

progressive

SCOTTISH OPINION

17 Corstorphine Road, Edinburgh, EH12 6DD
Tel: 0131 316 1900 Fax: 0131 316 1901
info@progressivepartnership.co.uk

Scottish Information Commissioner Public Awareness Research 2009 Report

Background

The Freedom of Information (Scotland) Act 2002 (FOISA) came into force in January 2005, providing the public with legal rights to access information held by Scottish public authorities. Freedom of information is an integral part both of an open democratic government and responsive public services, and consequently, FOISA ensures that anyone requesting information from a public authority is entitled to receive it, subject to certain exemptions. This entitlement is applicable to everyone, regardless of age, gender or country of residence.

The Scottish Information Commissioner is the independent public official responsible for promoting and enforcing the right to access public information in Scotland. In order to support the Scottish Information Commissioner in fulfilling his role and responsibilities, the legislation provides him with a range of powers, such as the power to instruct public authorities to release requested information where he finds that it has been withheld inappropriately.

In order to measure levels of public awareness and knowledge of FOISA and the Scottish Information Commissioner, research has been conducted with the general Scottish population since 2004. This report details the findings from the seventh wave of the research, drawing comparisons with previous phases.

Research Objectives

The key aim of the research is to inform the Commissioner's promotional work and to provide evidence of the progress of freedom of information in Scotland.

The specific research objectives are:

- To measure awareness and understanding of FOISA
- To measure public awareness of the Scottish Information Commissioner
- To assess public understanding of the rights to request information held by Scottish Public Authorities
- To determine whether members of the public have previously requested information from Scottish Public Authorities
- To establish to what extent the public agree with extending the organisations covered by FOISA.

Methodology

A representative sample of adults across Scotland was required for the survey and ensured consistency across waves. Consequently, as with the previous six phases of the study, we used Scottish Opinion, our weekly omnibus. All interviewing was completed in-house by Progressive's team of experienced interviewers.

In 2008, the questionnaire used for previous years was amended as the Office of the Scottish Information Commissioner required a scaled down version. This scaled down version was again used in 2009, (with the exception of one question which was deleted for this phase). As with 2008, the 2009 survey included key benchmarking questions and caution was taken to ensure comparability was not lost. Any impact on the comparability and interpretation of the results has been highlighted throughout this report.

Any demographic or geographic variances amongst sub-samples are highlighted only where a statistically significant difference exists i.e. beyond the margin of error for each sub-sample.

This research project was performed in accordance with the ISO 20252 standard for Market research and the Market Research Society's Code of Conduct to which we are accredited. ISO 20252 is the internationally recognised quality standard (ratified by the British Standards Institute) specifically developed for the market, opinion and social research industry.

As well as being accredited to ISO 20252, all Progressive telephone interviewers are accredited by our membership of the Interviewer Quality Control Scheme (IQCS). This is the highest confirmation of fieldwork quality available within the market research industry.

Sample

A total of 1020 respondents were interviewed between 7th and 14th October 2009. The sample used in Scottish Opinion is taken from the electoral register. The data gathered was then weighted to the Scottish population statistics to ensure the results are representative of the Scottish population and comparable with the previous waves of research. Throughout this report, analysis is conducted on the weighted base. Data was weighted by age, gender, socio-economic group and location.

The total sample of 1020 provides a dataset with a margin of error of between $\pm 0.86\%$ and $\pm 3.07\%$, calculated at the 95% confidence level (market research industry standard)

The profile of the sample is shown in the table below.

Age	%	Gender	%
18-24	11%	Male	48%
25-34	19%	Female	52%
35-44	20%		
45-54	17%	Location	
55-64	14%	Central	5%
65+	20%	Dumfries	3%
		Fife	7%
Socio-Economic Grouping		Grampian	8%
AB	19%	Highlands & Islands	8%
C1	27%	Lothian & Borders	17%
C2	22%	Strathclyde	44%
DE	32%	Tayside	7%
Refused	1%		
Disability		Ethnicity	
Yes	14%	White – UK	91%
No	85%	White – Other	2%
Unsure	1%	Black (Black UK, Black African, Black Other)	1%
		Pakistani	1%
		Other / refused to say	5%
Base	1020	Base	1020

Summary of Key Research Findings

- The public's relatively high awareness of FOISA has remained stable. 76% of the Scottish population have at least some degree of awareness of the Act. This is comparable with the results from 2008 (78%).
- Similarly, awareness of the Scottish Information Commissioner has also remained consistent, although awareness remains low in comparison to awareness of FOISA. 76% are still stating they have not heard of the Scottish Information Commissioner.
- Numbers of people making written requests to access information from public authorities remains unchanged from 2008 at 9%
- Despite there being a drop in the public misattribution of the DPA provisions to see *personal* information held by a public authority to FOISA, this does not seem to have translated into a greater understanding of FOISA. Significantly fewer people stated that they were entitled to see *general* information a public authority holds.
- Accurate understanding of the public's legal right when accessing information has decreased significantly. Despite increasing since 2006, those understanding that they have the legal right to access any information they ask for, subject to certain exemptions has dropped to 39% from 49% in 2008. However, the number of people believing they have no legal right has remained relatively low at 4%.
- High levels of support remain for private organisations providing public sector services to be accountable under FOISA. Similar agreement patterns exist with the highest level of agreement being for private sector organisations to build and maintain NHS hospitals to be covered by freedom of information compared to 2008. Lowest levels of agreement are for Scottish private prisons to be covered.
- As with previous waves, respondents who are aware of FOISA are more likely to:
 - understand they have rights to access information both generally and as a result of FOISA;
 - be aware of the Scottish Information Commissioner.

Main Findings

The following section details the key findings from the study. Significant differences across demographic groups are highlighted throughout. Where no demographic variances are mentioned it should be assumed that there are no statistically significant differences.

Q1) Have you ever made a written request, by letter, fax or e-mail, for information that a public authority holds?

Respondents were first asked whether they had ever made a written request to access public information. In 2009, results remain consistent with around 1 in 10 people making a written request for information, as per the previous two years.

Base (All): 1020

<i>Answer</i>	<i>April 2005</i>	<i>October 2005</i>	<i>October 2006</i>	<i>October 2007</i>	<i>October 2008</i>	<i>October 2009</i>
	S2	S3	S4	S5	S6	S7
Yes	4%	8%	6%	9%	9%	9%
No	96%	91%	93%	89%	91%	90%
Unsure	-	1%	1%	3%	1%	1%

In terms of demographic differences, in contrast to 2008, there is a significant difference across gender with males being twice as likely as females to have made a request (12% males, 6% females). At 12%, C1's are significantly more likely than DE's to have done so (7%).

Q2) In your opinion what legal rights do you have to see information held by public authorities?

This question is asked in order to measure respondents' understanding of their general legal rights to see information. In Scotland, the public's rights to access information are provided through the following means:

- FOISA
 - Provides general rights to the information held by Scottish public authorities
- Data Protection Act 1998 (DPA)
 - Provides individuals with the right to access their own personal information from public authorities and other bodies
- Environmental Information (Scotland) Regulations 2004
 - Provides access rights to environmental information held by Scottish public authorities and other bodies

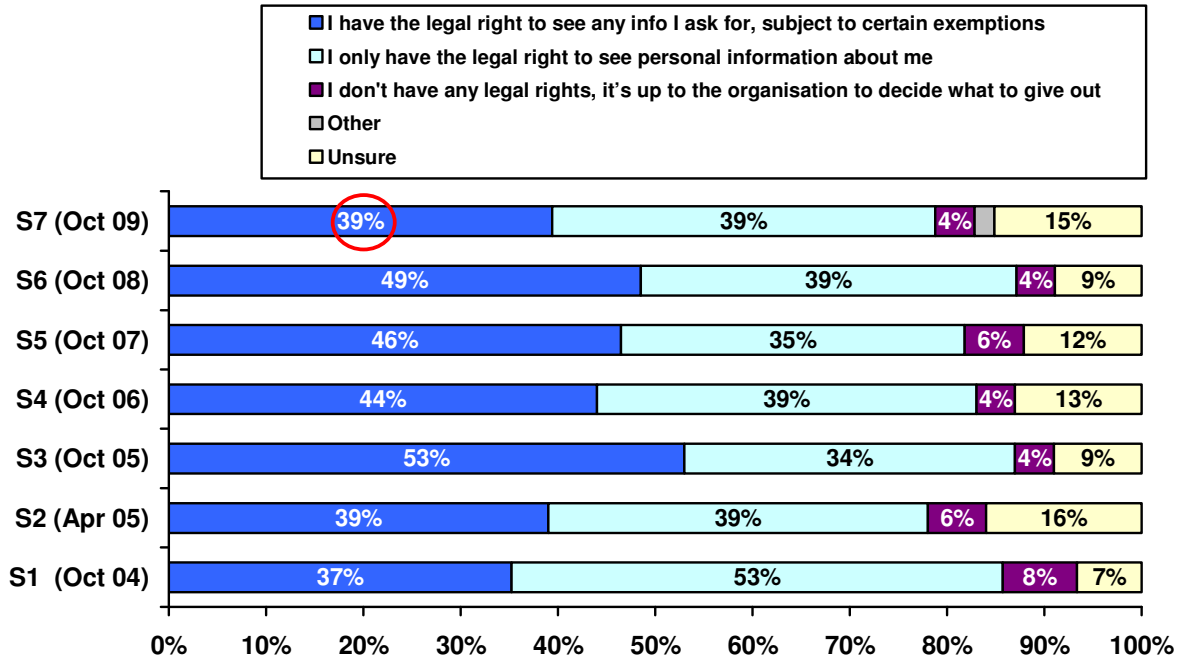
Respondents are prompted with three statements and asked to determine which they believe is accurate:

- I have the legal right to see any information I ask for subject to certain exemptions
- I only have the legal right to see personal information they hold about me
- I don't have any legal rights, it's up to the organisation to decide what information they give out

The first of the above statements is correct as it encapsulates the rights provided by all of the access to information laws. Despite correctly outlining the rights provided by the DPA, the second statement incorrectly implies that this is the only information an individual is legally entitled to receive. The third statement is incorrect.

Base (All): 1002

Question: Prompted, read-out list



Other comments related to:

- Specific type of information that can be requested (e.g. planning permission legalities, financial information, terms of employment, any information that relates to public spending, access to sex offenders register)
- Comments relating to exclusions (e.g. cannot access police or army information / nothing national security related)

The chart above indicates that despite, from 2006, there being a yearly increase in respondents correctly identifying the legal right to see any information they request, in 2009 there has been a significant decrease in that figure, dropping from 49% to 39%.

In 2008, those specifying the 1st statement and therefore demonstrating a full understanding of information rights, peaked amongst 25-34 year olds (55%) and AB's (56%). However, in 2009 there were no demographic differences across gender, age and socio-economic group.

As in 2008, over one third (39%) of respondents seem only to recognise their rights under the DPA, assuming that they are legally entitled to see only personal information held about them. At 51%, 25-34 year olds were the age group most likely to assume this was the case.

At 4%, relatively low numbers thought they had no legal rights to any of the information held by public authorities, a broadly consistent figure with previous waves. This was significantly higher amongst the 65+ population, with 8% assuming they have no legal entitlement to access information.

The 65+ age group were overall more uncertain about their rights with significantly higher numbers responding “Unsure” to this question (23% compared to 15% average). Similarly, this was the case for DE’s at 22%.

As with previous waves, there is a correlation between understanding of information rights and awareness of FOISA. 43% of those aware of FOISA were able to identify correctly their rights compared to 26% of those unaware of FOISA. However, this understanding amongst those who are aware of the Act has dropped significantly from 54% in 2008.

Similarly in 2008, those who were aware of the Scottish Information Commissioner also showed a greater likelihood to understand their information rights at 46% compared to 37% but again this figure dropped significantly from 57% in 2008.

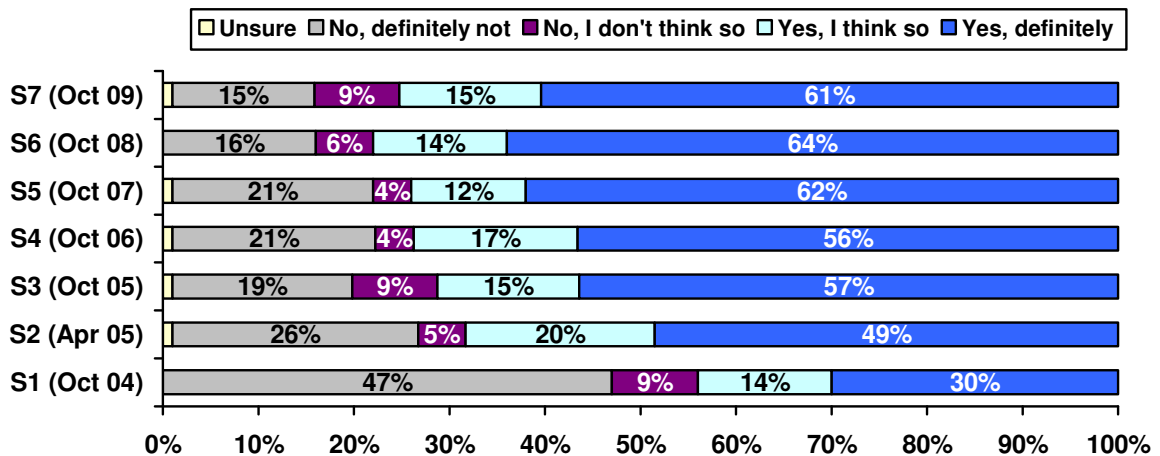
To summarise, there seems to be higher levels of confusion in terms of the public’s rights to access information, highlighted by a significant drop in understanding from 49% to 39%. Consequently, 61% of the Scottish population do not fully understand their rights under FOISA.

Q3) Have you ever heard of the Freedom of Information (Scotland) Act?

The graph below tracks the levels of awareness of FOISA since October 2004.

Base (All): 1020

Question: spontaneous



Levels of awareness of FOISA remain high. Overall, 76% are claiming some degree of awareness of the Act, which is comparable with the previous year. Awareness is highest amongst 55-64 year olds with 74% definitely aware vs. 57% of 18-24 year olds, 60% of 25-34 year olds, 60% of 35-44 year olds, 64% of 45-54 year olds and 56% of 65+ year olds. 65+ were most likely to state they had definitely not heard of the Act at 24%, as were DE’s at 25%. This compares with a 15% average.

As with previous years, the ABC1 socio-economic groups were more aware than C2DE’s (69% vs. 54% definitely aware) as were males with 65% stating they were definitely aware compared to 57% female.

Those with a disability were significantly less likely to state that they had definitely heard of the Act at 51% compared to 63% of those without. Overall awareness of FOISA is much lower amongst the disabled population at 64% compared to 78%. This is comparable with 2008 findings (68% vs. 79%).

83% of those who also claimed awareness of the Scottish Information Commissioner are more likely to be aware of FOISA (compared to 73% not aware).

Q4) What rights do you think the Freedom of Information Act might give you?

Responses to this question were spontaneous and unprompted, then categorised into the options in the table below. Historically this question allowed multiple answers to be given, however in the 2007 wave the question became a single code. In 2008, the question reverted back to a multi-code question and therefore results from 2008 onwards are directly comparable with the waves preceding 2007.

Base (All): 1020

Question: spontaneous

	S1 (Oct 04)	S2 (Apr 05)	S3 (Oct 05)	S4 (Oct 06)	S5* (Oct 07)	S6 (Oct 08)	S7 (Oct 09)
To see personal information a public authority holds about me	42%	40%	46%	45%	28%	55%	39%
To see general information held by a public authority	32%	29%	52%	45%	34%	51%	37%
To see personal information a private company holds about me	24%	12%	20%	16%	2%	15%	19%
To see general information held by a private company (Not true)	7%	3%	7%	10%	6%	15%	11%
To see confidential information which is held by public authorities	8%	6%	9%	11%	3%	9%	7%
Other	2%	1%	1%	2%	3%	3%	8%
Unsure	41%	40%	25%	26%	24%	25%	31%

**Single code only: limited comparability can be made with other waves*

When comparing the results from 2008 and previous to the 2006 wave, there appeared to be relative stability in terms of the numbers correctly identifying their rights under the FOISA. However, those understanding the Act's provisions has decreased significantly in 2009.

In 2008, over half of respondents were able to identify correctly that FOISA enabled them to see general information held by a public authority. In 2009, this has decreased to 37%. Males are significantly more likely to be aware of this provision with 43% specifying that they can access general information from a public authority (32% female). DE's are the socio-economic group least aware of this provision with 29% thinking they are able to access general information, significantly lower than AB's (44%) and C1's (42%).

65+ year olds are the least likely to know that FOISA enables them to see general

information held by a public authority at 30%, which is significantly lower than 18-24 year olds (43%) and 25-34 year olds (45%). .

Those incorrectly believing that FOISA enables them to access personal information held by a public authority (a legal entitlement actually provided for by the DPA) has dropped significantly from 55% to 39%. However, this does not necessarily translate to a higher level of understanding. As outlined previously, fewer people can correctly attribute the actual functions of FOISA and therefore there is no indication that confusion over its provisions is at a lower level. Males at 44% compared to 32% female, are more likely to believe FOISA enables them to access personal information and ABC1's are significantly more likely than DE's to believe this is a provision (51% compared to 28%).

In terms of the public's rights to a private company's information, there have been significant changes since 2008. Significantly more people identified that they have the right to see personal information about them held by a private company and significantly fewer people incorrectly stated that they are able to see general information.

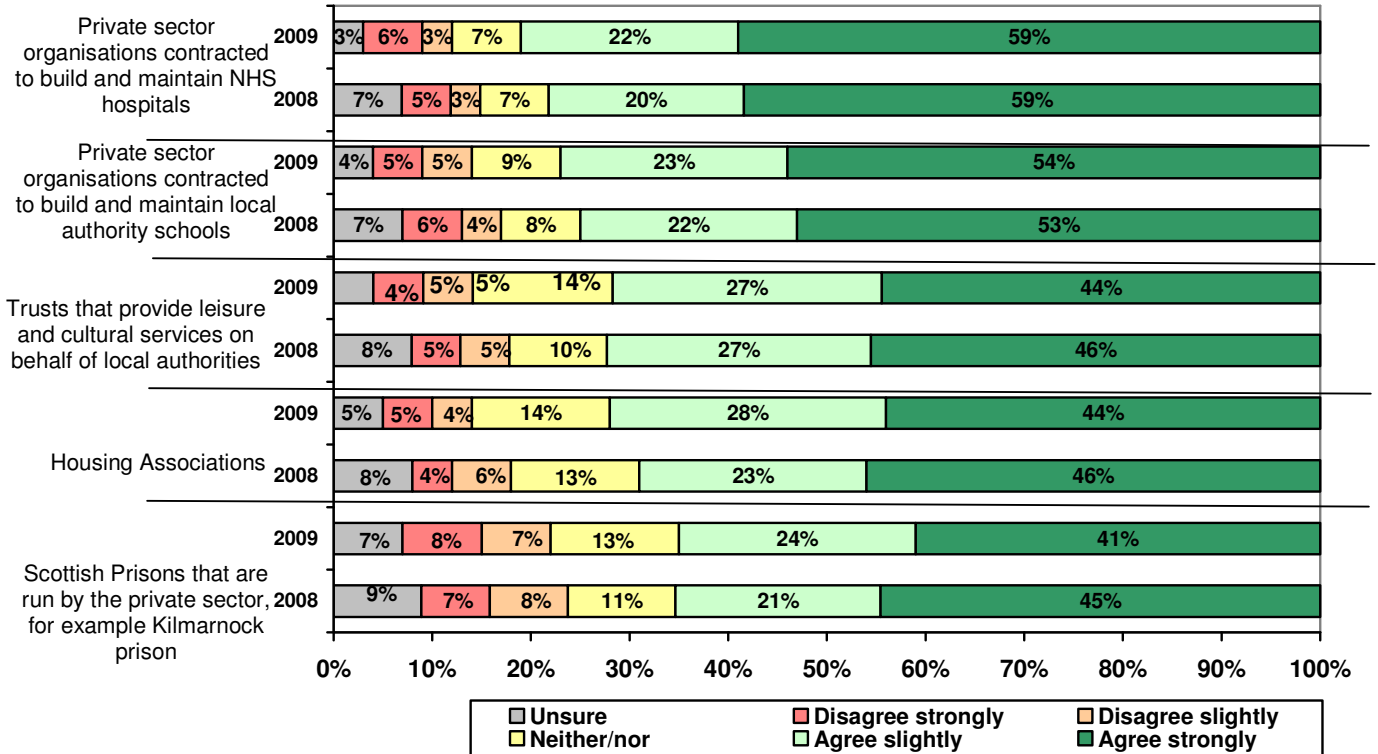
18-24 year olds are most likely to believe that they are legally entitled to see their own personal information (28% vs. 19% average). However, they are also more likely to incorrectly assume that they are able to access *general* information (20% vs. 11% average). Again, DE's are least likely to understand their rights in terms of the information held by private companies with only 13% stating that they can access personal information held about them.

Those who were aware of FOISA were significantly more able to identify their rights to see *general* information held by a public authority (43% of those aware compared to 20% of those unaware). In addition, they were also more likely to identify the right to access their personal information held by a private company (20% compared to 14% unaware). However, some confusion still exists among those aware of FOISA regarding the rights it provides, with 42% incorrectly attributing DPA rights to FOISA.

In 2008, a new question was included to assess respondents' views on including further organisations under FOISA.

Base (All): 1020

Q5. Freedom of Information Act provides individuals with a right of access to general information which is held by Scottish public authorities. The Scottish Government is currently considering whether the Freedom of Information (Scotland) Act should be extended to cover more organisations. On a scale of 1-5, with 1 being "I agree strongly" and 5 being "I disagree strongly", please state whether you feel the following types of organisations should be covered by freedom of information laws?



The chart demonstrates similar patterns to 2008 and consistently high numbers of respondents agreeing that private organisations providing services for the public sector should be covered by freedom of information laws. Agreement remains highest for "Private sector organisations contracted to build and maintain NHS hospitals" with 81% agreeing they should be covered.

The 55-64 year old demographic group is the strongest in agreement that the listed organisations should be covered by the law. They are significantly more likely than all other age groups to agree strongly that Scottish prisons (56% vs. 41% av), private sector organisations contracted to build and maintain schools (71% vs. 54% av) and private sector organisations contracted to build and maintain NHS hospitals (75% vs. 59% av) should be subject to FOISA.

There are few differences in terms of gender with the exception of males being more likely to agree strongly that Scottish prisons should be covered (45% male, 38% female).

AB's are more likely to agree that the organisations listed should be subject to FOISA. Total agreement levels for this groups range from 76% (total agree) for Scottish prisons (65% average) to 87% (total agree) for private sector organisations contracted to build and maintain NHS hospitals (81% average).

Q6) Have you ever heard of the Scottish Information Commissioner?

Base (All): 1020

Question: spontaneous

Awareness	S2 (Apr 05)	S3 (Oct 05)	S4 (Oct 06)	S5 (Oct 07)	S6 (Oct 08)	S7 (Oct 09)
Yes definitely	4%	10%	8%	6%	13%	11%
Yes, I think so	5%	10%	6%	8%	8%	11%
Total Yes	9%	20%	14%	14%	21%	22%
No, don't think so	14%	20%	11%	9%	9%	17%
No, definitely not	76%	58%	71%	75%	68%	59%
Total No	90%	78%	82%	84%	77%	76%
Unsure	1%	2%	4%	3%	2%	1%

As with previous waves, awareness of the Scottish Information Commissioner is much lower than that of FOISA itself. Overall levels of awareness have remained consistent to 2008. The only significant difference is a movement from those stating they have “definitely not” to not thinking they have heard of the Commissioner.

55-64 year olds were more likely than 35-44 and 65+ year olds to be aware of the Commissioner. The latter age group were least likely to be aware with 69% stating they had definitely not heard of the Commissioner.

At 28% and 31%, AB's and C1's were significantly more likely to have heard of the Commissioner than C2's (20%) and DE's (15%). Definite lack of awareness was most prevalent amongst DE's who, at 71% (59% av) were significantly more likely than state they had definitely not heard of the Commissioner.

Consistent with previous waves, those who were aware of FOISA were significantly more likely to be aware of the Scottish information Commissioner (24% of those aware compared to 16% unaware).

Appendix 1 - Questionnaire

Scottish Information Commissioner's Office

Public Awareness Omnibus 2009

READ OUT

A public authority can be described as any organisation in public sector, including the NHS, the Police, schools, local authorities and the Scottish Government.

Q1		CODE
Have you ever made a written request, by letter, fax or email, for information that a public authority holds?	Yes	1
	No	2
	Unsure	3

Q2		CODE
In your opinion what legal rights do you think you have to see information held by public authorities?	I have the legal right to see any information I ask for subject to certain exemptions.	1
	I only have the legal right to see personal information they hold about me	2
	I don't have any legal rights, its up to the organisation to decide what information they give out	3
	Other (Please specify) – DO NOT READ OUT	4

	Unsure	5

PROMPTED – READ OUT

Q3		CODE	ROUTE
Have you ever heard of the Freedom of Information (Scotland) Act?	Yes definitely	1	
	Yes I think so	2	
	No, don't think so	3	
	No definitely not	4	
	Unsure	5	

Q4

I appreciate that you may not be fully aware of the Freedom of Information legislation but I would like you to tell me what rights you think the Freedom of Information Act might give you?

SPONTANEOUS

	CODE
To see general information held by a public authority	1
To see personal information about me held by a public authority	2
To see general information held by a private company	3
To see personal information about me held by a private company	4
To see confidential information which is held by public authorities	5
Other (please specify)	6
Unsure	7

Q5**READ OUT**

The Freedom of Information Act provides individuals with a right of access to general information which is held by the Scottish public authorities. The Scottish Government is currently considering whether the Freedom of Information (Scotland) Act should be extended to cover more organisations. On a scale of 1-5 with 1 being “I agree strongly” and 5 being “I disagree strongly” please state whether you feel the following types of organisations should be covered by freedom of information laws?

ROTATE START

	Agree Strongly	Agree Slightly	Neither / Nor	Disagree Slightly	Disagree Strongly	Unsure
Housing Associations	1	2	3	4	5	6
Trusts that provide leisure and cultural services on behalf of local authorities (e.g. running swimming pools, libraries and museums)	1	2	3	4	5	6
Scottish Prisons that are run by the private sector, for example Kilmarnock Prison	1	2	3	4	5	6
Private sector organisations contracted to build and maintain local authority schools	1	2	3	4	5	6
Private sector organisations contracted to build and maintain NHS hospitals	1	2	3	4	5	6

Q6

Have you ever heard of the Scottish Information Commissioner?

	CODE
Yes, definitely	1
Yes, I think so	2
No, I don't think so	3
No, definitely not	4
Unsure	5

Profiling Questions

Q7 - Disability

Would you say you have a disability?

	CODE
Yes	1
No	2
Unsure	3
Refused to say	4

Q8 – Ethnicity

What is your ethnic origin?

	CODE
White – UK	1
White – Other	2
Black – African	3
Black – Caribbean	4
Black – UK	5
Black – Other	6
Chinese	7
Indian	8
Malaysian	9
Pakistani	10
Bangladeshi	11
Sri Lankan	12
Other (please specify)	13
Refused to say	14

Q9 - Postcode

Could I please take your postcode?

<i>Open-ended</i>	CODE