

FOI in the health and education sectors – a research report



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Research into the volumes of requests for information to the health, higher education and further education sectors.

2008



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Introduction

Key strategic aims for my second term as Scottish Information Commissioner include promoting good practice by public authorities and ensuring that particular sectors of society are aware of their rights and the potential to use them. Since the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (the EIRs) came into effect in 2005, public awareness of the right to access information held by Scottish public authorities has been very high and there is substantial evidence that public authorities have risen to the challenge provided by the new legislation.

There are indications, however, that there may be considerable variation in the public's use of the right to access information held by different types of authorities across the Scottish public sector. After three years of operation of FOISA and the EIRs, local government and police authorities report receiving consistently high numbers of information requests, bodies in the health and higher and further education sectors report significantly smaller volumes of requests for the information that they hold. At a very simplistic level, it appears anomalous that there could be less public appetite for information about health and education matters than the provision of local services and community safety. I commissioned this research to gain an initial understanding of the issues which lie behind the statistics. I hope that the outcomes from this research will provide a better understanding of the issues.

This research report is the first step in getting that better understanding. In 2008 my staff undertook a postal quantitative survey of organisations in the health and higher and further education sectors. This was followed up with a more detailed qualitative research study commissioned from Reid Howie Associates to explore the experience of authorities within the sectors and their views on the reasons for the apparent differences in volumes of requests. This report, which combines the findings from both studies, will be used in 2009/10 to inform discussions with the sectors and their stakeholders.

Kevin Dunion
Scottish Information Commissioner
March 2009



Executive Summary

1. Research was conducted on behalf of the Scottish Information Commissioner to investigate why health (NHS Boards and GP practices) and higher/further education authorities (universities and colleges) in Scotland appear to receive significantly fewer requests under Freedom of Information (FOI) legislation than other sectors of Scottish public authorities e.g., police services and local authorities. A survey was conducted of 104 public authorities from the health and higher/further education sectors and this was followed-up by an in-depth telephone interview with 20 respondents.
2. Of those surveyed (response rate 83%), the mean number of requests recorded per authority for 2007/8 was:

Type of authority	Mean number of requests	Highest number recorded by a single authority
College	6	21
University	61	132
GP practice	0	1
NHS Bodies	151	448

3. These figures support the view that the health and higher/further education sectors appear to receive significantly fewer requests for information under FOISA than local authorities (average of 502 requests in 2006/7) and Scottish police forces (average of 808 requests in 2006/7). With the exception of the universities, the other authorities were unaware that their requests volumes were low compared to other sectors.
4. This apparent low level may reflect how these sectors record and respond to requests for information. For both sectors, a common view was that the information most commonly sought may be dealt with in other ways (rather than using FOISA) or was available from other sources and, since not recorded, this may explain the level of recorded requests. The education sector highlighted course information and prospectuses, whilst the health service highlighted medical and health records as examples.
5. Both sectors identified a high proportion of FOI requests being generated by the media or made by journalists, and this was particularly the case in the health sector.
6. Most telephone interviewees in both sectors believed that the nature and business of their sectors could explain the lower level of requests. Each sector thought that the public may view local authorities, for example, as having more obvious 'electoral accountability', and as a consequence be more inclined to request information from those authorities than the health sector and the higher/further education sector.
7. Half of all respondents felt that there had been change to their operational practices, and more than half of all respondents (59%) agreed that their organisations had become more open and transparent as a result of FOI legislation.



Part I: Postal Survey - (Quantitative) Research Findings

1. Introduction

This section of the report provides information about a quantitative study of the volumes of information requests reported by GP practices, NHS boards, universities and colleges in Scotland. The study was carried out by the Scottish Information Commissioner in July and August 2008.

The findings from this study informed the development of a more detailed qualitative study commissioned from Reid Howie Associates in September and October 2008. The qualitative study involved interviewing the respondents to the earlier study who had indicated willingness to participate in further research.

2. Methodology

Survey questionnaires were sent to 104 public authorities in the sectors listed as Part 4 – The National Health Service and Part 5 – Educational Institutions in Schedule 1 of the Act. All universities, colleges and NHS boards were invited to participate and the survey was sent to a sample of GP practices selected from a list of General Practitioners on the website of the NHS in Scotland www.show.scot.nhs.uk

The survey questionnaire is attached at Appendix I at the end of this section.

At the time of this study the Commissioner was also researching compliance issues. 16 authorities were surveyed for both the compliance study and this quantitative study by means of a single integrated questionnaire.

The research results were initially published in March 2009. Following discovery of errors in the recording of responses, however, the report was withdrawn for correction. The Commissioner took this opportunity to reissue the questionnaires to authorities which had not returned a response. This revised report contains the data provided as a result of the two separate mailings to authorities.

3. Response Rates

The table below shows the rate of response to the survey by type of organisation:

Table I - Rate of response to survey

	Total number of authorities surveyed	Number of responses received	% response rate
Colleges	44	40	91%
Universities	18	18	100%
GP practices	18	9	50%
NHS boards	24	19	79%
Total	104	86	83%



4. Requests for information

Neither FOISA nor the EIRs require Scottish public authorities to record the number of requests received, so this survey was seeking that information, where recorded, by an authority for business purposes. Where authorities are not recording volumes of requests, they were asked to provide an estimate.

The table below shows the number of requests for information reported by respondents by sector in the previous financial year.

Table 2 – requests for information reported for 2007/8

	Number of requests received (FOISA)	No of requests received (EIRs)	Total number of requests reported
Colleges	227	0	227
Universities	1,077	16	1,093
GP practices	1	0	1
NHS boards	2,872	5	2,877
Total	4,177	21	4,198

Where authorities estimated the number of information requests received, the estimate provided has been included in the above statistics. The number of requests recorded, and reported in this survey, does not necessarily equate to the actual number of requests received. Eight respondents to Qu. 1 of the survey advised that they were not routinely recording the information requests received by their organisations.

- Two colleges recorded only requests which mentioned FOI and two colleges recorded requests only if they had been forwarded by another section to a named officer for a response.
- Five universities recorded only requests handled by a central unit, other “normal business” requests handled by departments were not recorded
- Two universities and 1 NHS board recorded only the requests which were refused
- One GP practice said that it did not record requests at all.

Other respondents pointed out that there may be discrepancies in the statistics from one authority to another because of differences in their practice of recording either the number of requests received or the way in which they record multiple requests (a single letter or email may contain multiple requests).

However, notwithstanding these limitations, the numbers reported by respondents represent the best available indication of the volume of requests being received in these sectors.

It is, however, worth noting that 99% of the requests captured in the above table were classified as FOISA requests, only 1% were EIR requests. Also that 64% of the organisations which responded had received fewer than 20 requests for information in a year – including all 40 respondents from the college sector. 77% had received fewer than 50 requests in a year.



Bearing in mind the caveats about recorded volumes of requests, the table below provides the following average (mean) number of requests recorded per authority in each sector in 2007/8:

Table 3 – average (mean) requests recorded per authority in each sector

	Number of respondents	Total number of requests recorded	<i>Average (mean) number of requests per authority</i>	Lowest number recorded by an authority	Highest number recorded by an authority
Colleges	40	227	<i>6</i>	0	17
Universities	18	1093	<i>61</i>	6	132
GP practices	9	1	<i>0</i>	0	1
NHS boards	19	2877	<i>151</i>	0	540
Total	68	4198	<i>49</i>		

The largest number of information requests reported by a single college was 17 (Dundee College). Dumfries and Galloway and Langside Colleges reported that they had received no requests at all.

The largest number of requests received by a university was 132 (Napier University) and the lowest was six (Royal Scottish Academy of Music and Drama).

Of the GP practices, only Taybank Medical Centre had recorded an information request in 2007/8.

The largest number of requests reported by a health board was 540 (NHS Ayrshire and Arran). The lowest number for an area health board was Dumfries and Galloway Health Board which received 98 requests. Of the special health boards, NHS National Services had received the most requests (110) while the Scottish Advisory Committee on Distinction Awards reported that it had received no requests at all.



5. Comparison of the statistics for health and education sectors with other sectors

A similar study, covering a wide range of sectors (not just health and education) was undertaken by the Scottish Information Commissioner in 2007 in preparation for the University of St Andrews' New Modes of Management¹ research. A smaller proportion of respondents to the 2007 study voiced similar concerns to those above about the significant differences in recording practice by different authorities in each sector.

The 2007 study found that on average, in 2006/7 Scottish local authorities reported 502 FOI/EIR requests per annum and Scottish police forces 808 FOI/EIR requests per annum. The lowest number of requests recorded by a local authority was 143 and the highest number 14,545. The lowest number of requests recorded by a police service was 299 and the highest number 1,118.

Given the variation in recording practices between authorities it is not possible to definitively *measure* the differences in volumes of requests between types of authority, but the data collected by this study, when compared to the 2007 study covering a wider range of sectors, suggests that there are significant variations in the volumes of information requests recorded by different sectors.

6. Requests for personal information and medical records

Authorities were asked how many requests they received for a requester's own personal information (subject access requests), and also for requests for medical records, where applicable.

The responses to the question relating to subject access request varied considerably. NHS Lanarkshire Health Board reported 1,600 subject access requests, while Stow College reported 1,000 – far more than any other college. Heriot Watt University said they had '20,000 plus' subject access requests during the year. However, 40% of respondents reported receiving no subject access request at all. The reason for this huge variety in responses is unclear.

However, eight of the nine GP practices who responded reported that they received requests for medical records. A practice in Wester Hailes reported that it had received 1,500 requests for medical records in the year. This was, however, significantly more than any other GP practice respondent.

The health boards also reported variable numbers of requests for medical records. Greater Glasgow and Clyde Health Board had received approximately 14,000 requests during 2007/8. NHS Lanarkshire Health Board reported that it received 6,500 requests. NHS Forth Valley Health Board had recorded 1,219 requests and NHS Grampian Health Board 1,000. On the other end of the scale, however, NHS Ayrshire and Arran only reported three requests for medical records.

¹ "The Freedom of Information (Scotland) Act 2002: New Modes of Information Management in Scottish Public Bodies?" <http://www.itspublicknowledge.info/home/SICReports/OtherReports/ResearchSeptember07.asp>



7. Responding to requests – recorded outcomes

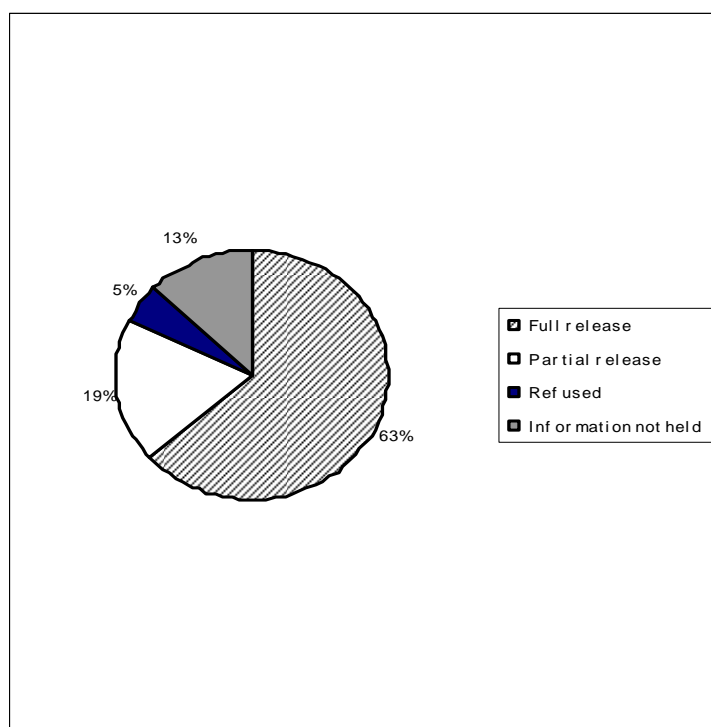
The survey asked authorities to indicate the outcome of the requests that they had recorded and the outcome of the requests: whether information was released in full or partially (i.e. some released but some withheld), withheld in its entirety or simply not held by the organisation. In some instances the number of outcomes reported by a respondent differed from the number of requests they reported. Some respondents reported more outcomes than requests – we believe this is most likely to be due to difficulty in interpreting the question or errors in recording the data. Where respondents report more requests than outcomes, this could be due to similar problems, but may also indicate that those respondents had a number of requests in hand at the time of the survey. The survey data does not permit us to analyse these variances further, therefore the tables show what was reported by respondents. The total number of outcomes reported in the survey, broken down by type of outcome, is shown below:

Table 4 – Outcome of all requests

Type of public authority	Full release	Partial release	Withheld	Info not held	Failed to respond	Total outcomes recorded
College	191	9	11	16	0	227
University	732	197	43	143	0	1,115
GP Practice	0	1	0	0	0	1
Health board	1,889	618	180	402	2	3,091
Total	2,812	825	234	561	2	4,434

Chart 1 - % of total outcomes recorded – by outcome type

Base: 4,434 recorded outcomes from 86 respondents





Responses indicated that in 13% of all outcomes for all authorities, the information was not held. Colleges reported that 84% of all outcomes recorded represented a full release of the information requested, compared to 66% of requests to universities and 61% of requests to health boards.

Where information was held by authorities, 94% of the requests were met in full or partially met.

On only two occasions had any authority reported that they did not respond to a request. In both cases the authority had sought clarification of the request but not received it, so could not respond.

8. Requests for published information

All but two authorities (both GP practices) said that they make their publication schemes available on request.

Authorities were asked how many requests they received for information that they published (i.e. information made available via the publication scheme). Again, responses to this question varied widely. 28 authorities (33% of responses) stated that they received no requests for published information. A further 18 authorities reported that the number was unknown, unspecified or hard to quantify. The authorities that did maintain a record advised that annual reports and accounts were often requested. Most reported requests to education authorities were for prospectuses.

Other requests for published information ranged widely and included:

- salary structures
- management information and financial information
- strategies
- policies and plans
- board minutes and governance information
- health and other statistics.

Health boards reported that requests tended to peak following media stories e.g., after coverage about hospital acquired infections. Colleges and universities said that requests tended to peak at the start of academic term, although many colleges found that the number of requests were too few to determine trends.

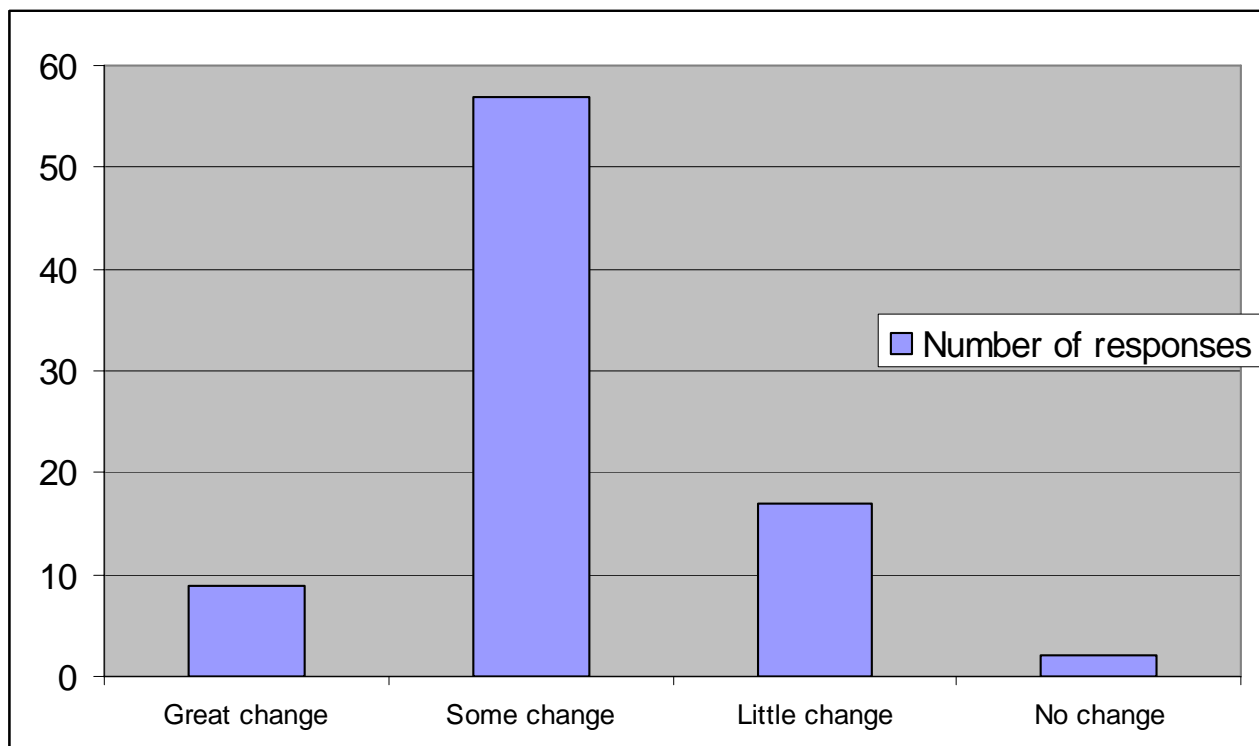
9. Life under FOI

78% of all respondents felt that there had been some change to their operational practices as a result of FOI legislation coming into force, but almost one quarter felt that there had been little or no change.

Universities and health boards were most likely to respond that there had been some change, whereas colleges and GP practices were most likely to indicate that there had been little or no change.



Chart 2 – How much do you think your operational practices have changed as a result of FOI legislation coming into force?



Encouragingly, more than half of all respondents (58%) agreed that their organisations had become more open and transparent as a result of FOI legislation.

Table 5 – Do you think your organisation has become more open and transparent as a result of FOI legislation?

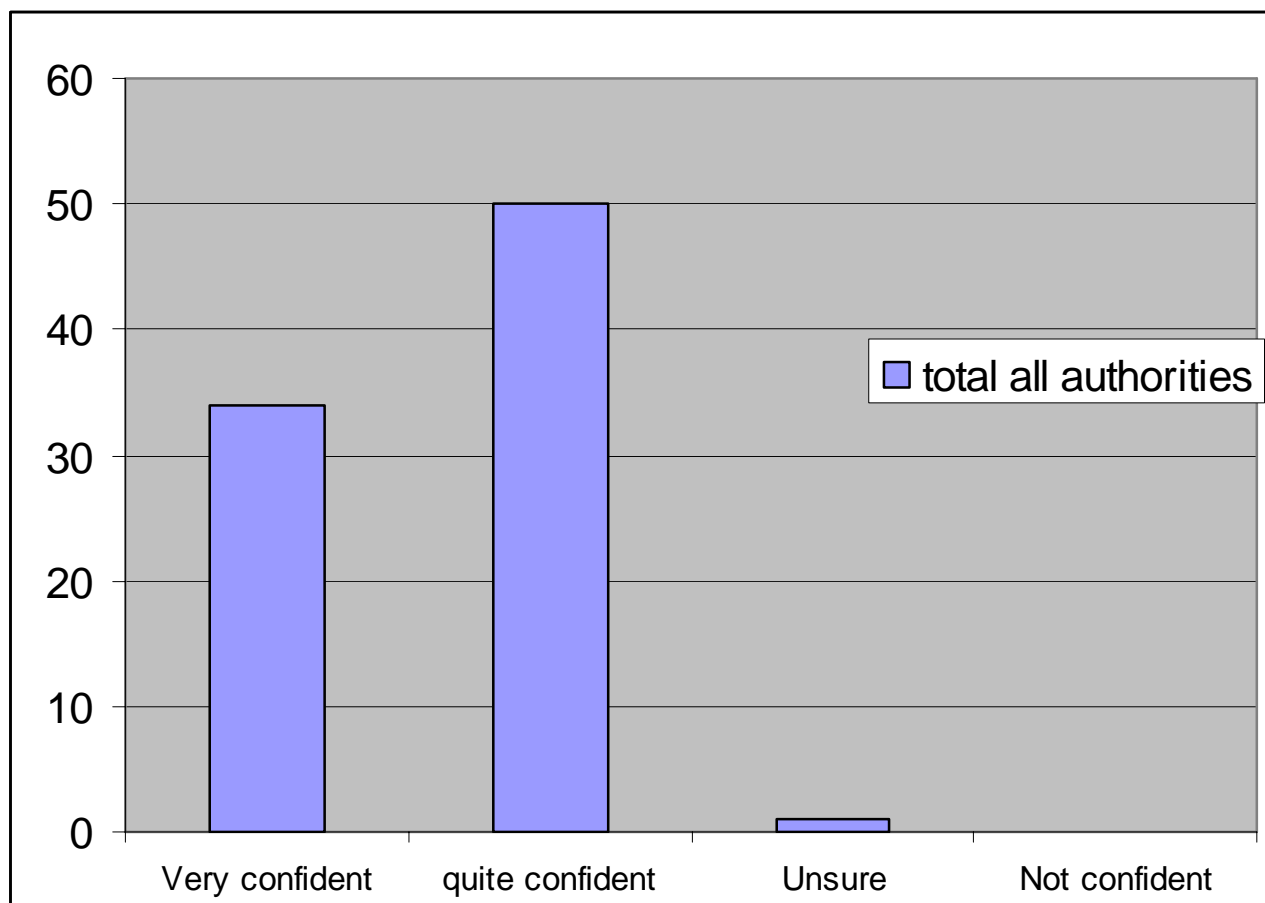
% of respondents (total 85) who strongly agreed or agreed that their organisation had become more transparent as a result of FOI	
College	61%
University	61%
GP Practice	0%
Health board	84%
Total all authorities	58%

83% of health boards strongly agreed or agreed that their organisations had become more open and transparent as a result of FOI, compared with 60% of colleges and 61% of universities

Finally, Question 12 asked how confident authorities were that they were able to correctly define and respond to a request for information under FOI legislation.



Table 6 – How confident are you that your organisation is able to correctly define and respond to a request for information under FOI legislation?



All respondents indicated that they were quite or very confident. More colleges (53%) were *very* confident, compared with universities (28%) and health boards (39%).

GP practices and universities were more likely than the other sectors to indicate that they were only *quite* confident rather than *very* confident.



Postal Survey Questionnaire

Since the Freedom of Information (Scotland) Act 2002 came into force in Scotland in 2005, public awareness of the right to access information held by Scottish public authorities has been very high. However, research indicates that there may be considerable variation in the use of those rights to access information from different sectors of public authorities in Scotland. While local authorities and police forces receive high numbers of requests for information from the public, bodies in the health and higher and further education sectors appear to receive significantly fewer requests than might be expected.

The Scottish Information Commissioner is conducting research to determine whether these sectors do indeed receive lower levels of requests, and if so, will then go on to explore why that might be the case. The results of this survey of more than 150 organisations in the health, higher and further education sectors will inform the content of a report which will be published and will provide the focus for discussion at a seminar.

This questionnaire is part of that exercise. Please fill out the questionnaire on behalf of your public authority and return it to the following address by no later than **15 August 2008** to:

Caitlin Stott, Freedom of Information Officer (Policy and Information)
Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

The survey is also available to be downloaded from the Commissioner's website:
www.itspublicknowledge.info

If you prefer to complete it electronically please send in the completed survey by email to:
enquiries@itspublicknowledge.info

Survey of bodies covered by part 4 and 5 of schedule 1 of the Freedom of Information (Scotland) Act 2002 (FOISA)

Part I: Information about you and your organisation

Name _____
Job Title _____
Organisation Name _____
Tel Number _____
E-mail _____
Date of completion _____



Part 2: Requests for information made under freedom of information legislation

1.	Does your organisation keep a record of the number of requests for information received? <i>(Please select one option from the boxes below)</i>	Please tick relevant box
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1a.	All written requests for information received by any department of your organisation are recorded (please go to question 2)	
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1b.	No, only some requests for information are recorded (please give details in the box below and then go to question 2)	
e.g, only requests where information may be withheld are recorded		

1c.	No requests are recorded by your organisation.	Estimated number of requests
	Please estimate of the number of requests for information received by your organisation in 2007/8 ² (now go to question 2)	

		Requests made under FOI	Requests for environmental information
2.	How many requests for information did your organisation record in 2007/8?		

2a.	And in responding to these requests, how many times did your organisation:	Requests made under FOI	Requests for environmental information
2a(i)	release all of the information requested?		
2a(ii)	release part, but not all, of the information requested?		
2a(iii)	refuse to release any of the information requested?		
2a(iv)	respond that it does not hold any of the information requested?		

		Requests made under FOI	Requests for environmental information

² All responses should be filled in for the financial year starting on 1 April 2007 and concluding on 31 March 2008.



2b.	How many times in 2007/8 did your organisation fail to respond to the applicant?		
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Part 3: Requests for information which fall outwith freedom of information legislation

	Estimated number of requests
3. Please estimate how many requests (written and verbal) for published information* your organisation received between 2007/8	
4. Please estimate how many requests for medical records your organisation received in 2007/8	
5a. Please estimate how many written requests for an individual's own personal information your organisation received in 2007/8	
5b. Of those requests for personal information, how many cited the Data Protection Act 1998 ?	

*i.e. information made available in your publication scheme

	Yes	No
6. Do you make a copy of your organisation's publication scheme available to the public on request?		

	Yes	No
7. Do you promote the public's right to access information held by your organisation?		

Question 8: In your experience, which of your organisation's publications is most frequently requested?

Question 9: Have you identified any general trends in the information requested from your organisation by the public e.g., more requests at particular times of year, common themes in the subject of requests? Please give details in the box below.

Part 4: Life under Freedom of Information

Question 10:

How much do you think your operational practices have changed as a result of freedom of information legislation coming into force?

Great change	
Some change	
Little change	
No change	



Question 11:

Do you think that your organisation has become more open and transparent as a result of freedom of information legislation?

Strongly agree	
Agree	
Neither agree nor disagree	
Disagree	
Strongly disagree	

Question 12:

How confident are you that your organisation is able to correctly define and respond to a request for information under freedom of information legislation?

Very confident	
Quite confident	
Unsure	
Not confident	

Part 5: Further information and feedback opportunities

Question 13: Would you be interested in receiving the results of this research?

Yes	
No	

Question 14: Would you like to attend a seminar to discuss the findings from this research?

Yes	
No	

Question 15: The Commissioner may employ an independent organisation to carry out follow-up telephone interviews of up to 20 minutes in length with a small sample of respondents to expand on some areas of this survey and to explore issues arising. Would you be willing to be interviewed? Please note, if you are interviewed the detail of the interview will not be passed on to the Commissioner or his staff and any comments in the final report will be unattributable.

Yes	
No	

Please use the page overleaf to share any points you would like to share about your organisation's experience of freedom of information legislation which you feel have not been addressed above.

Thank you for taking part in this survey.

Kevin Dunion

Scottish Information Commissioner



**Research into requests for information in the health and
higher/further education sectors**

**Reid Howie Associates
October 2008**



SECTION I: The nature of the research

- I.1 This report presents the findings of a piece of qualitative research carried out by Reid Howie Associates (RHA) for the Scottish Information Commissioner during September/October 2008. The research set out to investigate the reasons why the health and higher/further education sectors appear to receive fewer requests for information under Freedom of Information (FOI) legislation than is the case within other sectors of Scottish public authorities.

Background

- I.2 The Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 came into force on 1 January 2005. The Act and the Regulations created the right to access information held by public authorities in Scotland. The Scottish Information Commissioner is responsible for enforcing and promoting the right to access information.
- I.3 Amongst a range of functions, the Commissioner carries out an ongoing research programme which helps to identify issues relating to the implementation and operation of the Act and Regulations.
- I.4 Previous research has indicated that there is a high level of public awareness of the right to access information held by Scottish public authorities³. Information has also been gathered about organisations' responses to requests and some aspects of how these are dealt with⁴.
- I.5 One specific issue which has emerged recently, however, is that there appears to be considerable variation in the level of requests being made to different sectors of public authorities. Early research (carried out in 2004) indicated that there were some differences between sectors in their preparation for, and approach to the introduction of the legislation⁵.
- I.6 More recently, it has been identified that there may be considerable variation in the actual levels of requests for information made to different sectors. Some organisations (e.g. local authorities and police forces) report receiving high numbers of requests for information from the public. Others (particularly the health and higher / further education sectors) appear to receive levels of requests for information which are significantly lower than might be anticipated.
- I.7 The Scottish Information Commissioner recognised the importance, in assessing the operation of the Act and Regulations, of exploring these patterns of requests further, and examining some of the possible reasons for the variation. This has been done in two ways.
- I.8 The first stage in the process involved the completion of quantitative research by the Commissioner. This involved the circulation of a postal questionnaire to 104 public authorities (of which 86 responded). The quantitative research set out to determine the actual level of requests in the health and higher / further education sectors, and to establish whether the level of requests was actually lower in these sectors than others.

³ Progressive Scottish Opinion (2007) "Scottish Information Commissioner Public Awareness Research".

⁴ Burt, E. and Taylor, J. (2007) "The Freedom of Information (Scotland) Act 2002: New Modes of Information Management in Scottish Public Bodies?"

⁵ Craigforth Consultancy and Research (2004) "Freedom of Information (Scotland) Act 2002: Survey of Designated Scottish Public Authorities". Scottish Information Commissioner (2004) "2nd Wave Survey of Scottish Public Authorities on preparation for the Freedom of Information (Scotland) Act 2002".



I.9 The research, using a self-completion questionnaire, covered a number of issues, as follows:

- Recording of requests made under Freedom of Information legislation.
- Number of requests made and response to requests.
- Requests made outwith Freedom of Information legislation.
- Promotion of the public's right to access information held, and trends in requests for information.
- Changes to practice as a result of the Freedom of Information legislation.
- Willingness to participate in follow-up research.

I.10 The preliminary results from the quantitative survey confirmed that the level of recorded requests was lower overall than the Commissioner would have expected in the health and higher / further education sectors. Within the sectors, NHS Boards received the highest numbers of requests for information in the health sector, while GP surgeries received hardly any. Within higher / further education, universities were found to receive the highest number, while colleges were found to receive relatively low numbers. Overall, however, the numbers were lower than might be expected when compared, for example, to police forces and local authorities.

I.11 The research which is detailed in this report set out to examine some of the reasons for this further, by carrying out a more detailed exploration of the views of a sample of respondents, exploring some of the issues in more detail. The methodology which was used is outlined below.

Aims, methodology and key issues

I.12 The overall purpose of this study was identified as being:

“to explore the findings of the quantitative research (conducted by the Commissioner) with individual authorities”.

Aims

I.13 The more detailed aims of the research were:

- Identifying possible reasons for low volumes of information requests to the health and higher / further education sectors.
- Informing the Commissioner's discussion with authorities from those sectors about future action.

Methodology

I.14 The methodology centred upon a telephone survey of individual officers from 20 selected health and higher / further education authorities.

I.15 The Commissioner's office, in consultation with RHA, selected the organisations from the health and higher / further education sectors to be interviewed. These were chosen to ensure:

- Appropriate representation from each of the sectors.
- Inclusion of respondents in different areas of Scotland.
- Inclusion of respondents in the relevant sectors with different levels of requests.



- Willingness to be interviewed (indicated in their response to a specific question in the postal questionnaire).

I.16 The sample included 11 interviewees from higher / further education (six universities and five colleges) and nine interviewees from the health sector (including a GP practice, a number of NHS Boards and a national NHS body).

The key issues explored

I.17 All of the issues explored in the telephone interviews focused on the aims of the study, in terms of identifying the possible reasons for low volumes of information requests in the health and higher / further education sectors. The questions covered four main areas which had been identified in discussion with the Scottish Information Commissioner as having a potential impact on the level of requests received:

- Practice issues in dealing with and recording FOI requests.
- The information sought from an organisation / sector.
- Perceptions of the sectors and their relationships with the wider community.
- The business of the sectors.

I.18 It was agreed during preliminary discussions that it would be inappropriate, at this stage, to focus on interviewees' views of actions which may be taken in the future, as it was considered more appropriate that these issues should be explored in a separate seminar.

The nature of the telephone survey

I.19 A semi-structured topic guide for the telephone survey was compiled and agreed with the Scottish Information Commissioner. It was designed to ensure that the same overall issues (i.e. the four areas highlighted above) were explored with all of the interviewees. Within each of these areas, however, a range of supplementary questions was identified to guide a more detailed, informal conversation with the interviewees, allowing scope for discussion of any particular issues arising. It was agreed at the outset that, given the purpose of the research, the researchers should have the freedom, within the overall parameters of the topic areas, to pursue any areas of interest which emerged. A copy of the topic guide is provided at Annex 1.

I.20 The Commissioner's office provided contact details for the selected respondents and initial contact was made by e-mail, to outline the nature and purpose of the research, explain the purpose and length of the interview and request their participation. All of those who were approached (20) agreed to participate, and interviews were carried out with them. The interviews generally lasted around 30 minutes, as anticipated, although there was some variation in length, from around 20 minutes to 40 minutes (in a small number of cases).

Analysis of the data and presentation of the findings

I.21 The research generated a large amount of qualitative information, and the analysis of the data involved the identification of the range and depth of views expressed in the interviews about each of the key issues explored. As all of the interviews covered similar areas, an analysis framework was created around the main issues. All of the responses were considered by these issues, identifying the overall themes and all of the points arising in each (including by sector). Any common issues arising were



identified, but those which were expressed either by an individual or a minority of interviewees were also identified.

- I.22 The findings are presented in each of the main areas which have been examined. In each case, there are a number of cross-cutting issues identified, as well as findings which are specific to each sector. These are presented together by overall issue (whilst highlighting comments from different sectors) with the inclusion of sector-specific sections where there are particular sectoral issues. This allows the common issues to be highlighted, whilst enabling the identification of issues which are seen to affect particular types of organisation. (It is also recognised, however, that some of the issues highlighted in one sector may also be experienced in other sectors, even if they were not identified by interviewees in this research as such).
- I.23 In a small-scale exploratory qualitative study such as this it is important that all of the views expressed are summarised in the report, and that the issues raised and suggestions made are reflected fully. The research was designed to highlight some of the perceived reasons for the relatively low level of recorded information requests in the health and higher / further education sectors. It was intended to identify the range of issues raised (whatever the number of interviewees raising these) and to use this as the basis of further discussion, along with the findings of the postal survey, at a separate seminar. The presentation of the findings reflects this.
- I.24 It was not the purpose of the research to provide a quantitative account of the strength of views, and this is also reflected in the presentation of the findings. Although some reference will be made to issues raised by a number of different interviewees, the terms used will be general (e.g. a number of interviewees, many interviewees, some interviewees etc.) rather than providing specific numbers.

The report

I.25 The report is in five main sections, as follows:

- The background to and nature of the research (Section 1).
- Practice issues (Section 2).
- The information sought (Section 3).
- Perceptions of the sectors and the business of the sectors (Section 4).
- Summary of the main findings (Section 5).

I.26 The presentation of the findings in Sections 2-4 reflects the main areas explored. As noted, a copy of the topic guide which was used to conduct the telephone interviews is provided at Annex 1.

Overview

I.27 It is anticipated that the findings presented in the following sections will provide data to help to inform discussions of the way forward in the health and higher / further education sectors (and may have wider relevance to other sectors). As noted, the findings from both the quantitative study carried out by the Scottish Information Commissioner and this qualitative study will form the basis of a composite report and separate seminar. The remainder of this report presents these findings.



SECTION 2: Practice issues in dealing with and recording FOI requests

2.1 This section presents the detailed findings of the research in relation to practice issues in dealing with and recording FOI requests which may impact upon the level of requests identified in the health and higher / further education sectors.

Overall perceptions

2.2 It is interesting to note at the outset that there was variation amongst interviewees within and between the sectors in whether or not they were aware of the level of requests within their own sector compared to other sectors such as the police and local authorities. One interviewee also noted that they did not know how their own organisation compared to other parts of their own sector, as there was no regular forum at which practitioners could talk about these issues.

2.3 It was found that most health sector interviewees and those from further education (with a small number of exceptions in each case) were not aware of the level of requests in their organisations relative to other sectors, while most university interviewees were. Where interviewees were unaware of the differences in levels, they generally stated that they tended to concentrate on the situation in their own organisations. Where interviewees were aware of the wider picture, the ways in which they had identified this included through:

- An awareness (for example from the Scottish Information Commissioner's website) of the number of appeals, complaints and investigations in different sectors (health and higher / further education sector interviewees).
- Information from the Office of the Scottish Information Commissioner or other sources, such as the Scottish Government (higher / further education sector interviewees).
- Involvement in practitioner networks or similar events (higher / further education sector interviewees).
- Informal contact with colleagues in other sectors, or experience of other sectors (health and higher / further education sector interviewees).
- Attendance at conferences, including, for example, presentations from other sectors (health and higher / further education sector interviewees).

2.4 A number of interviewees in both the health and higher / further education sectors identified that, while they were unaware of the situation, they were not surprised by it (or were only surprised by some aspects of it). Some stated specifically that they were either aware of reasons for the differences in levels, or that they did not feel that the variations in level "*tell the whole story*". The main focus of the research, as noted, was upon drawing out their perceptions of the reasons for these differences.

Specific practice issues in dealing with and recording FOI requests

2.5 Some issues were raised in the quantitative postal survey which suggested that there may be some practice issues relating to the ways in which FOI requests are dealt with and recorded which may contribute to the relatively low level of requests noted in the health and higher / further education sectors. For example, some respondents only recorded some of the requests for information, and there appeared to be large variations in the number of recorded requests between respondents. For these reasons, practice issues in dealing with and recording FOI requests were explored further in the telephone interviews, and the findings seem to suggest that some aspects of the nature of practice may contribute, at least in some cases, to the identification of a relatively low level of requests.



2.6 Whilst, as noted above, there was a relatively low level of awareness of the overall picture between sectors in relation to FOI requests, interviewees in the telephone survey were aware of the level of requests within their own organisations (and had provided this recently in their responses to the postal survey). There were, however, found to be considerable differences in aspects of the ways in which these FOI requests were dealt with and recorded.

Procedures for responding to requests

2.7 Generally, health sector interviewees noted that FOI requests would be dealt with centrally, by specific identified staff, or in some cases by a team of staff (sometimes with a network of identified FOI contacts within specific parts of an organisation), often with fairly formalised processes in place and sometimes involving specialist postholders. Similarly, most interviewees from the higher / further education sector also noted that there was generally a member of staff centrally who had been identified as having overall responsibility for responding to FOI requests, although there was not always a designated post for this purpose, and the arrangements, in some cases, appeared to be less formal. There seemed, both within and between the sectors, to be considerable variation in the level of staff resources available for handling FOI requests (and this may, in part, reflect the size of an organisation and the level of information sought).

2.8 In terms of the actual processes in each of the participant organisations, although it is not appropriate to provide details of the specific processes, there were a number of similarities in the broad overall approaches taken (however formalised or otherwise these were in an individual organisation). The most common overall approach is described in general terms below.

2.9 Central staff with designated responsibility for FOI requests would tend to receive these in a number of ways. Some would be submitted directly to them via websites, e-mail and letters (with one higher and one further education interviewee, for example, stating that the majority of requests came through the website / mailbox). Additionally, there was generally an expectation that any FOI requests received by colleagues in other parts of the organisation would also be passed to them (sometimes via locally-based FOI representatives), in order to ensure a consistent and timely response. This overall approach was identified by a number of interviewees as being beneficial to their organisation in ensuring consistency, co-ordination and compliance with the legislation.

2.10 These central staff would then generally be responsible for issuing correspondence (and some, for example, mentioned issuing standard letters in the first instance) and co-ordinating the response to the request (by, for example, gathering information from specialist colleagues). They would also generally be responsible for logging the number of FOI requests received, and disseminating information about the levels of requests to others in their organisation, again with varying levels of formality.

2.11 A number of arrangements were described as being in place for monitoring and sharing information about requests, including, for example, line management structures, Committee structures and other methods. One health organisation, for example, noted that an FOI Steering Group met quarterly to discuss issues relating to FOI. Others noted providing information to their Board, and one, for example, stated that a summary of interesting issues, including the number of FOI requests, would be given in open papers submitted monthly to the Health Board.

2.12 While there were no particular issues raised with the effectiveness of the processes in responding to identified requests (and, as noted, some highlighted particular benefits), two particular aspects of the approach were highlighted which might impact upon the level of FOI requests recorded. These were:



- The means of identification of requests as FOI requests, and the passage of these to the central staff member.
- The means of recording of FOI requests.

2.13 Some of the comments made in the survey suggested that there may be some variation in how this is done.

Identifying requests as FOI requests

2.14 Some interviewees in both sectors suggested that a number of requests for information would not be logged as FOI requests, for a number of possible reasons.

2.15 Firstly, although some requests would be received directly by FOI contacts, it was suggested by interviewees in both sectors that some requests for information would not come through this route, and may be “sifted out” locally, and dealt with by recipient staff at a local level at the time. This was emphasised particularly by some of the higher / further education sector interviewees (with one higher education interviewee, for example, noting that they would “*empower staff to deal with things*”). It was also identified by one health sector interviewee, however, who also suggested that their organisation’s staff would be encouraged to provide information wherever they could. This was seen to lead to a large number of enquiries being dealt with outwith what respondents perceived to be the “FOI processes”. Although many of these requests might be for published information, it was also acknowledged by some interviewees that some might be considered to be FOI requests⁶.

2.16 There were clear variations in the level of autonomy which was permitted / encouraged amongst local staff who were not designated FOI contacts, and in the types of issues which they would deal with. Although, as noted, some organisations encouraged autonomy, others preferred all potential FOI requests to be dealt with centrally. One health sector interviewee, for example, suggested that all requests for statistical or business information should be passed to the FOI officer, in order that they could make the decision about the appropriate response (i.e. whether or not to treat it as an FOI request). Another stated that staff were encouraged to use FOI staff:

“To ensure the use of standard responses and consistency, and to make sure, for example, that copies of procedure etc. are enclosed.”

2.17 Similarly, one of the further education interviewees noted that anything “*suspected*” of being an FOI request should be passed to the central contact.

2.18 One higher education interviewee noted that requests for personal information relating to staff / students would be dealt with locally (with advice from the central staff member), while one further education interviewee noted that requests for personal information relating to students would be dealt with as FOI requests.

2.19 Where local sifting does take place, this clearly requires some degree of judgement on the part of the recipient staff in terms of when to pass a request on to the central contact. Although a number of interviewees made reference to this involving the identification of what would be seen to constitute “normal business” (which would not be passed on), it was not always clear how this was defined, nor that it would be defined consistently. One health sector interviewee did offer a definition, however, by

⁶ This issue is explored later in more detail in the following section in relation to the types of information being sought from, and provided by organisations in the health and higher / further education sectors.



stating that this would cover the types of information request to which a response would have been made prior to FOISA. Similarly one further education interviewee suggested that FOI requests were *“things that were not responded to before”*. A small number of interviewees acknowledged, however, that many of the issues being dealt with as “normal business” should perhaps be dealt with under the terms of the Act (although they were not necessarily being identified as such).

- 2.20 Other means highlighted which were used to identify those requests which should be treated as FOI requests (either in terms of whether these should be passed to the FOI officer or responded to using FOI procedures) included:
- Where a request appeared to be likely to be refused or exempt, or could only be partly answered (health and higher / further education sector interviewees).
 - Where a request may be complex or “unusual” (higher / further education sector interviewee).
 - Where a request is “heavy duty” (higher / further education sector interviewee).
 - Where a request would involve a high level of work (health sector interviewee).
 - Where a staff member was uncertain about the appropriate response (health and higher / further education sector interviewees).
- 2.21 One of the further education interviewees suggested that there was a very informal process for identifying appropriate requests, involving chatting with managers about any correspondence they may be unsure of. Another further education interviewee again highlighted the differences within, as well as between sectors, however, suggesting that they had very clear guidelines, a list of people responsible for different types of information, and a *“very sophisticated system”*, despite having a very small number of requests.
- 2.22 As well as sifting out requests at a local level, it was also noted that some requests would, in some cases, be “sifted out” centrally by the designated staff member, where these were seen to relate to other types of enquiries, complaints or Data Protection issues. This was highlighted by one health sector interviewee, for example, who noted that they would give careful consideration to which of the enquiries which were passed to them actually constituted FOI requests.
- 2.23 Some additional logging issues were also highlighted, and, as well as differences in the types of “general enquiries” or “normal business” which would be excluded from logging, some health and higher / further education sector interviewees identified that only requests which were specifically “badged” as FOI requests by the applicant would be logged as such. One health sector interviewee, for example, stated that if a request did not mention the words “Freedom of Information” specifically, then it would not be recorded as constituting such a request. Similarly, one higher education interviewee stated that:
- “Anyone who expects the same level (of requests) as local authorities would have taken leave of their senses. It is only regarded as FOI if that is invoked. It may be the same process as asking for information, but we feel that it is best just to respond to other requests in an appropriate way”.*
- 2.24 Again there was evidence of variation, however, as another health sector interviewee suggested that all requests for information other than requests covered by the Data Protection Act would be logged as FOI requests. One health sector interviewee also noted that if a request was “badged” as an FOI request, it would be treated as such whether or not it was judged by the central staff member to constitute this.



- 2.25 Other variations in practice were also identified. One health sector organisation, for example, stated that only written requests would be logged, with verbal requests not being identified in this way. One higher education interviewee noted that whether or not a request was referred on was the determining factor in whether or not it would be logged. One higher education interviewee also noted that where staff who are not the central FOI contact received a “badged” request and responded to this without passing it on, they would not be obliged to log the request (although, in practice, it was suggested that most would copy these requests to the FOI officer).
- 2.26 One further education interviewee suggested that any request for information, whatever the subject, would be logged as an FOI request, unless it had been asked for and provided prior to the Act. This interviewee suggested that, in the context of a very large number of requests for information, it could be difficult to identify which constituted FOI requests. A small number of interviewees indicated specifically that they were unclear about what information they should record.
- 2.27 All of these processes can clearly impact on the number of requests which are identified as FOI requests.

Staff training and understanding

- 2.28 The level of staff training, awareness and understanding of FOI requests and processes is also likely to affect the processes described above, although one health sector interviewee stated that the process is a matter of “*common sense*”.
- 2.29 There were mixed views amongst both health sector interviewees and higher / further education sector interviewees about whether there was a good understanding in their organisations of information requests and the processes for dealing with these. These ranged (in either sector) from those, for example, who expressed the view that “*all staff are aware of the processes*”; to the view that “*staff understanding of FOI varies a bit*”, or they “*should be aware, and probably are*”. Some interviewees expressed the view that, while there was a general awareness of FOI, staff knew that a specific person would deal with this.
- 2.30 One health sector interviewee noted that their only measure of the level of awareness among staff was that there were few instances where there had been a request that was an FOI which had not been dealt with, and one of the higher education interviewees also noted that organisations could only really go on “*negative indicators like complaints*”. Another stated that a member of staff may begin to deal with an “unmarked” request as “normal business”, then recognise it as being more complex and pass it to the designated FOI contact at that stage. One health sector interviewee noted that the staff dealing most frequently with FOI requests would have the highest level of knowledge.
- 2.31 There were found to be different approaches taken to training between organisations, with variation in the level of training which staff have received. This may be linked to issues raised earlier, such as the staff resources available to an organisation and the level of specialist expertise of the designated FOI staff.
- 2.32 A number of interviewees (particularly in the health sector, but also in some higher / further education organisations) described some form of relatively formalised training and awareness raising, although the provision of formal training to a range of staff appeared to be less likely in further education.



- 2.33 Where training was provided, the types of provision varied and included, for example, training for all staff during induction (particularly in some health organisations and universities, sometimes by the specialist FOI staff) and other provision of FOI courses (e.g. to FOI officers). One health sector interviewee, however, noted that their organisation intended to provide departmental refresher training in the near future to staff responsible for handling FOI requests, and another stated that 18 month staff refresher training is mandatory. One of the higher education interviewees identified that courses are provided twice a year to any staff who wish to attend. Another noted that the designated FOI officers would access external training.
- 2.34 Other methods for providing information to staff identified in both the health and higher / further education sectors included: the use of leaflets and posters (health and higher / further education); and the provision of other information (e.g. in payslips or via the intranet). One further education interviewee noted that FOI issues would be covered in staff development reviews.
- 2.35 Although most interviewees described some forms of input to staff, however, one health sector interviewee noted that theirs was a very small organisation without such a programme, and some further education interviewees described a relatively informal process. For example:
- “We took the approach that because there is not much, and it is only affecting the business end, then staff are informed as and when they need to be, but there is nothing more formal than that.”*
- 2.36 Another described a process of “cascading” information to staff via briefings to the senior management team, or raising staff awareness through publicising the existence of the specialist staff member.
- 2.37 In addition to the provision of staff training and awareness, a number of interviewees in both the health and higher / further education sectors also suggested that part of the role of the identified FOI staff was to provide informal advice and information to colleagues and to respond to queries. A number of interviewees in both sectors suggested that staff were confident to ask for help when they needed this, and described an open approach.
- 2.38 There was little evidence of staff having particular worries about the process and only two organisations (both in higher education) suggested that this may be the case (with one noting that there had been a couple of “slip ups” and the other suggesting that staff may not want to be associated with an unpopular decision). One health sector interviewee identified that staff may sometimes be “overcautious”, but stated that this was accepted, and one higher education interviewee suggested that staff may be concerned by third party or commercial issues.
- 2.39 A number of interviewees, however, expressed the view that staff were “only too happy”, or at least content, to pass requests on, and that they had confidence in the FOI staff. The only anxiety identified amongst staff (identified by more than one health sector interviewee and a higher education interviewee) was about the time being taken from their daily work in order to deal with FOI requests.
- 2.40 While no major problems were identified by interviewees in relation to staff understanding, however, it is clear that these variations in the levels of training and awareness raising may also impact on the actions taken in the identification of FOI requests.



Recording issues

- 2.41 As well as the effect of the means of identifying and dealing with FOI requests and the differences in the types of request being logged, it was also suggested that the recording processes themselves could also have an impact on the level of requests identified.
- 2.42 In terms of the means of recording FOI requests, there were found to be variations in the extent to which these were recorded manually or electronically, and the level of information gathered. Some noted that only basic database information was maintained, and one health sector interviewee, for example, noted that a media database was used, with FOI added on to this. This required to be supplemented by a manual trawl for some information (although, at the time of the research, it was noted that the best means of improving the information was being considered). One further education interviewee noted that they did not generally collate the information, although the interviewee would keep a record of FOI requests on a computer and in hard copy.
- 2.43 There were also examples of the development of more sophisticated mechanisms, and one health organisation, for example, noted that it was about to start using a single system for monitoring, recording and reporting FOI activity across the organisation (DATIX). This system is used in other areas of work for recording health and safety information and complaints, and will have an additional module covering “requests for information”. This will allow a request to be logged to the system and for the identification of whether there have been previous requests. It will also indicate where requests, e.g. are linked to complaints (which some interviewees in the health sector indicated could be the case).
- 2.44 One higher education interviewee raised a specific issue relating to the means of counting FOI requests in different sectors, suggesting that there may be variation in this. This interviewee noted that, while their practice has been to record each letter / email received as one request, irrespective of the number of questions, this may not be the case in some other sectors. The interviewee noted that their number of requests in 2007/2008 (under 100) actually involved over 600 separate questions (a figure that would rise further if they were to count information for a number of separate years as separate questions). It was suggested that other sectors may record separate questions as constituting separate FOI requests.

Overview

- 2.45 It is evident from all of these findings that the level of recorded FOI requests could, in some cases, be affected by a number of these factors relating to the means of dealing with, logging and recording these. One further education interviewee expressed the view that:

“It is only the tip of a huge volume of requests that is recorded”.

- 2.46 Similarly, one health sector interviewee stated that:

“The way that health services record FOIs as FOIs, and the fact that we have many other enquiries that are not dealt with in that way means that it (the recorded figure) doesn’t signify all those that could be seen to fall under FOI legislation.”

- 2.47 This view was expressed by a number of other interviewees (in both sectors), with a number stressing that the level of requests in health and higher / further education may not, in fact, be as low as it may appear, but may simply reflect the kind of practice and recording issues highlighted in this section. Whilst it is impossible to identify the actual impact of such issues, their potential to affect comparisons between (and even within) different sectors is clear.



SECTION 3: The information sought

- 3.1 This section presents the detailed findings of the research in relation to the type of information being sought from organisations in the health and higher / further education sectors, and interviewees' views of the potential impact of this upon the level of requests recorded.
- 3.2 Overall, it was found that most of the interviewees believed that the types of information that people might seek from the health and higher / further education sectors was likely to be a factor in the relatively low level of requests recorded, with particular forms of information reported by each, which are detailed below. There were also some common patterns of information-seeking and responses noted in both sectors, which are also highlighted.

Types and sources of information requested

- 3.3 The most common issue raised in both sectors in relation to the type of information sought was that the particular information most commonly sought from their organisation would be dealt with in other ways (rather than using FOISA), and / or was available from other sources. As such, it would not be reflected in the FOI statistics (linking to some of the issues raised in the previous section), and may help to explain further the level of recorded requests.

Types of information sought from health organisations

- 3.4 In the health sector, firstly, many of the interviewees identified that a great deal of the information commonly sought from health organisations related to health records and personal or family information. This is consistent with the finding from the postal survey which found that, although GP surgeries recorded hardly any requests for information, all reported receiving requests for personal information and medical records. As one interviewee in the telephone survey stated:

"... because of the nature of the organisation ... there are a lot of requests for records"

- 3.5 The issue raised most commonly by health sector interviewees was that much of the information relating to personal and family health, or contained specifically within health records, is covered by the Data Protection Act rather than FOISA. As such, it was suggested that these requests would not, therefore, appear in the FOI statistics. As one interviewee summarised, reflecting a common view:

"Because health is such a personal thing, people are interested in their own and their family's health and records, and not a lot goes through FOI, but it is about the Data Protection Act and access to health records. We get a lot of requests for information about records, and these are not recorded as FOI requests"

- 3.6 It was also suggested by some interviewees in the health sector that the existence of other mechanisms for enabling service users to access information or to raise issues (e.g. complaints, suggestions and quality assurance procedures) may also make it less likely that they would use FOISA provisions. Some of the information was also seen to be made available informally (as noted previously). Additionally, as might be expected, many health sector interviewees indicated that a high volume of requests related to published information (e.g. annual reports, annual accounts and Board papers) which are provided in other ways and not recorded.



- 3.7 In terms, specifically, of examples of the types of information which might be sought and / or identified in health sector organisations as FOI requests, these included:
- Corporate information which was not on the website or in published reports (e.g. policy information).
 - Expenses (including, for example, taxi journeys, gifts and hospitality etc.).
 - Service costs and financial issues (e.g. funding and payment for drugs; PFI information).
 - Service delivery patterns (e.g. use of medicines; bed spaces; waiting times; patterns in specific services).
 - Treatment issues relating to a specific patient (e.g. where relative seek “answers” about circumstances of a patient’s death).
 - Contracts and commercial information.
 - Staff grading and salary information.
 - Other specific issues (e.g. car parking at hospitals; hospital cleaning; food; pest control; pets in hospitals; violence and aggression; healthcare associated infections).
- 3.8 Within these categories, there was again some evidence of differences in whether or not these would be treated as FOI requests. For example, some interviewees noted that enquiries about “Agenda for Change” banding for staff had been treated as FOI requests, while others did not do this. It was also suggested that there could be some “grey areas” relating to the treatment of requests for commercial information (discussed further later).
- 3.9 One interviewee also suggested that the level of information which was now published in some of these areas had increased, making it less likely that requests would be required or made.

Types of information sought from higher and further education organisations

- 3.10 The predominant issue, in terms of the impact of the type of information sought on the levels of requests in the higher / further education sector, was the view that much of the information is available routinely in publications, or is dealt with as “normal business” and would not be reflected in the FOI statistics (as discussed in Section 2). A common view in the higher / further education sector was that:

“A lot of the information is already out there ... it is in the public domain already”.

This was seen to lead to the situation where:

“We get fewer enquiries because we’ve got our act together and we’ve presented a vast amount of information anyway”.

- 3.11 Many of the higher / further education sector interviewees identified that the types of information most commonly sought from them related to information about courses, with a very high level of requests for published information in the form of prospectuses. It was also identified that, as well as the availability of information about courses, there are many other forms of published information through which requests for information are dealt with, and these are often free. These include, for example: annual reports, statistical reports and guides. One of the higher education interviewees suggested that there are “mountains of publications” and a further education interviewee noted that the Funding Council also provides a great deal of information about staff and students, with a report produced each year.
- 3.12 It was also suggested that much information about courses and other issues would be sought and provided informally as part of “normal business”, sometimes by separate departments in a university or



college. As one higher education interviewee noted, whilst acknowledging that there would be interaction with others:

“The main interactions are between university staff and applicants considering the university and current students”.

One interviewee suggested that:

“Students ask questions about a myriad of issues”,

most of which would be dealt with without ever being recorded. One interviewee suggested that this was in contrast to the situation in other sectors, where organisations may be more likely to be “closed” and not to provide information routinely to the public.

- 3.13 In addition, although enquiries which would be covered by the Data Protection Act were not cited as frequently as by health sector interviewees, it was also identified that some personal information would be requested which might be dealt with in that way. As seen in the previous section, however, there were variations in how these requests would be handled.
- 3.14 All of these issues were seen to make it likely that, although a large amount of information was identified as being provided by higher and further education organisations, relatively few of these requests would be recorded as FOI requests.
- 3.15 In terms, specifically, of examples of the types of information which might be sought and / or identified in higher and further education sector organisations as FOI requests, these included:
- Staff information (e.g. recruitment statistics; sickness absence; salary structures; policy issues).
 - Expenditure (including, for example, use of hire cars; staff travel; IT; internal audits; expenses and hospitality; specific budgets).
 - Student information (e.g. numbers; drop out rates; destinations; countries / schools from which students come; other patterns in the student population; issues for employers).
 - Contracts and commercial information.
 - Other specific issues (e.g. particular kinds of research; violence against staff; assessment procedures; academic standards; use of facilities by particular individuals / bodies; honorary graduates). One interviewee noted that FOI was being used increasingly in disputes (e.g. if a student failed an exam).
- 3.16 Again, as noted in the previous section, and as in the health sector, there is likely to be some variation in the identification (even within these forms of information), of those which will be treated as FOI requests. For example, one higher education interviewee noted that, although they would not regard queries about job descriptions / re-grading as FOI requests (even where there were additional queries), this might not be the case in other organisations. This, again, could impact upon the number of requests to higher / further education organisations recorded as FOI requests.

Patterns of information seeking

- 3.17 While some interviewees stated that it was sometimes difficult to know what type of applicant was making a request, many in both sectors were able to identify some patterns of information seeking, particularly in terms of those who may be most likely to make requests.



SECTION 4: Media-related requests

- 4.1 Across both sectors, many interviewees identified that a high proportion of FOI requests are generated by the media or made by journalists. This was particularly the case in the health sector, where one interviewee, for example, stated that:
- “Virtually all (of the recorded FOI requests) have a press link, even if it’s not immediately obvious”.*
- 4.2 One higher education interviewee also suggested that:
- “The way FOISA works is as a legal enquiry tool for campaigners, solicitors and journalists”.*
- 4.3 In some cases, media requests were seen to be stimulated by media stories. One health sector interviewee, for example, stated that issues of local or national interest could generate requests (e.g. proposed service changes, car parking charges at hospitals, development of sites, or topical problems such as C Difficile, MRSA or pest infestation). One health sector interviewee noted that very specific developments within the service (such as “Agenda for Change”) could also lead to a rise in requests.
- 4.4 Although such issues were highlighted less frequently by higher / further education interviewees, some did identify that media stories also had an impact on the information sought from them. One of these interviewees also provided an example of an issue of current interest relating to a change of their accommodation, which had generated information requests (although, in this case, the information was already provided on their website).
- 4.5 There was evidence from both sectors of some applicants making requests to a large number of organisations across the country simultaneously, for example where journalists were following a story. One health sector interviewee, for example, noted that a story in England and Wales could lead to a lot of requests to Scottish health sector organisations, as journalists tried to establish the situation throughout the UK. One noted that media requests to their organisation tended to be received from outwith their area. Another in the higher / further education sector identified “round robins” to a number of institutions.
- 4.6 As well as following up existing stories, some organisations in the health and higher / further education sectors suggested that journalists may undertake “fishing expeditions” where they approach a number of organisations to try to identify an issue which may be of interest. A number of further education interviewees, for example, identified that their organisations had received FOI requests relating to how much they spent on taxis and cars. It was noted that, in this situation, the Association of Scottish Colleges would circulate further education institutions to let them know that there had been a request to all of them, and one interviewee stated that this was helpful.
- 4.7 One health sector interviewee also noted that there was a general trend for the media to use FOI as a means of getting detailed financial information or figures relating to prescribing issues or costs. Another suggested that journalists used this as a means of getting a “*factual*” rather than a “*more political*” reply.
- 4.8 As has been the case with other aspects of requests, there were found to be some variations in the ways in which requests from the media were both classified and dealt with which could affect the level of FOI requests recorded in an organisation. While many interviewees identified that media requests would generally be treated as FOI requests, one further education interviewee stated that they did not



tend to designate media requests as such, citing that they had built a relationship with the local media which meant that they responded to these requests as “normal business”. Similarly, a higher education interviewee stated that:

“The press office gives information every day – most of it is not regarded as FOI”.

- 4.9 A further variation noted was that some interviewees identified that there could be differences in the ways in which representatives of the media themselves used the legislation. Some interviewees suggested that many media requests would now specifically mention that this was an FOI request, for example:

“The media are increasingly using this (FOISA) as a means of ensuring the Board’s response. They have to identify it as such, and they know that if they call it FOI there are some requirements”.

- 4.10 Another interviewee noted, however, that some media applicants would ask specifically that a request was not treated as an FOI request (in order that the information would be provided more quickly) and one higher education interviewee suggested that journalists would tend to take a formal route if they felt that something was being hidden. It was also suggested that some journalists would state that, if they did not receive a satisfactory reply, they would seek the information under FOISA. One interviewee suggested that all of these issues could also impact upon the use of the legislation, and that perhaps there was a need for some work with media representatives in relation to their understanding and use of this.

Other groups

- 4.11 Both sectors identified commercial companies as a further group who may, in this case, seek information relating to the award of contracts and other similar information.
- 4.12 A small number of interviewees in both sectors also identified that applicants involved in potential or actual legal action may seek information relating to this. One health sector interviewee also mentioned those involved in insurance claims. One further education interviewee identified that there may be occasional requests for information from the police, but these would be likely to be covered by the Data Protection Act.
- 4.13 One higher education interviewee noted that trades unions had asked for policy information. One health sector interviewee suggested that sometimes campaigns might “*use FOI as a weapon*”. A small number suggested that MSPs and political parties may make FOI requests, and one interviewee in each of the health and higher / further education sectors noted that the number of these was increasing (although one interviewee suggested that MSPs’ requests would not tend to be treated in this way, or be identified as FOI requests).
- 4.14 A small number of interviewees identified that they would get requests from organisations conducting research which would be treated as FOI requests.
- 4.15 A particular trend was raised by one further education interviewee where a number of overseas students used the FOI contact sheet to ask for course information. The interviewee suggested that this was simply a misunderstanding of the process, and these were not recorded.



Groups making low levels of requests

- 4.16 Interviewees in both sectors also identified groups from which the number of FOI requests had been particularly low, or lower than they might have expected. In the health sector, for example, a number of interviewees mentioned patients and the wider public in this context, but made links to the nature of the information which they sought, and to the greater relevance of the Data Protection Act, noted earlier.
- 4.17 One of the higher education interviewees also suggested that there had been fewer requests than they might have expected from students, in relation to the overall *“way things are run”*. Although it was suggested that some student journalists would make requests, other students tended not to do so.
- 4.18 A small number of interviewees in the health and higher / further education sectors also suggested that there had been more limited use of the legislation than they might have expected from the voluntary sector and / or campaigning organisations. One health sector interviewee suggested that, although solicitors were identified as a group which would make requests under FOISA, the level of such usage was not as high as might have been expected. Another suggested that local elected members made little use of the provision. One further education interviewee suggested that they would have expected more requests from trades unions (relating, for example, to restricted sessions at Board of Management meetings, and similar issues).

Timing of requests

- 4.19 There were no particular times of the year at which health sector organisations received a large number of requests, although one interviewee suggested that there could be a peak at Christmas when people were *“sitting in offices with less to do”*. Conversely, another health sector interviewee suggested that requests tended to drop off slightly around holiday times, such as early summer and Christmas / New Year.
- 4.20 Within higher / further education, there were clear times of the year when they received high numbers of requests for information about courses and recruitment (with many requests for prospectuses from early in the year through to summer). It was also suggested that requests for accommodation information tend to be in the summer, and requests for personal data tended to follow the award of grades. There were, however, no particular patterns identified in relation to the timing of FOI requests other than one interviewee who noted that, around graduation time there may be requests relating to honorary graduates.

Difficult requests and refusals

- 4.21 Interviewees in both sectors also identified some kinds of requests that are more difficult than others to deal with. One of the common issues identified in both sectors, for example, was where the information requested was complex or difficult to get. This included, for example, where a request contained a lot of separate questions or required information from many parts of the organisation. It was also seen to include requests for information that was not kept, or was not available in an appropriate form, thus requiring a large amount of detailed data collection or collation. One health sector interviewee stated that existing systems are not always conducive to getting the information requested. It was also suggested that:

“Financial systems are not down to the last pen and staple”.



Similarly, a higher education interviewee suggested that:

“If the university does not have a business need to record the information, it can be time-consuming”.

4.22 Some specific examples included requests relating to:

- Long term medical issues which covered a number of years (health sector interviewee).
- PFI contracts which often involved a large amount of work (health sector interviewee).
- Information which could only be obtained by trawling a large number of individual medical records and compiling this (health sector interviewee).
- Detailed financial information or information about expenditure on specific things, such as taxis (health and higher / further education sector interviewees).

4.23 These difficulties were seen by some to be exacerbated at times when staff resources are stretched (e.g. where a small organisation with a small number of staff, and perhaps no dedicated staff, is dealing with a range of issues). One health sector interviewee noted particularly that some media requests could be onerous.

4.24 One health sector interviewee identified a particular issue where a number of previously separate health organisations had come together, which meant that it was not always possible for the different parts of the new organisation to provide information about a request. The previous organisations may, for example, have operated different systems and had different approaches to keeping the information, which may impact upon whether or not they could respond.

4.25 A further difficulty identified by a health sector interviewee and a further education interviewee was where an applicant was unclear about the information that they wanted (e.g. where the request was “too broad and vague”).

4.26 Requests for commercial or other financially sensitive information were also highlighted by some interviewees in both sectors as an area in which there could be difficulties, or where there may be a lack of clarity about whether or not information could be provided. One health sector interviewee identified that there were sensitivities, for example, in requests relating to PFI contracts around contractors and the types of information which they would prefer to see being withheld as “commercially sensitive”. Similar issues were raised by others, with one further education interviewee, for example, citing decisions on commercial advantage, particularly where there was a tender deadline in place. Others were unclear about how much could be revealed about tenders.

4.27 It was also suggested that there could be problems where requests overlapped or conflicted with issues covered by the Data Protection Act (with, as noted, many requests in the health sector and some in higher / further education relating to this). A related issue was raised by one further education interviewee who noted that there could be difficulties in dealing with requests which would identify the views, or details of a particular individual (e.g. “*who said what at a Board of Management meeting*”).

4.28 One higher / further education sector interviewee also stated that enquiries from particular individuals could be difficult, particularly where the request was not classified as “*vexatious or repeated*”. This interviewee expressed the view that:

“the interpretation of vexatious and repeated is difficult, and we don’t agree with it”.



Potential for refusal

4.29 Some of the issues raised above were also reflected in interviewees' views of the types of information request which might lead to a refusal, with examples including:

- Where the cost of compiling the information would be too high (health and higher / further education sector interviewees).
- Where the information cannot be obtained or is not held (health and higher / further education sector interviewees).
- Where the information relates to a third party or commercially / financially sensitive issues (health and higher / further education sector interviewees).
- Where there are issues relating to current legal proceedings (health sector interviewee).
- Where there are issues relating to crime prevention and detection (higher / further education sector interviewee).
- Where an individual's confidentiality is compromised or where the request would breach the Data Protection Act (health and higher / further education sector interviewees).
- Where a request is for information which is already published (higher / further education sector interviewee).

4.30 A number of interviewees stated, however, that they had never refused a request, or that they would always try to give as much information and explanation as possible. One health sector interviewee stated that:

"It's not in our interests to refuse".

4.31 A number of interviewees also stated that they had never made a charge for FOI requests, while others stressed that they would always try to take a positive approach to requests and meet them wherever possible.

4.32 These issues also link to overall practice issues in the relevant sectors, and one interviewee, for example, noted that there may be *"some inconsistency"* around the country (although this was not necessarily seen to be a problem). It was also suggested, however, that it would be useful to have *"some refreshing of expertise"* in relation to these issues.

Overview

4.33 A number of issues have been suggested in this section which may impact on the level of requests recorded in the health and higher / further education sectors. It seems likely that the type of information sought is a factor in this, with the perceived high proportion of requests in the health sector relating to information covered by the Data Protection Act, and the perceived high proportion of requests in the higher / further education sector relating to material already available in published information or through normal business. Additionally, the relatively low proportion of requests seen to come from the general public in both sectors, coupled with the types of information considered to constitute FOI requests, may also have an impact on the recorded levels.

4.34 Although all of the issues identified relating to difficult requests and potential refusal would not necessarily impact on the overall number of requests recorded, it is clear that they may also impact upon the compilation of information relating to the means of dealing with them.



SECTION 5: Perceptions of the sectors and the business of the sectors

- 5.1 This section presents the detailed findings in relation to the ways in which perceptions of the health and higher / further education sectors, or the nature of business of each sector may also impact on the level of requests for information identified.
- 5.2 Overall, it was found that a number of interviewees believed that there could be factors relating to perceptions of their organisations amongst service users and the wider public which would impact on patterns of information-seeking, and affect the level of recorded FOI requests. This view was less prevalent in the health sector than in the higher / further education sector, and the reasons highlighted in each were different.
- 5.3 Most interviewees in both sectors were also found to believe that there were factors specific to the nature and business of their sectors which would help to explain the reasons for their level of requests being lower than in other sectors such as the police and local authorities. Some of these issues were common to both, while some related to interviewees' views of particular aspects of the nature or business of health or higher / further education organisations.
- 5.4 It was interesting to note, however, that some higher / further education interviewees expressed surprise at the relatively low level of FOI requests recorded in the health sector. One of the health sector interviewees also expressed surprise that the level in their own sector was low compared to the police service (whereas they were not surprised by the level in comparison to local authorities).

Perceptions of the sectors / relationships with stakeholders

- 5.5 Firstly, there were issues identified in relation to perceptions of each sector and the relationships between organisations and stakeholders which were seen to impact on the level of requests recorded.

Perceptions of health organisations

- 5.6 The pattern of information-seeking in the health sector which was described in the previous section suggested that one of the reasons for the relatively low level of FOI requests is that there tend to be few recorded requests from service users themselves and the wider public. Some of the possible reasons for this (in terms of the processes of recording and the types of information sought) have been noted in Sections 2 and 3, and it was found that most interviewees in this sector were not aware of any ways in which people's perceptions of their organisation as a whole, or relationships between providers and users might affect FOI requests.
- 5.7 A minority of health sector interviewees did, however, suggest that service users' and public perceptions of health sector organisations may impact upon the level of FOI requests. A small number suggested that service users and other members of the public may be reluctant to seek information from health organisations under FOI because they were either daunted or deterred by their views of these organisations.
- 5.8 A number of issues were raised by these interviewees as having a potential impact on this. It was suggested, for example, that many patients still hold the medical profession "*in high regard*". One health sector interviewee stated that this overall view may lead to a general acceptance of decisions taken in the health sector, and a consequent lack of information-seeking.



5.9 Two further related issues were identified by a small number of health sector interviewees. Firstly, it was suggested that there could be instances in which there may be seen to be a conflict between a patient and local GP practice, or a patient and a Health Board in relation to an information request. Although one interviewee noted that “*complaints are different to requests*”, some also noted that they could be linked, or may be perceived to be linked. Secondly, and related to this, it was suggested that some service users may be reluctant to raise issues with health services because of a perception or fear that this may have an impact on their care. One interviewee summarised the issues which a service user may consider, as follows:

“if I raise an FOI, it has got statutory stuff attached – will they find a way of getting back to me?”

5.10 It was stressed, however, that these were interviewees’ views of some public perceptions of the potential consequences of making a request, rather than the reality. One interviewee stated that they would like to think that such views are uncommon now, and that the reason for the low level of requests is that people access information in other ways. One interviewee noted that the “new” NHS is much more approachable than was the case in the past (evidenced by an increase in complaints) and another suggested that people are quite willing to raise issues now. It was suggested, however, that the types of views highlighted, where held, could deter an individual from making an FOI request.

5.11 A small number of health sector interviewees also suggested that some service users and members of the public may perceive organisations in the sector as being less open than they are. This, in turn, was seen to lead potentially to the view that health organisations would be unlikely or unwilling to provide information, if requested. One interviewee, for example, identified that some media articles on websites carried comments to suggest that information would not be provided. The interviewee stated that:

“It is possible that some of the publicity on websites leads to a view of health as just another public service that you won’t get information out of”.

5.12 Another stated that people sometimes believed that health organisations have “hidden agendas”, leading to a lack of trust. Such views were seen to act as a possible deterrent to some potential applicants for information.

5.13 One interviewee, however, believed that there was a perceived openness and trust in the health sector and that this contributed to the low level of requests. They suggested that one of the reasons for the higher level of requests to the police and local authorities may be a perception of these organisations as being more secretive than health organisations, with a “*residual suspicion*” of them. A number of interviewees commented on the comparative “openness” of health organisations, which was seen by some to obviate the need for formal FOI requests. This issue was also raised frequently in relation to higher / further education organisations, and is discussed further below.

Perceptions of higher / further education organisations

5.14 The pattern of information-seeking in higher / further education organisations described in Section 3 suggested that one of the reasons for the relatively low level of recorded FOI requests may be that there are few of these from students and the wider public. Some of the perceived reasons for this, as with the health sector, may relate to the processes for identification and recording of requests, and to the types of information sought. Many interviewees also stressed, however, that students’ and public perceptions of higher and further education institutions also impact on this.



- 5.15 The main issue raised by higher / further education interviewees was that there was seen to be a common view of these organisations amongst the wider community as being open, approachable and transparent. Interviewees noted that views of universities and colleges tended to be positive, with the suggestion that students and others would see them as willing to provide the types of information required without taking a formal approach. One higher education interviewee stated that this was in contrast to a number of other public service providers, who were much less willing to provide answers to questions in these ways and whose level of formal requests may consequently be higher. One further education interviewee identified developments such as student charters (which pre-dated FOI) as having contributed to this view of higher / further education as taking a positive approach to providing information.
- 5.16 A number of interviewees identified a positive relationship between their organisation and the local community. Some further education institutions, for example, were seen as very much part of the community and to have close links to local people. One interviewee identified their relationship with their stakeholders as being:
- “much more of a partnership than an adversarial relationship.”*
- 5.17 These issues were seen to contribute to a lower level of FOI requests than might be expected, as some interviewees suggested that those who might otherwise seek information using FOISA would seek the information which they required in informal ways and through other routes. As such, these would not be reflected in the statistical information. (This is clearly linked to the issues raised earlier about the ways in which information requests are recorded, and the availability of publications and other sources of information.)
- 5.18 Only one higher / further education interviewee suggested that members of the public may be deterred from making a request because of their perceptions. In this case, the interviewee suggested that there may be some “awe” amongst older people in relation to Universities, which may make them more reluctant to seek information. This was, however, seen to have changed and improved in recent years as access to higher and further education had increased. It was suggested that this would have a very limited impact, if at all, on the level of information-seeking.
- 5.19 Even amongst those who were identified as making FOI requests, some issues were raised which it was suggested might limit the number of these. One further education interviewee, for example, suggested that the common view of their organisation amongst employers and the media was that it was open and informal. The interviewee suggested that they had developed relationships both with employers and the media which meant that:
- “They think nothing of asking for information, and we will give it and we have always done so. We are very open.”*
- 5.20 This, as noted previously, would mean that this information provision would not necessarily be reflected in recorded FOI requests.
- 5.21 Two higher / further education interviewees also suggested that some of those who may potentially request information still had a limited view of the increasingly commercial nature of higher and further education institutions. This was also seen to have the capacity to impact on the level of FOI requests made.



Publicity

- 5.22 As with other aspects of dealing with requests for information, there were found to be variations in the approaches taken in different organisations in the health and higher / further education sectors to publicising the public's right to information and how they can access this. There were, however, no particular patterns by sector.
- 5.23 Both health and higher / further education sector interviewees described a combination of the use of: leaflets; booklets; website information; and posters (although not all of the organisations used all of the methods). Most, however, described undertaking some publicity and using some means to promote the public's right to information, and this was carried out most frequently through their websites. Some described having a link to their publication scheme from their home page, having information on their front page of the website, or having a link to the material necessary to submit a request. One higher education interviewee noted that they used wording suggested by the (then) Scottish Executive, and that they were trying to be *"not too heavy and formal"*.
- 5.24 In a number of cases, websites were the only method identified for publicising people's rights and how they could access information. One further education interviewee identified their reason for this as follows:
- "We don't overtly (publicise people's rights) now. We did at the time the Act came in, but it's settled now. We do what we have to do to stay within the law, as opposed to broadcasting it. We don't go out and give ourselves a whole pile of work"*.
- 5.25 A small number of interviewees noted particular difficulties with publicity, relating to:
- Ensuring the display of information at hospital sites (health sector interviewee).
 - Maintaining up to date information (health sector interviewee).
 - Dealing with a very large website (higher / further education interviewee).
 - Raising expectations or increasing demand amongst service users and the wider population (health sector interviewee).
- 5.26 These issues were also seen to reduce the amount of publicity undertaken by these organisations. Additionally, one health sector interviewee noted that:
- "We don't (provide publicity) directly to the population as a whole. Our job is to inform them about health, and we shouldn't have to publicise every piece of legislation."*
- 5.27 Although it is impossible to make a direct link between the publicity undertaken and the level of recorded FOI requests, a number of interviewees identified the use of publicity and the promotion of rights as important factors in encouraging or making it easier for people to make requests. One health sector interviewee noted that they did not undertake as much publicity as they would like, and that they relied on the Scottish Information Commissioner to do this on their behalf.
- 5.28 It is clear that the decision to make a request is dependent on an individual's knowledge of their right to do so. There was evidence of different views of the perceived level of knowledge amongst the public even amongst interviewees in the telephone survey. One college, for example, stressed that members of the public were well aware of their rights, while a health interviewee believed that there was *"a high level of unawareness amongst the general public"* and another stated that there was *"probably a whole"*



host of patients unaware of their rights". It was suggested by one interviewee that there may be a much lower level of awareness of rights in the health and higher education sectors than is the case in relation to the police and local authorities.

- 5.29 Whatever the nature of the actual impact upon information seeking, it seems that the differences in the levels of publicity undertaken, and the perceived links between this publicity and wider awareness, suggest that access to information and knowledge relating to the Act, and sources of this, may vary.

The nature and business of different sectors

- 5.30 It was also found that there were aspects of the nature and business of both the health and higher / further education sectors (and aspects of the nature and business of other sectors) which were seen by interviewees to lead to variations in information seeking under FOISA. Some of the issues raised were seen to be common to both the health and higher / further education sectors, while others were more sector-specific.

Cross-cutting issues

- 5.31 One of the main cross-cutting issues relating to the nature and business of different sectors which was raised by interviewees in both the health and higher / further education sectors as being likely to affect whether or not FOI requests were made, was the means of funding for services. This was highlighted particularly in relation to the level of requests in local authorities (compared to interviewees' sectors), with the suggestion that there is perceived to be a much more direct link between local authority services and public funding than is the case in health and higher / further education.
- 5.32 Interviewees in the health sector suggested that people are much more aware of the impact of council tax upon their personal financial resources than is the case for National Insurance. Similarly, with higher / further education organisations, some interviewees identified that, although they received a significant amount of public funding (and clearly were public authorities for the purposes of the Act) they also received a lot of non-public funding, as well as generating research income. As such, neither organisations in the health or higher / further education sectors were seen to be:

"perceived as in the front line of spending the proceeds of council tax",

whereas this was very much seen to be the case in local authorities.

- 5.33 These links between cost, funding and service recipients were identified as being one of the possible reasons for a higher level of interest in local authority provision, and a correspondingly higher level of FOI requests. As one health sector interviewee suggested, people want to know in relation to their council tax:

"how much do we pay, and how much do we get?"

- 5.34 It was also suggested that people may be more aware of their right to services when they make the direct link to their council tax payment. By extension, one interviewee stated that, if people believe that there are services which they are not getting, they are more likely to complain. (It was interesting to note that interviewees often identified FOI requests as being closely linked to "complaints" or comprising adversarial issues.)



- 5.35 Closely linked to the funding of services, it was suggested that both local government (and the police to an extent) may be seen by the public to have more obvious electoral accountability than is perhaps the case in the health sector, and particularly the higher / further education sector. It was also noted that, unlike local authorities, organisations in these sectors are not “political” organisations in terms of being run by representatives of political parties.
- 5.36 The differences in perceived accountability were seen by some interviewees, especially in comparison to local authority services, to link to the likelihood of seeking information and whether or not members of the public believed that they had a wish, or a right, to know.
- 5.37 The wide range of types of services provided by councils, the impact of services such as social care and planning, and the need for key decisions about resources were also highlighted by interviewees in the health and higher / further education sectors as making it more likely that local authorities would receive a higher level of requests for information. It was also suggested that more individuals would have an interest in wider aspects of the business both of the police and local authorities than might be the case in health and higher / further education.
- 5.38 The nature of the work of the police service was also identified as being likely to generate a relatively high level of FOI requests. One higher / further education sector interviewee stated, for example:
- “Just look at what the police do. They provide a service which is bound to result in conflict. People are motivated to find out. Local authorities likewise. There’s a cross section of the public with an interest in what they do”.*
- 5.39 In both the police and local authority services, it was also suggested that aspects of their provision could stimulate strong feelings of justice and injustice, which may make requests for information more likely. It was clear that some interviewees made a link between disaffection and requests for information and one interviewee, for example stated that:
- “People feel aggrieved about decisions affecting their day to day life and the local authority and police make those kinds of decisions. There are issues of justice and injustice all the time, and these do affect people”.*
- 5.40 A further issue identified as perhaps helping to explain the high level of requests in the police and local authority sectors compared to health and higher / further education related to the relative “newness” of the legislation. These comments were about the level of requests from the media rather than the general public, and centred on the view that journalists had been waiting for this legislation in order to tackle some “thorny” issues. When the legislation was introduced, they focused upon these issues first, with the interviewee suggesting that such issues were most likely to have arisen in sectors like the police and local authorities, rather than others (particularly higher / further education).

Health sector issues

- 5.41 A small number of sector-specific issues relating to the business of health organisations were seen to have a further impact on the level of requests, and to perhaps help to understand the reasons why these were lower than might be expected.
- 5.42 The main issue raised in relation to health services was the personal and private nature of much of the business of the sector. This was seen to lead to many of the requests being of the type highlighted in Section 3 (and covered by the Data Protection Act). One interviewee suggested, for example, that:



“Maybe the fact that as a health service we are dealing with private issues about individuals and their health and care affects it (the number of requests). How many people like to talk about health in all but the most private settings?”

- 5.43 It was suggested that other aspects of the business of the sector (such as waiting times, patient numbers etc.) would be unlikely to generate a high level of interest amongst the wider public.
- 5.44 It was also suggested that the nature of the funding for the health sector, within which there is little scope for income generation (for which there is considerable scope within local authorities), means that there is little scope for “*fraud or backhanders*” which may be perceived to be the case in local authorities. One interviewee stated that this, coupled with publicity about scandals, might lead to a higher number of requests for information being made to local authorities.

Higher/further education sector issues

- 5.45 As was the case in the health sector, a small number of sector-specific aspects of the nature and business of higher / further education organisations were highlighted as contributing further to their comparatively low level of requests.
- 5.46 It was noted that higher and further education organisations are involved in teaching and research, with much of their work focusing on creating and disseminating knowledge and making information available about this. Some interviewees highlighted that it is in the interests of these organisations to make information available, leading to the type of open approach and perceptions of transparency which have been described previously, and thus being seen to link to a lower level of FOI requests.
- 5.47 It was also suggested that the nature of funding for higher / further education institutions (discussed earlier) made it impossible for them to be “closed” in terms of the provision of information. One interviewee also suggested that corporate governance made openness essential.
- 5.48 Some interviewees in the higher / further education sector also identified that the nature of their business was not of general interest in the way that was the case for public services such as the police and local authorities. One interviewee highlighted that higher and further education organisations were not seen to be “*front line public services*”. This issue links to the points made earlier about perceived links to funding for public services, but was also seen to relate to the actual impact of the service upon the wider public.
- 5.49 It was noted, for example, that higher and further education institutions have a much a smaller range of stakeholders who may have an interest in the provision than is the case in other sectors, such as the police and local authorities. As one interviewee stated, for example:
- “... it is more of a niche – you either go to university or you don’t”.*
- 5.50 One of the further education interviewees compared the relatively small population of students at a college, for example, to the large population of a local authority area.
- 5.51 Similarly, it was suggested that the provision made by universities and colleges has a less direct impact on the wider public than is the case for services such as the police and local authorities. For example, as one interviewee stated:



“(higher and further) education will be a matter of public interest, but we’re not in the front line of political accountability in the way of the police, local authority and central government. We’re less controversial and we’re seen as being for our immediate stakeholders. Certainly accountability is important, but we’re not opening schools or cleaning streets, so we have a less direct impact on the quality of people’s lives”.

5.52 One interviewee added that there was little of their work that was “*particularly exciting*” to the general public, nor was it usually “*politically sensitive*”. Another interviewee described higher and further education organisations as generally “*not doing anything that riles the general population*”. (The only exceptions identified by interviewees were defence or medical research.)

5.53 The above issues were raised by a number of interviewees, who suggested that, as a result, universities and colleges tended not to be associated with the types of issues which led people to make FOI requests. It was noted, for example, that FOI requests in the sector:

“... are quite distinct from the general information and would not be of general interest – it’s not the kind of information that the whole world would be interested in”.

5.54 This, again, was seen to make it more likely that a relatively small number of requests to organisations in the sector would be recorded as FOI requests.

Overview

5.55 This section has identified a further range of factors which may impact upon the relatively low level of FOI requests which are recorded in the health and higher / further education sectors compared to sectors such as the police and local authorities. These relate both to aspects of the ways in which organisations in the different sectors are perceived by service users and the wider public (particularly in the higher / further education sector) and to aspects of the nature of their business.

5.56 All of these factors, coupled with the issues identified in Sections 2 and 3 help to provide an indication of some of the possible reasons for the variation in levels of recorded requests for information under FOISA in different sectors. All of these issues are summarised in the following section, providing a starting point for future discussion and the development and sharing of good practice.



SECTION 6: Summary of issues arising

- 6.1 This section summarises the main issues arising from the research. A range of issues have been identified throughout this report as potentially having an impact on the level of requests for information which are recorded as FOI requests in the health and higher / further education sectors.
- 6.2 The key factors highlighted are noted in relation to each of the areas covered, including:
- Overall views of the issues.
 - Practice issues in dealing with and recording FOI requests.
 - The types of information sought.
 - Perceptions of the sectors and the business of the sectors.
- 6.3 It is clearly impossible to provide a definitive account of the extent of the impact of any of these factors upon the level of requests in a particular organisation. The purpose of the research, however, was to identify possible reasons for low volumes of information requests to the health and higher / further education sectors, and to inform the Commissioner's discussion with authorities from those sectors about future action. This summary and the more detailed content of the previous sections provide material which will enable this.
- 6.4 Finally, although the research did not explore interviewees' views of the way forward, in terms of their specific suggestions for the future (as this was seen to be outwith the remit of the work, and the subject of discussion at a separate seminar), interviewees' views about the general implications of the level of requests received within an organisation or sector provide the concluding part of the report. Some suggestions are also made about elements of good practice in encouraging or enabling information-seeking.

The main findings

- 6.5 In relation to **overall views of the issues**, the research found that:
- There was relatively limited awareness among interviewees of the overall picture in terms of the different numbers and levels of FOI requests between sectors.
 - Where interviewees were aware of this, the sources of knowledge tended to be information from the Office of the Scottish Information Commissioner, informal contact with colleagues, or attendance at conferences.
 - There may be a lack of a forum for discussion of these issues within the health sector, while some practitioners in higher / further education identified networks at which information about these issues could be shared.
- 6.6 In relation to **practice issues in dealing with and recording FOI requests**, the research found that:
- Some aspects of practice in dealing with and recording FOI requests in health and higher / further education organisations may, in some cases, affect the level of FOI requests recorded.
 - There were considerable differences within and between sectors in aspects of how FOI requests were dealt with and recorded.
 - Although most organisations (in the health and higher / further education sectors) have a system whereby a central member of staff has designated responsibility for dealing with FOI



requests, there were found to be variations in the level of staff resources available for handling requests.

- There were a number of similarities in the overall approaches taken in most organisations, with the central contact receiving requests either directly or from other staff, logging the request, co-ordinating the response and disseminating information. There were differences, however, in the means of identification and passing on of FOI requests and the means of recording these.
- A number of reasons were identified why a request may or may not, in some cases, be logged as an FOI request. There was evidence of considerable local sifting of requests, on the basis of issues such as whether a request was: outwith “normal business”; likely to be refused / exempt; complex or unusual; likely to involve a lot of work; or unclear. Some FOI staff also sifted requests centrally.
- There were also found to be variations in other aspects of logging FOI requests, with, for example, some organisations only recording “badged” requests or written requests, while others took a different approach.
- Interviewees suggested that staff understanding of FOI and the processes varied, and there were also found to be variations in the level and nature of training and awareness raising work undertaken with staff, which may also impact on the actions which they take in dealing with FOI requests (although there were no major problems identified by interviewees in relation to staff understanding).
- The recording processes were also seen to have a potential impact on the level of requests recorded and identified.
- There were found to be differences in the levels of information recorded, and in the sophistication of the systems in place for undertaking recording.
- It was suggested that there may be a specific issue with the way in which individual questions, and questions covering different years, are recorded in different sectors.

6.7 In relation to the **types of information sought**, the research found that:

- Some aspects of the information sought from health and higher / further education organisations may, in some cases, affect the level of FOI requests recorded, particularly where this would be dealt with in other ways, or provided through other sources.
- Much of the information commonly sought from health organisations relates to health records and personal or family information, and is covered by the Data Protection Act and would not be recorded as an FOI request.
- Other mechanisms in the health sector (e.g. complaints, suggestions, quality assurance procedures and informal mechanisms), and the existence of (and increase in) other forms of published information (e.g. annual reports, accounts and Board papers) may enable service users to access information in other ways and may make the use of FOISA less likely.
- Much of the information commonly sought from higher / further education organisations relates to courses and other queries from students. A great deal of the information is published and available in the public domain, and requests for this would not be recorded.
- Similarly, a lot of the information provided to students is provided as part of “normal business” and would not appear in FOI request statistics.
- As in the health sector (although perhaps to a lesser extent) a number of requests in the higher / further education sector would be dealt with under the Data Protection Act and would not appear in the statistics.



- Even within requests identified as FOI in both the health and higher / further education sectors, some further differences in the ways in which these were treated were highlighted.
- A relatively high proportion of FOI requests were seen to come from the media (particularly in the health sector), with relatively few from the wider public.
- Some of these requests followed media stories or issues of wider public interest, while others involved the media exploring issues which may generate stories.
- There were some variations in the treatment of these requests, and in the use of FOISA by the media.
- A small number of other groups were identified as making requests in the health and higher / further education sectors, and these included: commercial interests; those involved in legal or insurance actions; trades unions; campaigners; MSPs and political parties; and researchers.
- There were seen to be lower levels of requests than might have been expected from: service users and the wider public; voluntary organisations; campaigners; solicitors; local elected members; and trades unions.
- There were no particular patterns of times of the year with high numbers of recorded FOI requests in these sectors.
- Interviewees in the health and higher / further education sectors identified a number of types of request which may be more difficult to deal with, including information which was: complex and difficult to get; unclear or vaguely specified; commercially sensitive; covered by the Data Protection Act; or from an individual who made repeated requests.
- A small number of forms of request which might be refused were also identified, where information was seen to be: too costly; not held; commercially sensitive; related to current legal proceedings; related to crime prevention or detection; personally confidential; or already published.
- Different aspects of these patterns of information-seeking may impact upon the level of requests recorded and / or upon the compilation of information relating to the means of dealing with them.

6.8 In relation to **perceptions of the sectors and the business of the sectors**, the research found that:

- Some aspects of perceptions of the health and higher / further education sectors, and organisations' relationships with stakeholders may affect the number of FOI requests.
- Some aspects of the nature of the business of the health and higher / further education sectors may also impact on the number of FOI requests made and recorded.
- Some members of the public may be reluctant to make FOI requests to health organisations because they feel daunted or deterred. This may be based on a view that: the medical profession "knows best"; making a request is synonymous with making a complaint; making a request may have consequences for an individual's care; or the service will not provide the information if a request is made.
- The only similar issue identified in relation to higher / further education was that a small number of older people may be "in awe" of such institutions.
- Conversely, the openness of a sector was also seen to have an impact on the level of requests, by obviating the need for formal requests. This may have an impact on the health sector, and was identified as a key factor in the level of requests recorded in higher / further education organisations.
- Universities and colleges were widely described as being particularly open, approachable and transparent and having good links to the local community and others, in contrast to some



other service providers whose level of formal requests may be higher as a consequence (with many requests in higher / further education being dealt with informally).

- A lack of awareness of the commercial nature of much of the business in the higher / further education sector may also reduce the likelihood of FOI requests.
- The nature of publicity undertaken may also impact on the level of awareness of people's rights and how to access information, and consequently on the level of FOI requests made, and although most organisations undertook some publicity, there were found to be variations in the means and level of this.
- A number of cross-cutting aspects of the nature and business of services in different sectors were seen to affect the level of information requests, including:
 - The direct link between council tax, personal income and local authority services, increasing the likelihood of seeking information from them.
 - The more visible political accountability of police services and particularly local authority services, increasing the likelihood of seeking information from them.
 - The wide range of council services, the direct impact of these and police services on a wide range of people, and the links to justice / injustice, increasing the likelihood of seeking information from them.
 - The focus of media interest upon the "thorniest" of issues, leading to a focus on areas such as police and local authority services.
- Some factors relating specifically to the nature and business of the health sector were seen to affect the level of information requests and to lead to a lower level than in some other sectors, including:
 - The personal and private nature of much of the business.
 - The lack of widespread interest in other aspects of business of the sector, beyond personal / family issues.
 - The nature of the funding (with little scope for income generation or "scandal").
- Some factors relating specifically to the nature and business of the higher / further education sector were also seen to affect the level of information requests, and to lead to a lower level than in some other sectors, including:
 - The links between teaching and research and the positive provision of information.
 - The links between funding / governance and the need for openness.
 - The lack of widespread public interest in their business.
 - The lack of widespread impact beyond defined stakeholders.
 - The lack of focus on "contentious" issues.

The way forward

6.9 As noted previously, the purpose of this report was to identify issues which might impact upon the level of information requests in health and higher / further education, rather than to focus on the way forward (which was seen to be the purpose of subsequent discussion). Interviewees did, however, provide their views about the implications of the level of requests, and made some suggestions about aspects of practice which they believed either encouraged or made it easier for people to make requests.



The level of requests

6.10 It has become clear from the presentation of the findings that many interviewees believed that there were a range of factors which might contribute to a level of recorded FOI requests in the health and higher / further education sectors which was lower than might be expected. It also became clear that there was a strong view that, in the light of these issues, the actual level of recorded requests says little about the number of requests for information made, nor about the approach taken to the provision of information in an organisation. One health sector interviewee expressed a common view as follows:

“I don’t think it is indicative of anything. You can interpret it in a lot of ways. I wouldn’t want to be judged on the number of requests”.

6.11 It was also suggested that straightforward comparisons were of limited significance, as, as one higher education interviewee stated:

“It comes back to the point of how do you judge unless you do a comprehensive recording.”

6.12 Although a small number of interviewees stated that it was a good sign for organisations to have a relatively high level of requests, many believed that the actual level was unimportant, provided the appropriate ethos and procedures were in place to enable people to feel confident to make requests, and provided an appropriate response was made. As one health interviewee stated, for example:

“It (the level of requests) doesn’t matter. Statistics are fine, but the important thing is getting the information out. The number of requests is not the be all and end all”.

6.13 Some argued that a high level of information requests was actually a negative indicator, for a number of possible reasons. For example, it was suggested that a higher level of requests may mean that an open method of information seeking had been unsuccessful. Alternatively, some interviewees believed that a higher level of requests suggested a higher level of dissatisfaction with an organisation (reflecting a view highlighted earlier). One interviewee stated, for example, that:

“Generally FOI tends to be where people feel they won’t get information, or have been refused on initial contact”.

6.14 A further view expressed was that a higher level of requests indicated a need for an organisation to identify the types of information being requested frequently, and to consider its publication scheme and whether the material could be made available in another way. One health sector interviewee suggested that this had been done in their organisation, in response to several requests for the same material. A number of higher / further education interviewees suggested that if they experienced a substantial increase in requests, it would prompt further investigation. As one stated, for example:

“It would tell us that we are getting something wrong in our own communications – we would address this, provide the information and the level would drop”.

6.15 For all of these reasons, some interviewees stated that they did not consider it necessary to try to increase the level of requests received, stressing the importance of ensuring that their organisations are open and transparent. One, for example, noted that there was:

“No point in encouraging requests people wouldn’t otherwise make”.



6.16 A number of other interviewees expressed similar views, and one further education interviewee stated that:

“We’ve never considered it (trying to increase the number of requests). I’d hate to think anybody was going to go out and poke people with a pointy stick to generate FOI requests”.

Resource issues

6.17 There was a strong view amongst most (although not all) interviewees that an increase in the level of requests to their organisations would have serious implications, or would cause problems for them. The main problems highlighted related to resources (both staff and financial).

6.18 Some interviewees stated that they already experienced resource problems in responding to some requests and, as noted, some identified requests which were complex and costly as being amongst those which were difficult to respond to. One health sector interviewee suggested that journalists often made detailed requests (sometimes at the end of a week or late in an afternoon) with no apparent consideration of the work involved. It was suggested that the number of requests had implications both for designated FOI staff and for others. As one noted, for example:

“I get a sense from colleagues that most feel that while they can accept the benefits and know the reasons why it (FOISA) is good, the practical implications can be difficult because of the lack of resources”.

6.19 Another health sector interviewee suggested that, currently, even receiving a few requests “at the wrong time” could cause problems. A small number noted that they were already experiencing an increase, and that this had had an impact on staff “who are already busy”. It was suggested that:

“One request can run to three pages, and it’s just one of a series of things staff have to deal with in the course of a day. One phone call from a tabloid can lead to 20 phone calls. We accept the reality, but it’s becoming a concern, seeing how much time is spent on them”.

6.20 A number of interviewees suggested that, if the level of requests were to increase further, this would have implications for staff (with some identifying a need for a higher number of staff) and for the cost of responding. Some also highlighted that there would be implications for frontline services. Interviewees in both sectors stressed that patient services and teaching must be the priorities.

6.21 One higher education interviewee stated that, generally, they did not feel that FOISA was a good use of public money. Another expressed a concern that, because a significant proportion of their income did not come from public sources, and a large part of their operation was business-related, this also created difficulties in terms of their obligations under the Act, which might be exacerbated by an increase in requests.

6.22 An increase in requests was also seen to have an impact on the ability of FOI contacts and other staff to undertake additional work, such as developing leaflets and website information, providing training, and other work, over and above responding to requests. As one higher education interviewee stated:

“We can’t do all the things we would like to do now. With the level of decisions coming out and the need to keep up to date and the low number of staff it makes it difficult. We’re all up against it in terms of keeping pace with requests – we do what we absolutely have to do and there is a lot we would like to do”.



- 6.23 It was also suggested that an increase in requests, along with the staff and resource implications, may have an impact upon the ability to respond to requests within the timescale. It was suggested that these issues would have a particular impact upon organisations with a small number of designated staff dealing with FOI requests.
- 6.24 One health sector interviewee identified a more general concern that current knowledge of FOI is invested in a relatively small number of staff who have detailed expertise, suggesting that it would be useful to develop greater knowledge amongst others.
- 6.25 A number of interviewees stated that if the Scottish Information Commissioner were to promote FOISA in relation to health and higher / further education organisations, there would be a need for the Government to provide additional resources to enable them to respond. One health sector interviewee suggested that it would be useful to assess the costs to organisations of information requests. Some, however, also expressed the view that they believed that they were unlikely to receive any additional resources for responding to requests.

Identification of good practice

- 6.26 Despite the reservations about increasing the number of requests, and the views identified of the perceived limited relevance of the actual level of requests, many expressed the view that the option for people to make FOI requests was positive. One health sector interviewee, for example, stated that making provision for scrutiny through the legislation has a good impact on an organisation. Another stated that:

“The whole issue is that every one (information request) is an opportunity to learn more. They engender a sense that we need to be more open and also more thoughtful about what we record, because we might be subject to FOI”.

- 6.27 In the light of this, a number of suggestions were made by interviewees in both sectors about elements of good practice which could encourage or make it easier for people to seek information or make requests.
- 6.28 Some related to **publicity and information provision**, and included:
- The use of publicity (health and higher / further education sector interviewees).
 - The provision of up to date information and material (health sector interviewee).
 - The continuing review of published information (health and higher / further education sector interviewees).
 - The provision of information about issues of general public interest (higher / further education sector interviewee).
 - The provision of clear guidance and concise information (health sector interviewee).
- 6.29 Some related to the **development of appropriate procedures**, and included:
- The provision of clear and varied ways of making requests (health sector interviewee).
 - The development of general good practice in the response to requests for information (health and higher / further education sector interviewees).
 - The provision of appropriate and early answers to requests, as a means of encouraging people to use the mechanism again (health sector interviewee).



- A positive and welcoming approach, reflected in practice (higher / further education sector interviewee).
- The development of appropriate and efficient means for identifying and retrieving information (health sector interviewee).
- The use of a clear and consistent approach to recording FOI requests (higher / further education sector interviewee).
- The involvement of Committees and other mechanisms to oversee the pattern of requests within an organisation (health sector interviewee).

6.30 Some related to the **development of knowledge amongst staff**, and included:

- The general development of increased knowledge amongst staff (health and higher / further education sector interviewees).
- Attendance by organisations at events and training to increase and update their knowledge (higher / further education sector interviewee).
- The development of a better understanding of what information is generally available and what requires FOI requests (health and higher / further education sector interviewees).
- The development of a clear and consistent shared understanding of procedures and practice (health and higher / further education sector interviewees).

6.31 Some related to the **development and dissemination of a body of good practice information**, and included:

- The development of positive links between relevant organisations (health and higher / further education sector interviewees).
- The development of a body of accepted good practice information (higher / further education interviewee).
- The development of some means of sharing information about “round robin” requests (health and higher / further education sector interviewees).
- The development of mechanisms for the dissemination of good practice information between organisations and sectors (health sector interviewee).
- The development of further opportunities for discussion of key issues and sharing practice (health sector interviewee).
- The provision of support to organisations involved in responding to FOI requests, with a focus on examples of achievements and a recognition of where organisations have taken a positive approach (higher / further education sector interviewee).

Overview

6.32 It is clear that this research has identified a number of issues which will enable further discussion of the way forward in identifying and dealing with requests for information in the health and higher / further education sectors. It has also identified some aspects of practice which may not relate directly to the level of requests, but which are considered important by interviewees and may also indicate areas for further discussion.

6.33 All of the material within this report, coupled with the information from the postal survey, can help to inform the further development and dissemination of good practice in responding to FOI requests across different sectors in Scotland in the future.



Topic Guide

Requests for information in the health and higher/further education sectors

Topic guide for telephone discussions

As you know, the Scottish Information Commissioner has commissioned Reid Howie Associates to carry out telephone discussions with people in the health and higher / further education sectors, to explore some of the factors which might help to understand why the level of requests for information to these sectors is lower than might be expected. I would like to explore your views of some of the factors in your sector which might have an impact on whether people make information requests.

I have a number of areas that I want to explore with you, about issues like how your organisation recognises and responds to requests; what sorts of information people might want; who might and might not make requests; and whether there are any factors that are specific to your sector that might affect whether people ask for information. If you have any particular examples of experiences that might help to inform good practice in the future, we'd also be keen to hear them.

As we said in the original e-mail, the views that you give in the interview will not be passed to the Scottish Information Commissioner, nor his staff. The issues raised in the interviews will be reflected in a report which is prepared, but the comments will not be attributed to individual respondents, nor to their organisations.

Name of respondent

Name of organisation

I. Before this survey, were you aware that the number of requests for information in your sector was lower than might be expected compared to organisations like the police or local authorities?

Possible supplementary questions

How did you know? or

Is this not an area that you receive information about or something that is discussed in your organisation?

Does your organisation keep information about requests? (and if so what sort?)

Who keeps / collates this information and how is it reviewed / shared?

When a request comes in, how is it identified and dealt with (e.g. centrally/corporately, or by whoever receives the request?)



Do you think there is a good understanding in your organisation of information requests, or specific issues such as what published information involves, what sort of rights people using your service have, and what has changed since the FOI legislation? (what about in the sector as a whole?)

Does your organisation publicise people's rights and how they can access information?

How do staff keep up to date with developments (what sort of training is carried out)?

2. Do you think that the types of information that people might seek from your sector affects the level of requests?

Possible supplementary questions

What sort of information do people generally look for from your organisation?

Are there any particular types of request made frequently?

Are there any particular times of the year that affect requests for information (how and why?)

Are there any particular events (e.g. media stories, legislative developments) that impact on requests (any examples of these?)

Are there any particular groups that make a lot of requests (who / why?)

Are there any particular groups that don't tend to make requests, but where you might expect that they would? (who/why?)

Are there any particular types of request that are difficult to respond to (what sort, and why?)
In your experience, what kind of requests might be refused by your organisation (and why?)

Do staff have any worries about the FOI legislation, such as how to respond to requests for information, what to provide, how to provide it etc.? (what sort of worries?)

3. Are there any ways in which people's views of your organisation as a whole and the relationships between service providers and users might affect whether requests are made?

Possible supplementary questions

Are there any issues about the relationships between the service providers and service users? (e.g. do people see your service as approachable, or might they be daunted)?

Are there any cultural or historical issues?

Do service users have any particular concerns or worries about approaching your organisation with an information request?

Are there any factors that might put them off?



Have you been aware of anything that can encourage or make it easier for people to make requests?

4. Are there any factors that you think are unique to your sector that might mean that level of requests is lower than in other sectors?

Possible supplementary questions

Generally, why do you think organisations like the police and local authorities receive a relatively high number of requests, and organisations in health and higher / further education receive a relatively low number?

Do you think it is good for organisations to have a high level of requests?

Would it cause any problems for your organisation if the level of requests increased?

5. Is there anything else, from your experience, you think it might be useful for us to know?

Thank you for taking the time to speak with us. We will be preparing a report of the findings for the Scottish Information Commissioner, which will be published along with the findings from the postal survey. There will also be a seminar discussion later in the year, to think about the implications of the results, so you will hear the outcome of the research in due course. In the meantime, we are grateful to you for giving your views.