “advice and assistance” on how to reformulate the request was provided.
- 2,412 involved information not held by the responding body.

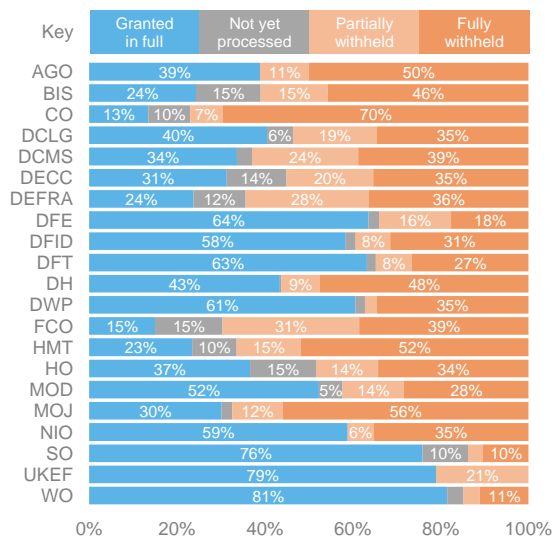
82 were on hold (0.6%) at the time of monitoring.

Of the 9,373 resolvable requests received by all monitored bodies in Q1 2016: 44% were granted in full; 13% were partially withheld; 36% were fully withheld; and the remaining 7% were not yet processed. For a breakdown of these statistics by monitored body see the chart opposite and Table A5.

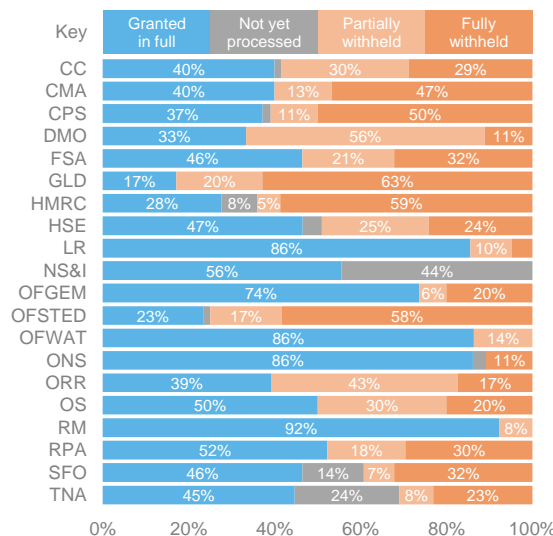
Outcomes of FOI requests received in Q1 2016 (see Tables A1, A5, A7, and data file)



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)



Exemptions

See Tables A7 & A8

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.

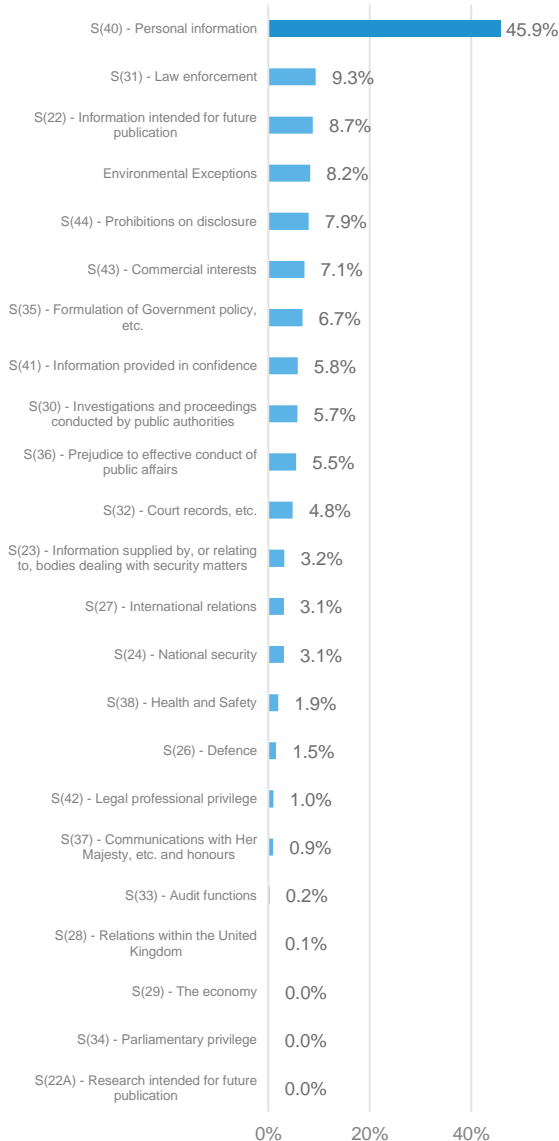
For the 3,041 requests which were exempted from response under different sections of the FOI Act, Section 40 of the FOI Act (covering personal information) was by far the most commonly cited in Q1 2016, as in previous quarters. It was a cause for exemption in 45.9% of all exempted requests (where each request may have multiple exemptions cited).

All other exemptions were cited in less than 10 percent of exempted requests. Two exemptions – Section 34 and Section 22A - were not cited for any requests.

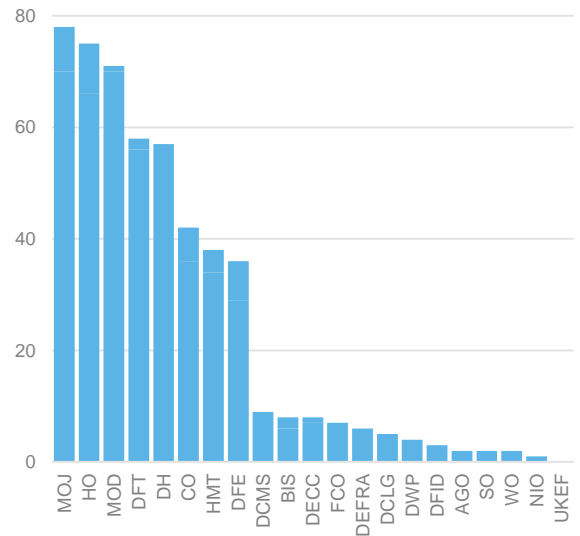
A Section 21 exemption can be used under the FOI Act when information is reasonably available by other means. Requests where a Section 21 exemption was the sole exemption used are reported separately because the FOI Act is not meant to act as a means to access data in the public domain.

642 requests subject to a Section 21 exemption (information already available) were reported across all monitored bodies. Variation in volumes by monitored body is shown in the graphs opposite and in Table A8.

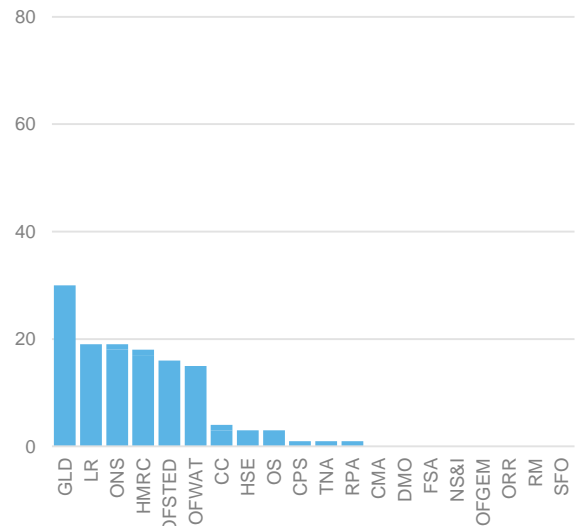
Use of exemptions in Q1 2016, as a percentage of all exempted requests (see Table A7)



Departments of State: Volume of requests subject to a Section 21 exemption in Q1 2016 (see Table A8)



Other monitored bodies: Volume of requests subject to a Section 21 exemption in Q1 2016 (see Table A8)



Scope of monitoring

Bodies included in centrally monitored statistics in Q1 2016

Attorney General's Office (AGO)	
Business, Innovation and Skills (BIS)	
Cabinet Office (CO)	Crown Commercial Service
Department for Communities and Local Government (DCLG)	
Department for Culture Media and Sport (DCMS)	
Department for Education (DFE)	Education Funding Agency
	National College for Teaching and Leadership
	Standards and Testing Agency
Department for Environment Food and Rural Affairs (DEFRA)	
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
Department for Work and Pensions (DWP)	
Department of Energy and Climate Change (DECC)	Oil and Gas Authority
Department of Health (DH)	

Foreign and Commonwealth Office (FCO)	FCO Services
	Wilton Park Executive Agency
HM Treasury (HMT)	Office for Budget Responsibility
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 ¹ (MOJ)	HM Courts and Tribunals Service
	Judicial Office
	Legal Aid Agency
	National Offender Management Service
	The Office of the Public Guardian
Northern Ireland Office (NIO)	
UK Export Finance (UKEF)	
Scotland Office (SO)	
Wales Office (WO)	

Key	
Departments of State (N = 21)	Agencies included in parent departments' monitoring
Other monitored bodies not included in a Department of States' monitoring (N = 20)	

Charity Commission (CC)	Office of Gas and Electricity Markets (OFGEM)
Competition and Markets Authority (CMA)	Office for Standards in Education (OFSTED)
Crown Prosecution Service (CPS)	The Water Services Regulation Authority (OFWAT)
Debt Management Office (DMO)	Office for National Statistics (ONS)
Food Standards Agency (FSA)	Office of Rail and Road (ORR)
Government Legal Department (GLD)	Ordnance Survey (OS)
HM Revenue and Customs (HMRC)	Royal Mint (RM)
The Health and Safety Executive (HSE)	Rural Payments Agency (RPA)
Land Registry (LR)	Serious Fraud Office (SFO)
National Savings and Investments (NS&I)	The National Archives (TNA)

¹ Revision note: the Criminal Injuries Compensation Authority was incorrectly listed as monitored by MOJ in the annual report

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 May 2016.

The formal monitoring work covers a total of 41 government bodies, including major Departments of State. The monitored bodies which are not Departments of State nonetheless have significant policymaking, regulatory or information-handling functions.

The Freedom of Information Act 2000 applies in England, Wales and Northern Ireland. The Northern Ireland 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 in Scotland. This legislation lies outside the scope of the monitoring work on which this bulletin is based. However, 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. A full list of the bodies covered by the monitoring statistics in 2016 can be found on page 7.