



## **Volunteering Information?**

The use of Freedom of Information laws by the Third Sector in Scotland  
- Survey Findings

*Kate Spence*

4<sup>th</sup> January 2010



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## 1. Key Findings

- Around half of all respondents reported that they have made a Freedom of Information (FOI) request [50.8%].
- About the same number [50.4%] stated that they agreed or strongly agreed that they are likely to make use of FOI in the future.
- Less than half of all respondents [43.7%] indicated that they were confident they would receive the information they asked for if they made an FOI request.
- Only 13.2% of all respondents are making regular information requests to public authorities.<sup>1</sup>
- General awareness is high within the sector at 78.4% (this reflects general levels of public awareness<sup>2</sup>).
- 67.3% of those who had made a request received all the information they sought, first time.
- More than half of those who have had a request for information refused [54.7%] report that they were not told of their right to request a review – despite there being a statutory obligation to do so.
- Of those requesters who lodged an appeal with the Scottish Information Commissioner, just under half were not satisfied with the outcome of their appeal [43.8%], and 56.3% stated that they did not ultimately receive the information they had been seeking.<sup>3</sup>
- Almost half of all respondents [49.6%] stated that they would be discouraged from making a request because of a fear that it might harm working relations or funding relations or both.
- Almost all the organisations which responded are funded either wholly or in part by public authorities [83.5%].
- The higher the level of funding an organisation receives from a public authority, the more likely they are to believe that using FOI could harm relations between their organisation and the public authority.

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<sup>1</sup> For an organisation to be deemed to be making regular requests to a public authority it must be making either more than one request a month, or about one request a month.

<sup>2</sup> See the Scottish Information Commissioner Public Awareness Research 2009 Report, p4.

<sup>3</sup> It is worth noting that only 16 of the total respondents surveyed had appealed to the SIC, and therefore these statistics can only take these 16 respondents into account.

- Concerns over jeopardising funding relations between their organisation and a public authority strongly predicts whether a respondent is likely to make an FOI request.
- 66.2% believe that FOI could be a useful resource for their organisation.
- Almost a quarter of those who had made a request [22.1%] did not mention FOI in their request(s) as they felt it might appear challenging or aggressive.
- 27.5% disagreed that public authorities treat all FOI requests equally, regardless of who is requesting the information.
- There is a need for further training on FOI, with 39.7% of respondents reporting that they do not know enough about the Act.

## 2. Background

The Freedom of Information (Scotland) Act 2002 came into force on 1st January 2005. The Act deals with access to official information and gives individuals or organisations the right to request information from any public authority in Scotland. The request must be made in writing or in another permanent format, such as a recording made on audio or video tape. Anyone can put in a request for information from any country in the world, and no matter how old the information is, they have the right to receive any recorded information held by a public authority in Scotland. This right is subject to some exemptions, for example information can be withheld if it would breach data protection legislation or provide a risk to national security. However many exemptions are also subject to a “public interest” test. In applying the public interest test the public authority must show that the public interest in withholding the information is greater than the public interest in releasing it – if it cannot do so, the information must be released. A requester does not have to state why they want the information, and the public authority must respond to an information request within 20 working days of receiving it. The Act provides individuals with the right to access information from more than 10,000 public authorities in Scotland.

The establishment of FOI rights was premised on the notion that official secrecy and a political culture averse to openness and transparency in communication is incompatible with good governance in the twenty-first century. The legislation was also seen as a corrective to declining levels of trust and confidence in politicians, public officials and regulators. In order for Freedom of Information legislation to remain effective and

successful, the Act needs to be used consistently. Government departments and agencies are likely to behave more responsibly and efficiently if they know they will be held to account. As one New Zealand MP noted, “There is nothing like the prospect of outside academic or interest group scrutiny to make you write accurately and neutrally”<sup>4</sup>.

Ben Worthy, part of the Constitution Unit at the University College London, has noted that the main use of the Act is from the media and the public in general, and he argues that, “these two groups are thus together providing the crucial ‘drive’ behind FOI that serves to stimulate, expand and embed the openness regime”.<sup>5</sup> The logic of FOI is that it provides a means of making public office holders and institutions accountable, and decision making transparent. For this to have significant impact it is desirable that many groups and organisations in society use FOI. The more organisations that know about and use FOI the more a culture of openness and accountability can be strengthened.

### **3. Research Study**

The University of Strathclyde is conducting a research study on the use of Freedom of Information (FOI) within the third sector in Scotland. In 2007, the Scottish Information Commissioner (SIC)<sup>6</sup> found that over 70% of the appeals to his office came from members of the public. In contrast, there was a substantially lower proportion of appeals received from civil society organisations, with voluntary or campaign organisations accounting for approximately 4% of appeals. In light of this statistic, Strathclyde University, in partnership with the SIC, is attempting to find out to what extent the 2007 appeal statistic of 4% accurately reflects the use of FOI by voluntary or campaign organisations. The research looks systematically at the ways in which the third sector in Scotland, and in other parts of the UK, is using FOI to access documents as part of its policy and campaigning work. There are two substantive parts to the research, the first is quantitative in method, while the second is qualitative. The second part of the study involves in-depth interviews and detailed case studies into the use, and non-use, of FOI by voluntary and campaign groups. The first part, the results of which have been captured in

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<sup>4</sup> Comment by Marie Shroff when she was Cabinet Secretary in 1997. Quoted in Price, Steven, 2006, “The Official Information Act: A Window on Government or Curtains Drawn?”, *Open Government: A Journal on Freedom of Information*, 2:1, p15.

<sup>5</sup> Worthy, Ben, “The Future of Freedom of Information in the United Kingdom” 2008, *The Political Quarterly*, 79(1), p101.

<sup>6</sup> The Scottish Information Commissioner is responsible for enforcing and promoting the Freedom of Information (Scotland) Act 2002.

this report, involved the dissemination of a detailed survey to a wide range of voluntary and campaign organisations throughout Scotland. The survey sought to uncover the extent to which the third sector in Scotland is making use of its rights under Freedom of Information legislation to access information from public authorities. It also sought to gain more information on factors which may discourage voluntary and campaign organisations from using FOI.

## 4. Summary

The results of this survey highlighted five key areas; request levels, predictors of FOI use, funding relationships, awareness of FOI rights, and perceptions of FOI. These findings are discussed below.

### 4.1 Request Levels

The survey suggests that while a large proportion of voluntary and campaign organisations contact public authorities for information, an almost equally large number never contact public authorities for information. 45.1% of respondents reported that they had never contacted a public authority for information, even verbally. Prima facie, the proportion of voluntary and campaign organisations making information requests to public authorities in Scotland appears quite low, particularly when the level of funding received by the sector from these authorities is taken into account. 83.5% of people from third sector organisations who responded to the survey stated that they are funded in some way by public authorities, and it might be expected that they would wish to seek information at times from their funder.

54.9% of respondents said they *had* contacted a public authority to ask for information, and 50.8% of respondents had made an information request in writing (therefore giving the respondent rights under the FOI Act). While this is a majority of respondents, it is worth noting, however, that this figure may be artificially high. Previous research suggests that people respond to a survey at a higher rate if the survey is on a topic which is of interest to them<sup>7</sup>. In the context of this survey on FOI, I have assumed “interest” to equate to a respondent being more likely to have previously made an information request. Therefore, it would be reasonable to assume that those answering a survey on

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<sup>7</sup> Groves, M. Robert; Presser, Stanley; Sarah Dipko, 2004, “The Role of Topic Interest in Survey Participation Decisions”, *Public Opinion Quarterly*, 68(1), pp2-31.

FOI would be more likely to have made a request for information to a public authority. If this factor is taken into account, the figure of 54.9% of respondents having previously contacted a public authority for information may be lower if extrapolated over the whole population. Clearly, this conversely suggests that the figure of 45.1% of respondents never having made an information request (even verbally) to a public authority may well be higher if this factor is taken into account. Therefore while the findings suggest that a large number of voluntary and campaign organisations are not seeking to access information from public authorities, this picture may be even more stark if the survey were to be controlled for “topic interest”.

#### *4.2 Predictors of FOI Use*

A binary logistical regression was run to examine the strongest predictors of FOI use within the data set. Factors assessing general perceptions of FOI requests and potential barriers to making FOI requests, were regressed on FOI use. 600 respondents were included in the analysis with 105 missing cases due to skipped responses within the predictor variable set. The resulting logistic regression model was able to correctly classify 66.7% of cases.

Whether respondents had made an FOI request was predicted by whether they thought that FOI requests were perceived as useful, and whether they had all the information they needed to make a request. In addition, whether FOI requests were perceived to be treated equally by public authorities, and whether it was feared that a FOI request might jeopardise funding relationships with a public authority, also predicted FOI requests made (see appendix 1. for regression).

#### *4.3 Funding Relationships*

As previously mentioned, the survey highlights the large extent to which the third sector is funded by public authorities. Given this finding, it is interesting to note that almost half of all organisations who responded [49.6%] stated that they would be discouraged from making a request because of a fear that it might harm working relations or funding relations or both. Additionally, the majority of respondents who indicated that they were discouraged from using FOI over concerns of harming working relations [79.9%], also felt that they would be discouraged from making an information request to a public authority because of concerns it might also damage funding relations.

Fears over damaging funding and working relations also came to the fore when respondents were questioned over their reasons for not appealing those information requests which had been refused. Third sector organisations which decide to make an information request to a public authority generally do not go on to pursue the request if it is refused at this initial stage. When asked why they do not pursue a review of the decision, some organisations reported that they were not made aware of this option (this is examined in the following section). However, around half of respondents [47.4%] stated that they had decided not to seek a review on the grounds that a review may damage working relations or funding relations or both. Clearly, then, when third sector organisations consider whether to make an FOI request, or whether to pursue a review of a request, their relationship with the public authority in question is commonly a key factor in that decision. Indeed, there is a positive correlation between the level of funding an organisation receives from a public authority and whether a respondent believes that using FOI could harm relations between their organisation and the public authority ( $p = <0.05$ ).<sup>8</sup> A positive correlation was also found between the annual income of an organisation and a respondent's belief that FOI could harm relations between their organisation and a public authority ( $p = <0.05\%$ ). This indicates that larger third sector organisations are more concerned that making an FOI request will harm relations between themselves and public authorities than smaller organisations within the sector.

Given concerns over damaging relationships, it is interesting to note that a number of voluntary organisations stated that they have made requests to public authorities through third parties [13.2%]. Of those, the most common reason cited for choosing this route was to make use of the third party's expertise [59.1%]. It is interesting to note, however, that a number of respondents stated that they chose to make a request through a third party in order to ensure their organisation was not directly associated with the request [28%]. Indeed, one respondent commented, "We strongly suspected the possibility of 'backlash' if we asked directly."

#### 4.4 Awareness of FOI Rights

General awareness of FOI rights appears to be high within the sector, with the majority of respondents [78.4%] stating that they are aware that public authorities have a legal

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<sup>8</sup> The p-value is less than 0.05 meaning that there is less than 5% probability of an outcome this extreme occurring by chance, and this indicates that the finding is statistically significant.

obligation to respond to information requests. However, a more comprehensive awareness of FOI rights appears to be lacking, as a substantial proportion of the sample [39.7%] felt that one of the reasons they would be discouraged from using FOI was because they do not know enough about the Act and their rights contained within it. Similarly, over a quarter of respondents [27.7%] declared that one of the reasons why they would be inhibited from making use of FOI was because they do not know how to make a request for information. Evidently both findings indicate that more training surrounding the use of FOI within the third sector may be necessary.

The survey also indicated that a low number of respondents go on to seek a review when they are refused information. Almost two thirds of respondents [65%] who had made a request for information said they did not request a review. However this figure may be partly explained by the low number of requesters who are told of this option. The majority of respondents [54.7%] reported that they were *not* informed of their right to request a review after they had had an information request refused. Given that the Freedom of Information (Scotland) Act 2002 sets out that a refusal notice must, “contain particulars of the procedure provided by the authority for dealing with complaints about the handling by it of requests for information”<sup>9</sup>, this finding suggests that fulfilling this statutory duty remains an important challenge for full and proper FOI compliance by public authorities. If requesters are not being informed of their rights at this stage, this is likely to lead to a reduced number of refused requests being reviewed, and consequently fewer appeals to the Scottish Information Commissioner.<sup>10</sup> On a more general level, clearly this will not help to increase citizens’ awareness of their rights under the legislation.

There was also a relationship found between the levels of funding an organisation receives from a public authority and whether a respondent decided to request a review. An independent-samples t-test indicated that funding levels received by those respondents who had requested a review ( $M=2.9$ ,  $SD=0.91$ )<sup>11</sup> were significantly higher than funding levels of those who had not ( $M=2.4$ ,  $SD=0.95$ );  $t(93)=-2.22$ ,  $p < 0.05$ . This finding appears to suggest that, in general, larger organisations have more power to question the decision of a public authority to refuse a request.

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<sup>9</sup> Freedom of Information (Scotland) Act 2002, Section 19(a).

<sup>10</sup> Requesters must initiate a review by the authority before they can appeal to the Scottish Information Commissioner.

<sup>11</sup> A t-test assesses whether the means (averages) of two groups are statistically different from each other. The standard deviation shows how much variation there is from the mean.

#### 4.5 Perceptions of FOI

It is interesting to note that there was a general indication within the survey that a substantial proportion of respondents believe FOI is regarded by both voluntary organisations and public authorities as an aggressive or confrontational way in which to ask for information. Although any request for information to a public authority has FOI rights attached to it, there was a sense that specifically referring to FOI within an information request changed the tone of the request. The majority of respondents who had made a request and chosen to mention FOI within it [62.6%] did so as they felt it would cause the request to be taken more seriously by the authority they had contacted. Just over a quarter felt they would receive a reply more quickly [25.2%].

Of those respondents who *did not* explicitly refer to FOI within their request, the most commonly chosen answer was that they did not want their request to be seen as challenging or aggressive [35.6%]. There was also a sense that referring to FOI in a request may exert a pressure on a public authority that is not always necessary. Around a third [33.8%] of respondents who did not mention FOI in their requests chose “other” and gave a personal answer to this question. The majority who chose this option stated that they did not deem it “necessary” to mention FOI. By choosing to describe the decision in these terms and use the language of “necessity”, respondents may be indicating that they regard FOI as something which is only required if particular pressure needs to be brought to bear on an authority in order to receive a response. It also indicates that some third sector organisations may feel that they risk compromising their relations with an authority if they mention FOI, and therefore should wait until a situation is deemed worthy of such a potentially high resultant cost. One respondent noted, “We do not like to 'threaten' with potential FOI requests... ..We have stated verbally that we will use FOI request to obtain what we require and this has resulted on at least one occasion in a director providing the info required - with a covering note to state that our demand for information would damage our working relations.”

## 5. Time Period

The survey was conducted in an online format,<sup>12</sup> and was available between 15th May, 2009, and 14th August, 2009. The survey was sent out by email through various intermediaries within the sector during this period, and the majority of organisations also received an email reminder a couple of weeks after the first email contact.

## 6. Survey Dissemination

The survey was disseminated primarily through the CVS network which operates throughout Scotland. The network consists of 55 councils for the voluntary sector which represent the interests of community and voluntary organisations over a range of areas. All 55 CVS organisations were contacted, and also Voluntary Health Scotland (which is a national network of voluntary health organisations). 43 CVS organisations and Voluntary Health Scotland (VHS) sent out the survey directly to their membership and/or their contacts. The Scottish Council for Voluntary Organisations (SCVO) is the national body representing the voluntary sector. The SCVO also sent the survey to 190 small, 271 medium, and 224 large organisations evenly spread over different sectors and areas of Scotland.<sup>13</sup> The majority of CVS organisations (36), along with VHS, also sent out a second email to their membership or contacts to remind them to take part in the survey. Of the remainder of CVS organisations, 8 agreed to include the survey within their e-bulletin and/or on their website, and 4 did not wish to take part in the study.

## 7. Sample

The survey reached a wide range of organisations throughout Scotland. There were responses from every area of Scotland and every group type within the voluntary sector. Demographic information collected within the survey ensured that the analysis was only conducted on organisations within Scotland and within the third sector (although some other groups did respond). A representative range of different sizes of organisation responded to the survey. Organisation size was gauged by the income bands within which they fall. Every income band group

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<sup>12</sup> It was also available to complete by phone if required.

<sup>13</sup> The basis on which an organisation was classed as small, medium or large for the purpose of the SCVO mail-out was made according to their income per annum: £50,000 and under = small, £50,001 to £500,000 = medium, £500,001 and over = large.

was well represented including those grassroots organisations which do not receive any income, and those which receive less than £25,000 per annum – these two groups together represent over a quarter of all respondents [29.1%]. As may be expected, the largest proportion of organisations which responded to the survey [29.2%] were from the middle income band range, £100,001-£500,000.

The responses were also quite evenly spread over geographic area. The highest number of responses came from Glasgow City [19.3%], followed by Edinburgh City [11.2%]. There were also a high number of responses from North Lanarkshire [8.6%], Highland [7.8%], and Argyll and Bute [5.2%]. All the other 27 local authority areas of Scotland achieved response levels which fell between 0-5% of the overall total. The responses received were also distributed quite evenly over organisation type, with responses from all 19 categories listed within the survey (see appendix 2).

<b>Geographic Location</b>	<b>% of Overall Response</b>	<b>Geographic Location</b>	<b>% of Overall Response</b>
Aberdeen City	2.4	Inverclyde	1.9
Aberdeenshire	2.2	Midlothian	2.8
Angus	1.8	Moray	0.4
Argyll and Bute	5.2	North Ayrshire	1.9
City of Dundee	1.5	North Lanarkshire	8.6
City of Edinburgh	11.2	Orkney	0.3
City of Glasgow	19.3	Perth and Kinross	4.1
Clackmannanshire	0.7	Renfrewshire	1.5
Dumfries and Galloway	5.3	Scottish Borders	1.0
East Ayrshire	1.6	Shetland	0.9
East Dunbartonshire	2.1	South Ayrshire	0.4
East Lothian	1.8	South Lanarkshire	2.2
East Renfrewshire	0.3	Stirling	2.4
Falkirk	1.0	West Dunbartonshire	1.0
Fife	2.7	West Lothian	1.6
Highland	7.8	Western Isles	2.1

## **8. Response Rate**

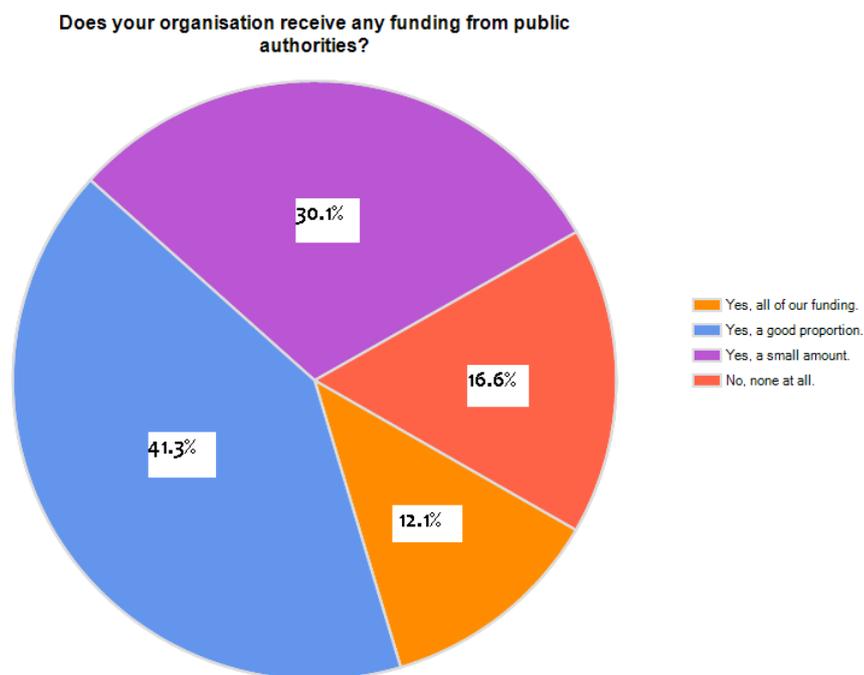
Approximately 6,783 voluntary organisations or individuals were reached directly by email and invited to take part in the survey within Scotland. A total of 705 responses were received from the third sector in Scotland giving a response rate of 10.4%.

A further 2,279 were reached by CVS organisations who only agreed to include the survey in their e-bulletin giving a total of 9,062 organisations or individuals reached, which gives a response rate of 7.8%.

It is worth noting that the number of responses received from dissemination by e-bulletin was negligible. East Renfrewshire and Moray were two areas whose CVS only included the survey within an e-bulletin and this was reflected in the response rate within those areas. Voluntary Action East Renfrewshire sent the survey invitation to 450 contacts through their e-bulletin which resulted in 2 responses (0.3%), and Moray Voluntary Service Organisation also sent the survey to 450 contacts through their e-bulletin which yielded 3 responses (0.4%).

## 9. Funding

Interestingly, almost all the organisations which responded to the survey are funded either wholly or in part by public authorities [83.5%]. 12.1% stated that they received all of their funding from public authorities, while 41.3% chose “a good proportion”, and 30.1% reported that they receive “a small amount” of funding from public authorities.

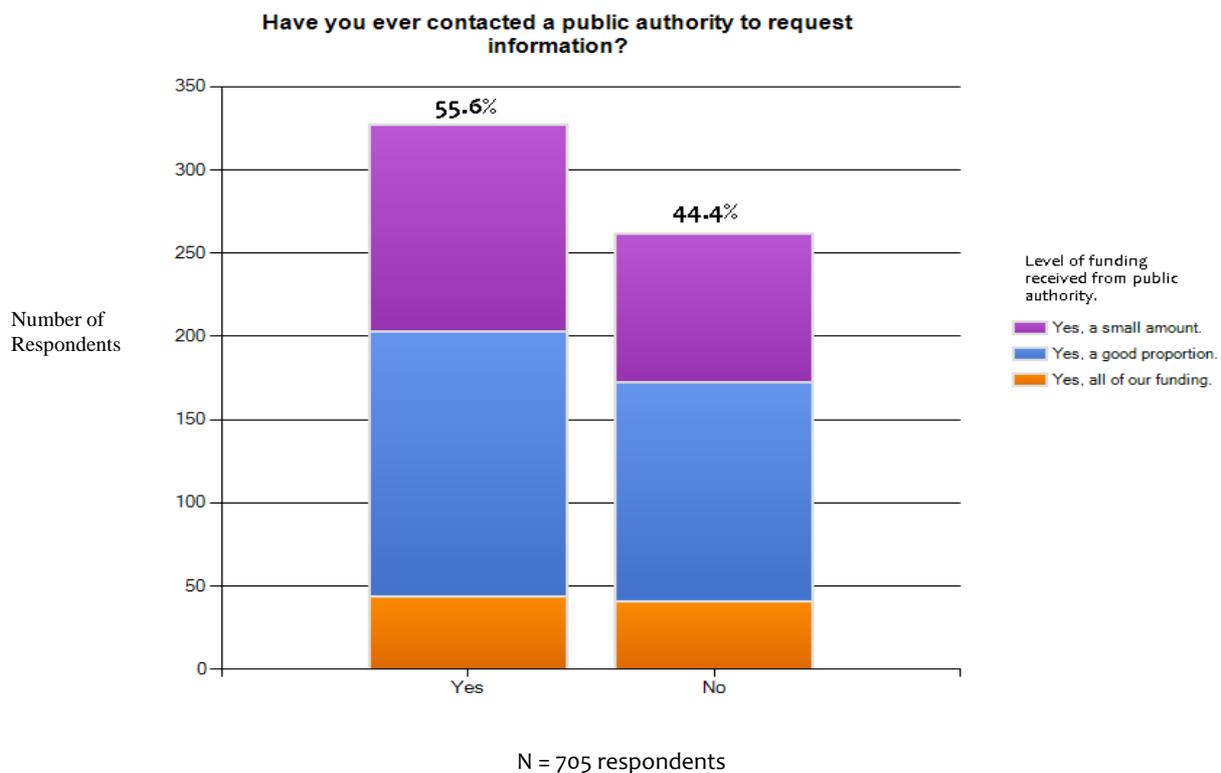


N (sample size) = 705 respondents

## 10. Third Sector Requests for Information to Public Authorities

**Aim:** The initial section of the survey was designed in order to ascertain to what extent organisations within the third sector request information from public authorities. It also sought to uncover the ways in which these requests are made, i.e. either verbally or in written format.

- Over half [54.9%] of respondents *had* requested information from a public authority, and 50.8% had made that request in a written format (either by email, letter or fax). Therefore just over half of respondents had made an information request which had freedom of information rights attached to it.
- Taking into account that 83.5% of voluntary and campaign organisations who responded to the survey are funded in some way by public authorities, it is interesting that just under half of those organisations who receive funding from public authorities [44.4%], report that they do not seek to contact the body which funds them (either wholly or in part) for information of any kind, as shown in the graph below.



## 11. Reasons for Accessing Information from Public Authorities

**Aim:** Having established the extent to which voluntary and campaign organisations are making FOI requests, the survey then sought to uncover some of the reasons which prompt these groups to seek information.<sup>14</sup> It also examined the frequency with which third sector organisations are making requests.

- Of those respondents who had made an FOI request, the most frequently cited motive for using FOI was to obtain information on behalf of client groups [51.7%].
- Just over half of those who had made an FOI request [51.4%] cited gaining information on policy decisions taken by public authorities as a reason for requesting information.
- 38.5% of those respondents who had used FOI cited collecting information to support services an organisation provides on behalf of a public authority, as a key motive for requesting information.
- The least common reason for requesting information was to assist with campaign work with around a third of respondents choosing this option [32.7%]. Nevertheless this is still a significant proportion of requests.
- 26% of respondents who had made a request stated that they sought information from public authorities regularly – either about once a month, or more than once a month.
- 23.5% of respondents who had made a request said they sought information from public authorities hardly ever, while 26.5% requested information once a year, and 24% requested information about once every three months.

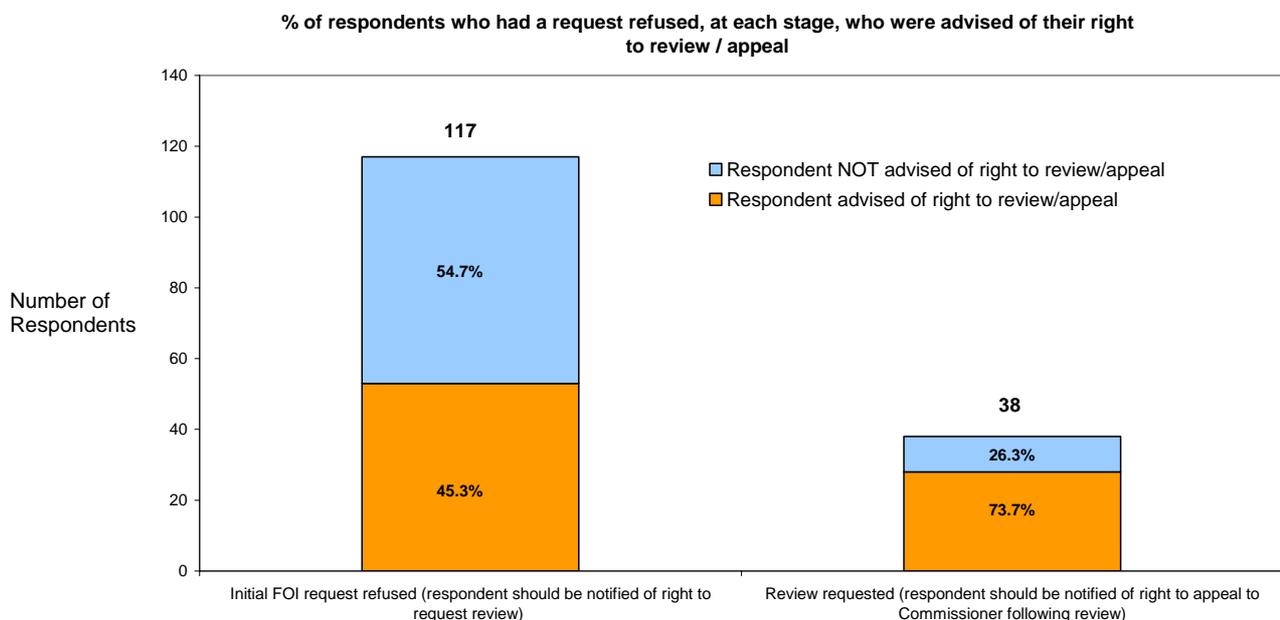
## 12. Receiving Information from Public Authorities

**Aim:** This section of the survey sought to examine the experience which voluntary and campaign organisations have had when making FOI requests to public authorities. It aimed to find out how easy it is for groups to access information and uncover issues that may be discouraging the third sector from making FOI requests.

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<sup>14</sup> 3 respondents who had made an FOI request did not respond to the question and this has been reflected in the percentages given - they have been included in the sample size (N) used to calculate the statistic.

- Of those organisations which had made requests to public authorities, the majority [67.3%] stated their requests had never been refused by the authorities, either in full or in part.
- However, conversely, almost a third [32.7%] of respondents who had made a request had had at least one request refused (either in full or in part), and 15.1% of those requesters indicated that they had had a request refused three or more times.
- Of those organisations that were refused information by public authorities, over half [54.7%] reported that they were not advised that they had a right to have the decision reviewed (see graph below).
- The majority of respondents who had had a request refused, did not request a review [65%]. The large number of respondents who do not seek a review is perhaps unsurprising given the high number of requesters who report that they were not informed by the public authority of their right to do so.
- Of those organisations that were refused information by public authorities after a review of their initial request, around three quarters [73.7%] reported that they were advised by the authority of their right to appeal to the Scottish Information Commissioner (see graph below).<sup>15</sup>



<sup>15</sup> 3 respondents who had a request refused did not respond to the question asking whether they had been notified of their right to appeal to the SIC by the public authority, and this has been reflected in the percentages given - they have been included in the sample size (N) used to calculate the statistic.

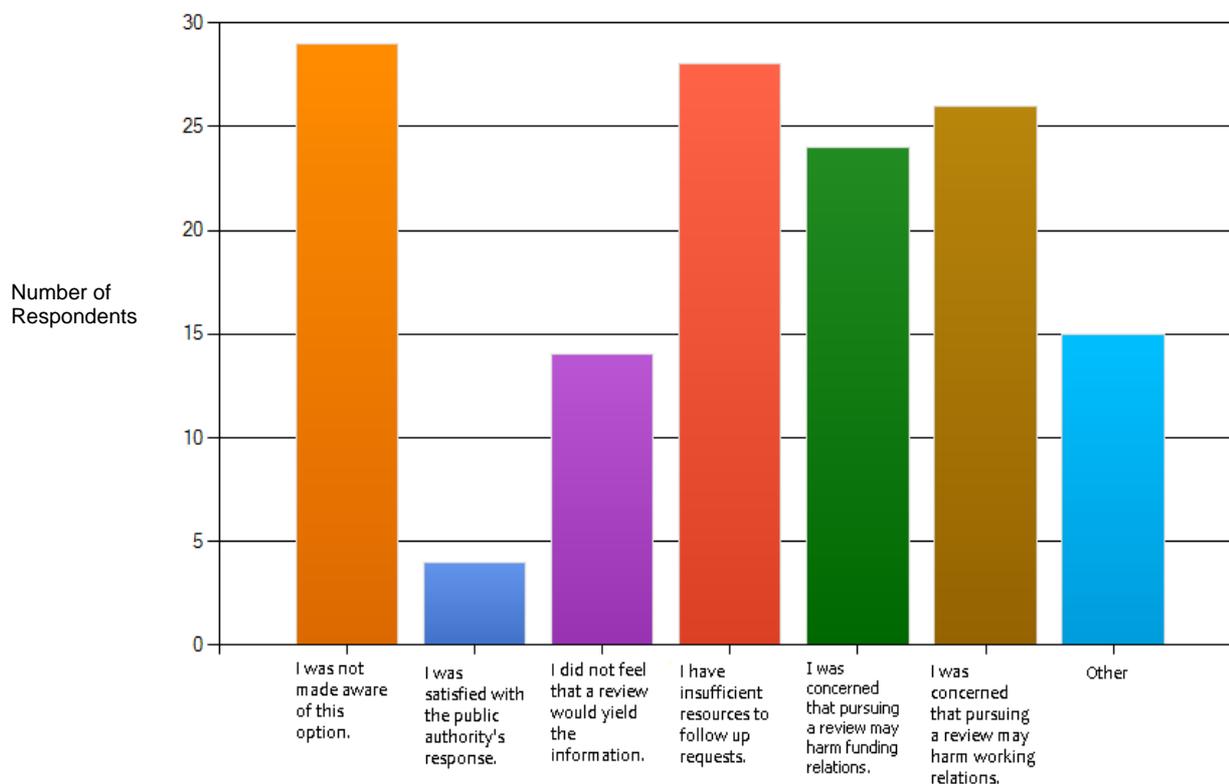
N = 117 respondents and 38 respondents respectively

- When asked why they had decided not to go on to request a review from the public authority, the most common answer from respondents was that they had not been made aware of this option [38.2%].<sup>16</sup>
- A substantial number [36.8%] of those who did not go on to request a review cited insufficient resources (such as time, staff, or finances) as a reason why they had decided not to follow up an unsuccessful request.
- Around half of respondents [47.4%] stated that they had decided not to seek a review on the grounds that a review may damage working relations or funding relations or both.
- One respondent who chose “other” and wrote a personal comment reported that they did not seek a review because of the time it took for them to receive a response to their initial request. They wrote, “The particular department took so long to reply that the deadline for the work to be carried out was past”.

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<sup>16</sup> 1 respondent who reported that they did not request a review did not respond to the question asking them to indicate their reasons for choosing not to, and this has been reflected in the percentages given - they have been included in the sample size (N) used to calculate the statistic.

**Why did you not decide to request a review of a public authority's decision? (please tick as many as apply)**



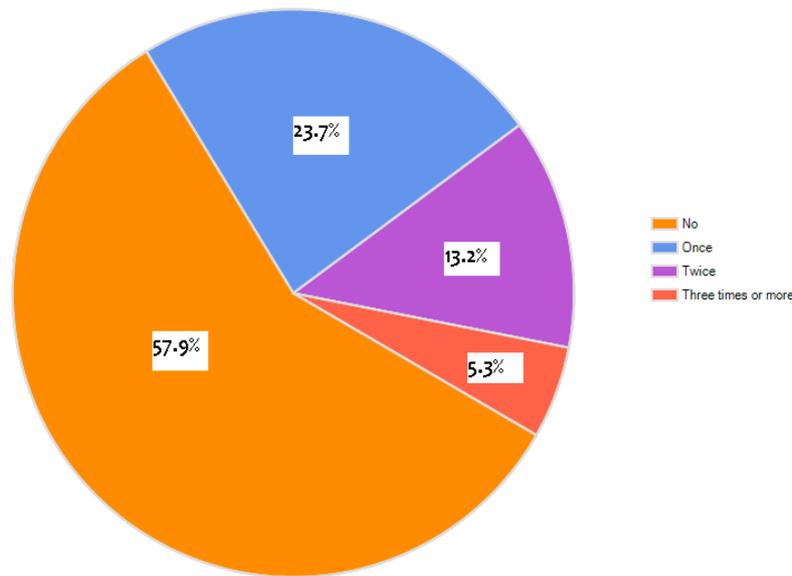
N = 75 respondents

### 13. Appeals to the Scottish Information Commissioner

**Aim:** This section dealt with the appeals process for FOI requests. This process exists for those requesters who not only have their initial requests refused by a public authority, but are then refused the information a second time after their request has been reviewed by the same authority. The questionnaire asked respondents whether they chose to go on and appeal unsuccessful requests, and what kind of experience they had if they used the appeals process.

- Of those requesters that were again refused an information request after a review, the majority [57.9%] did not appeal to the Scottish Information Commissioner (see pie chart below), despite 73.7% being informed by the public authority that they had a right to do so.

Have you ever gone on to appeal to the (Scottish) Information Commissioner as a result of a public authority not providing information?



N = 38 respondents

- Of the small number of respondents who had lodged an appeal with the SIC, exactly half were satisfied with the outcome of their appeal, with 43.8% not satisfied, and 6.3% occasionally satisfied.<sup>17</sup>
- Just over half [56.3%] stated that they did not receive the information they had been seeking at the end of the process.
- Almost a third [31.3%] stated that they *had* successfully received the information they wanted after appeal, while the remaining 12.5% reported that they had “occasionally” received the information they had been seeking.
- Of those respondents who did not choose to continue to appeal a decision by the public authority, almost half [45.5%] indicated that resources (such as time, staff or finances) were an issue in their decision not to follow up an unsuccessful request.
- The second most-cited factor in deciding not to continue to the appeals process was concern that the process would take too long and therefore render the information sought of little use if it was finally received. 40.9% of respondents who chose not to appeal cited this as an issue in their decision.

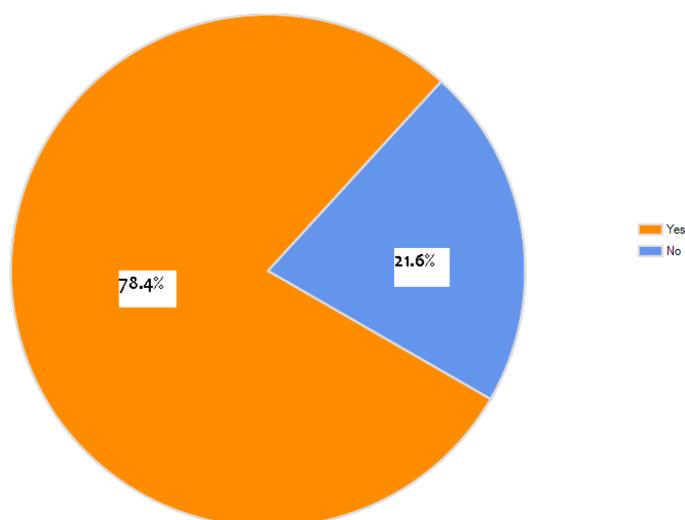
<sup>17</sup> Only 16 of the total survey respondents were eligible to answer this question, reflecting the small number of requesters who go on to appeal to the SIC.

## 14. Use and Awareness of FOI Rights

**Aim:** The survey also aimed to find out the ways in which voluntary and campaign organisations request information from public authorities, and to uncover why respondents requested information in particular ways and through particular channels. It also sought to assess the level of awareness within the third sector of its rights under FOI.

- There is a very high awareness of FOI rights within the third sector. A large majority [78.4%] of all respondents stated that they were aware that if they made a written request to a public authority for information it was legally obliged to respond (see pie chart below).

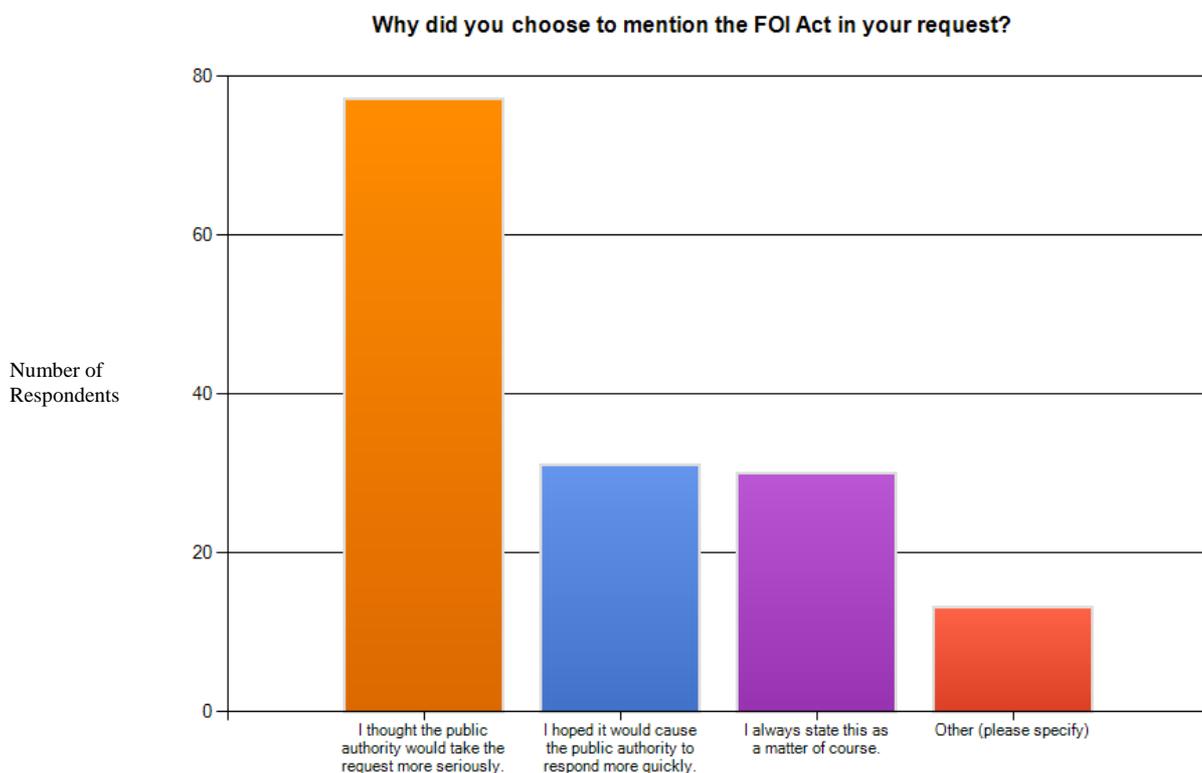
Are you aware that if you make a written request for information to a public authority, under freedom of information law it must respond to you?



N = 705 respondents

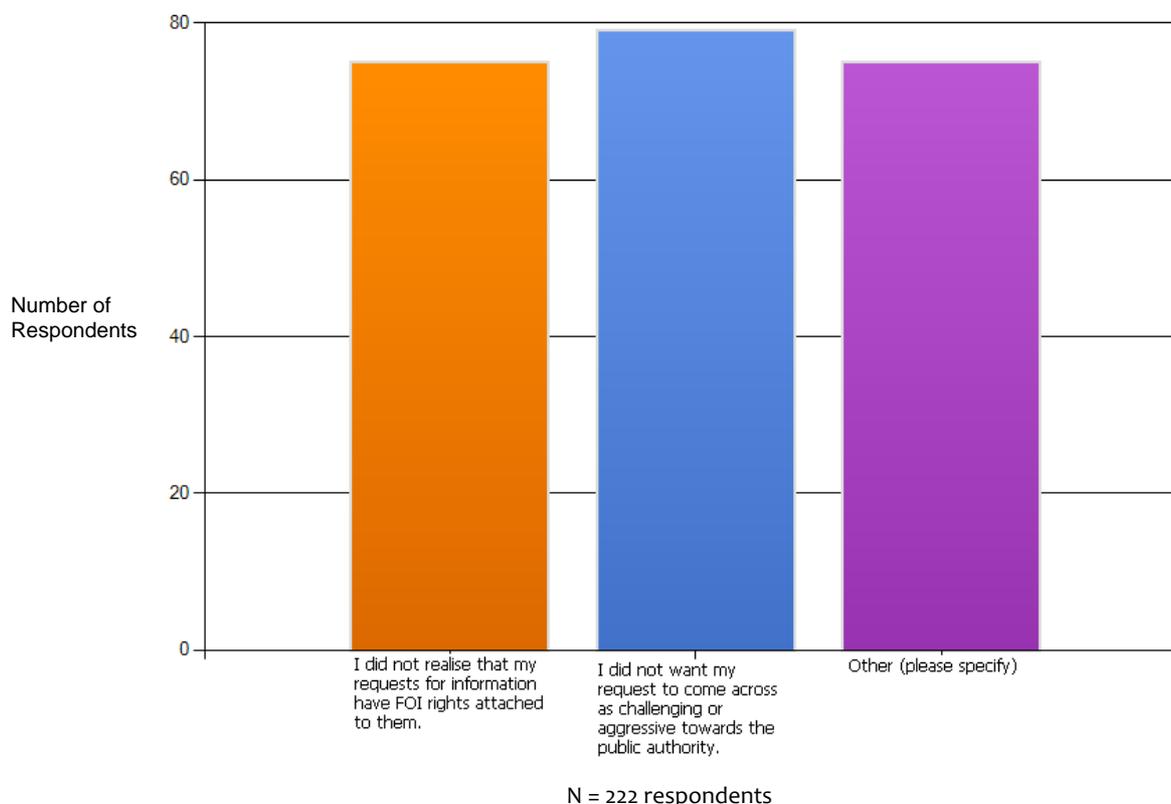
- Of those respondents who had made an information request to a public authority, the majority [62%] *had not* mentioned FOI explicitly within the request. Just over a third *had* mentioned FOI [34.4%], and 3.6% did not know.
- The most common reason cited by those who chose *not* to mention FOI in their request(s) for information stated that they did not do so as they did not want their request to come across as challenging or aggressive towards the public authority concerned [35.6%].

- Of the requesters who *do* choose to mention FOI within their request(s), the majority [62.6%] stated that they did so in the expectation that the public authority would take the request more seriously.
- Around a quarter of the respondents who had chosen to mention FOI in a request [25.2%] hoped that doing so would cause the authority to respond more quickly.
- Just under a quarter of those who chose to mention FOI in their request [24.4%] stated that they do so as a matter of course.
- Of the remainder who chose not to mention FOI, around a third [33.8%] did not do so because they did not realise their requests have FOI rights attached to them.
- Over a third of those who chose not to mention FOI in their requests answered “other” and gave their own reason to explain this decision [33.8%]. The vast majority stated that they did not feel it was necessary to refer to FOI. The fact that so many respondents did not feel it “necessary” to mention FOI may suggest that making reference to the legislation is seen as a more forceful means to make a request. If this *is* the case, then this would support the previous finding that many respondents feel that choosing to mention FOI within a request could be regarded as challenging or aggressive.



N = 123 respondents

### Why have you never chosen to mention the FOI Act in a request?



## 15. Methods of Requesting Information

**Aim:** This cluster of questions sought to ascertain the extent to which third parties are used by voluntary and campaign organisations to make requests on their behalf. It also aimed to uncover some of the reasons why organisations may choose to make requests in this way.<sup>18</sup>

- When asked whether they had ever asked a third party to make a request on behalf of their organisation, the vast majority of respondents [86.8%] said no. However 93 respondents [13.2%] answered yes to this question, which is still a substantive number.
- Of those respondents who answered yes, making use of an individual or third party's expertise was the most commonly cited reason for asking someone else to make a request on their behalf [59.1%].

<sup>18</sup> 3 respondents who reported that they had made an FOI request through a third party did not respond to the question asking them to indicate their reasons for doing so and this has been reflected in the percentages given - they have been included in the sample size (N) used to calculate the statistic.

- Over a quarter [28%] of those respondents who had chosen to make a request through a third party stated that they did so in order that their organisation was not directly associated with the request.

## 16. Barriers to Making Requests

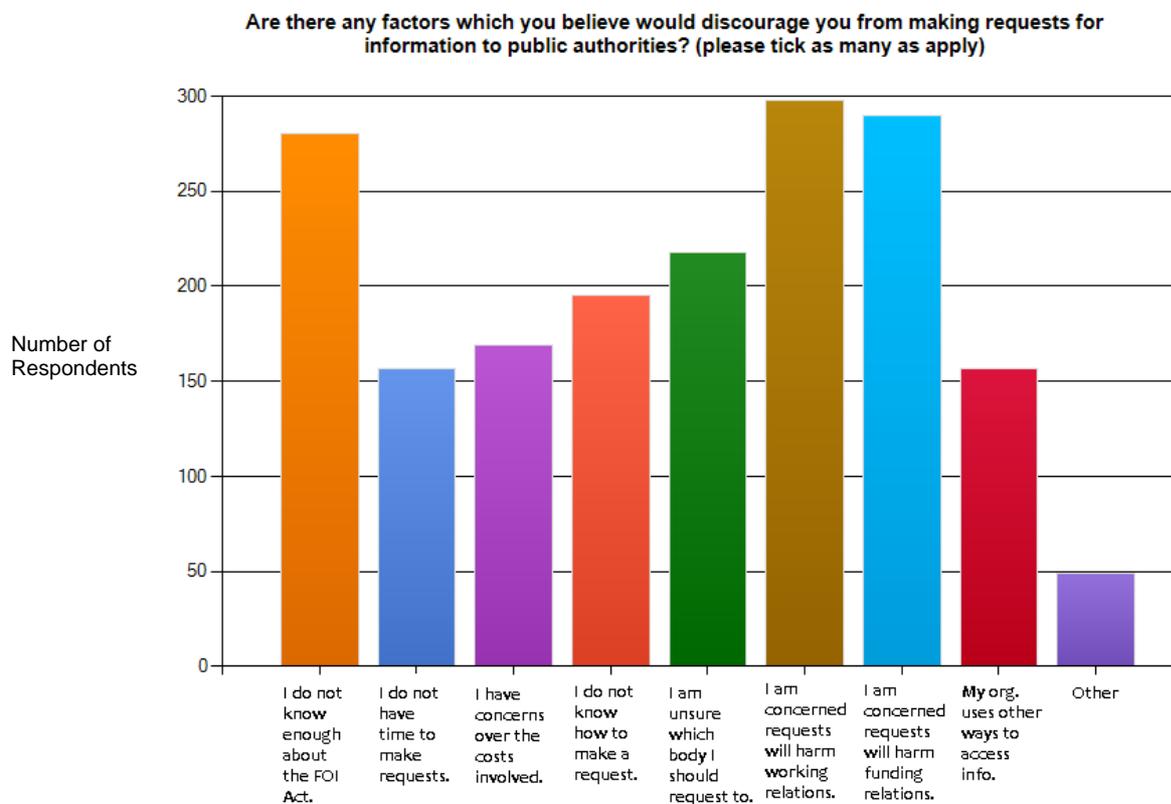
**Aim:** The survey devoted a specific question to asking respondents to indicate the factors which discourage them from making requests. This question was answered by both those respondents who had previously chosen to make requests for information to public authorities and also by those that had not.<sup>19</sup>

- Almost half of respondents [42.3%] cited concerns that making a request for information to a public authority would harm working relations between their organisation and the public authority in question.
- Concerns that requests might harm funding relations came a close second, with 41.1% of respondents citing this as a factor which may discourage them from making information requests.
- The vast majority of respondents who indicated that they feared harming working relations between their organisation and a public authority [79.9%], also felt that they would be discouraged from making an information request to a public authority because of fears of damaging funding relations. Therefore, almost half of all respondents [49.6%] stated that they would be discouraged from making a request because of a fear that it might harm working relations or funding relations or both.
- A substantive number of survey respondents [39.7%] felt they did not know enough about the FOI Act and the rights contained within the legislation, while almost a third [27.7%] indicated that they simply do not know how to make a request.
- A further 30.9% were unsure of which body they should make a request to.
- Of those respondents who replied “other” to this question [7%], and gave their own written reply, almost a third indicated that they did not see what requirement their organisation would have to use FOI.

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<sup>19</sup> 74 respondents did not respond to the question and this has been reflected in the percentages given - they have been included in the sample size (N) used to calculate the statistic.

- There was also concern expressed by some respondents who chose “other” that the length of time it takes to receive information would discourage them from making use of their rights under FOI legislation.
- One respondent expressed concern that they would be branded a “troublemaker” if they were to make use of FOI. Another stated, “We have been informed that several public bodies whom we have asked for information under the FOI have been apparently offended by the request. That it was none of our business to be demanding such information.”



N = 631 respondents

## 17. Perceptions of FOI

**Aim:** The purpose of this section of the survey was to get a picture of the third sector’s general impressions of FOI. Those surveyed were presented with a series of statements

and were asked to indicate whether they agreed or disagreed with them. Respondents did not need direct experience of FOI to answer.<sup>20</sup>

- The majority of respondents [66.2%] either agreed or strongly agreed that the FOI Act is a useful resource for their organisation.
- Less than half of respondents [43.7%] indicated that they were confident they would receive the information they asked for if they made an FOI request.
- Over a quarter of respondents [27.5%] disagreed or strongly disagreed that public authorities treat all FOI requests equally regardless of who is asking for information. When only respondents who had previously made a request are taken into account the figure rose to around a third [33.2%].
- 40.7% of organisations agreed or strongly agreed that they felt making an FOI request could harm relations between themselves and a public authority.
- Over a third [37%] indicated that FOI had made it easier for them to access public sector information.
- A substantial number of respondents [37.7%] disagreed or strongly disagreed that they are confident they have all the information they require to use FOI effectively.
- There appeared to be some concern over delays in receiving information as 33.5% of respondents disagreed or strongly disagreed that they would be confident of receiving information requested without an adverse time delay.
- Just over half of all respondents [50.4%] stated that they agreed or strongly agreed that they are likely to make use of FOI in the future. When only those respondents who have previously made a request are considered, two thirds [66.8%] indicated that they are likely to make use of FOI in the future.
- Only 12.1% of respondents did not think that they were likely to make use of FOI in the future, with 35.5% unsure.

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<sup>20</sup> For any of the statements where there were missed responses (these ranged from between 3 and 15 missed responses), this has been reflected in the percentages given - they have been included in the sample size (N) used to calculate the statistic.

Appendix 1.

**Variables in the Equation**

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1(a)	FOI_useful	.310	.130	5.683	1	.017	1.363
	treat_equally	-.465	.128	13.113	1	.000	.628
	confident_info	-.021	.129	.025	1	.874	.980
	easier_access	-.216	.143	2.265	1	.132	.806
	all_info	.294	.099	8.737	1	.003	1.342
	receive_info	.146	.138	1.108	1	.293	1.157
	FOI_future	.692	.128	29.038	1	.000	1.998
	discourage_working(1)	-.336	.246	1.859	1	.173	.715
	discourage_funding(1)	.723	.243	8.854	1	.003	2.061
	Constant	-2.824	.624	20.481	1	.000	.059

a Variable(s) entered on step 1: FOI\_useful, treat\_equally, confident\_info, easier\_access, all\_info, receive\_info, FOI\_future, discourage\_working, discourage\_funding.

Appendix 2.

<b>Organisation Type</b>	<b>% of Overall Response</b>
Social Care	12.1
Disability	9.5
Medical/Health/Sickness	9.4
Economic/Community Development	8.9
Umbrella Organisation	7.9
Education/Training/Employment	6.8
Arts/Culture	6.0
Sport/Recreation	5.8
Environment/Conservation/Heritage	3.8
Accommodation/Housing	3.3
Services for Children <sup>21</sup>	3.3
Services for Women	3.3
Relief of Poverty (within the UK)	2.7
Services for the Elderly	2.3
Religious Activities	1.1
Services for Ethnic Minorities	0.9
Animals	0.7
Civil Liberties/Human Rights/Foreign Policy	0.4
Overseas Aid/Famine Relief	0.1
Other <sup>22</sup>	11.8

<sup>21</sup> "Services for Children" was not an option given, however due to the number of respondents who chose this under "other", I have chosen to represent this group separately within the table.

<sup>22</sup> Where a respondent has indicated under "other" an organisation type which would better fit within one of the given options, I have recategorised the response.